



## Fort Myers Police Department Internal Affairs Investigation



<b>Internal Affairs Number:</b>	IA 2018-011
<b>Date of Incident:</b>	March 23, 2013
<b>Date Complaint Received:</b>	December 7, 2018
<b>Date of Report:</b>	March 22, 2021

<p><b>Case Investigator:</b></p> <p><b>Complainant's Name:</b></p> <p><b>Address:</b></p> <p><b>City/State/Zip:</b></p> <p><b>Telephone:</b></p> <p><b>Involved Officer:</b></p> <p><b>Identification Number:</b></p> <p><b>Division/Unit:</b></p> <p><b>Represented by counsel:</b></p> <p><b>Involved Officer:</b></p> <p><b>Identification Number:</b></p> <p><b>Division/Unit:</b></p> <p><b>Represented by counsel:</b></p> <p><b>Involved Officer:</b></p> <p><b>Identification Number:</b></p> <p><b>Division/Unit:</b></p> <p><b>Represented by counsel:</b></p> <p><b>Summary of Allegation(s) for Captain Rodriguez:</b></p> <p><b>Complainant:</b> O'Neil Kerr</p> <p><b>Complainant:</b> Major Newhouse</p>	<p>Major William R. Newhouse</p> <p>O'Neil Kerr (Former FMPD Detective)</p> <p>[REDACTED]</p> <p>Captain Jay Rodriguez 235 Investigative Services Bureau N/A</p> <p>Officer Jason Greene 339 Operations Bureau/Patrol PBA President M. Sellers</p> <p>Detective Wolfgang Daniel 384 Investigative Service Bureau PBA President M. Sellers</p> <p>Former Detective O'Neil Kerr alleged Captain Jay Rodriguez engaged in sex while on duty with a "prostitute" or sex worker". Mr. Kerr alleged this occurred at the New Asian Massage parlor under Fort Myers Police report number 2013-02675. Mr. Kerr provided a copy of a video of the undercover operation at the New Asian Massage Parlor, depicting Jay Rodriguez engaging in sexual activity while acting in an undercover capacity on duty. The Florida Department of Law Enforcement conducted a criminal investigation into the actions of Captain Rodriguez and subsequently arrested him on September 10, 2019 for the following criminal charges: F.S. 838.022(1)(a) Official Misconduct, F.S. 837.02(1) Perjury in Official Proceeding, and F.S. 796.07(2)(f) Prostitution.</p> <p>Captain Rodriguez provided untruthful sworn testimony during his January 8, 2019 Internal Affairs subject officer interview when he denied ever engaging in sexual activity while on duty with a "prostitute" or "sex worker".</p>
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<p><b>Complainant: Major Newhouse</b></p>	<p>On March 14, 2013, at 8:55 p.m., Captain Jay Rodriguez sent an email to Lt. Rebecca Prince, containing his written account of his actions and the defendant's actions during his undercover investigation on March 14, 2013 at New Asian Massage. Captain Rodriguez written account of the incident was later used to complete the narrative portion of the arrest report for this same incident, FMPD Arrest Report 2013-02675, as the two written accounts were nearly identical. Captain Rodriguez willfully misrepresented the facts of what occurred during his undercover operation in his written account of the incident, as his written account was not supported by what occurred on the video of the incident.</p>
<p><b>Possible Violation(s) for Captain Jay Rodriguez:</b></p>	<p><b>General Orders:</b></p>
<p><b>General Order 9.1 – Section IIA-9:</b></p> <p><b>General Order 9.1 – Section IIA-2:</b></p> <p><b>General Order 9.1 – Section IIA 37:</b></p> <p><b>General Order 9.1, Section III (M)</b></p>	<p><b>Standard of Conduct</b> – Employees must always conduct themselves, both on or off-duty, in a way that reflects favorably on the police department. Employees are forbidden from engaging in conduct that dishonors the police department, discredits the individual as a law enforcement employee, or impairs the efficient operation of the employee or the police department. In addition to the preceding rules, all employees are accountable and responsible for the Law Enforcement Code of Ethics as a professional guideline.</p> <p><b>Obedience to Laws, Rules, Ordinances, Rules or Orders</b> - Employees shall comply with federal and state laws, city ordinances, rules and procedures, and departmental policies, rules, orders, and procedures.</p> <p><b>Untruthfulness in an official proceeding (Perjury):</b> Police Department personnel shall not knowingly make false statements or intentional omissions while under oath in an official proceeding contrary to Florida law.</p> <p><b>Misrepresentation or Falsification:</b> An employee shall not willfully misrepresent or falsify any matter, verbally, or in writing.</p>



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<p><b>Summary of Allegation(s) for Officer Jason Greene:</b></p> <p><b>Complainant: Major Newhouse</b></p>	<p>On January 31, 2019, Officer Jason Greene provided a sworn statement to Major William Newhouse in reference to IA 2018-011. On May 14, 2019, former Detective Donald Weathers provided a sworn statement to FDLE Agents in reference to a criminal investigation involving former Captain Jay Rodriguez. Officer Greene's testimony was inconsistent with the sworn testimony provided by former Detective Donald Weathers, suggesting that Officer Greene possibly provided untruthful sworn testimony in an official proceeding.</p> <p>On May 8, 2019, Officer Jason Greene provided a sworn statement to FDLE Agents in reference to a criminal investigation involving former Captain Jay Rodriguez. On May 14, 2019, former Detective Donald Weathers provided a sworn statement to FDLE Agents in reference to the same criminal investigation. Officer Greene's testimony was inconsistent with the sworn testimony provided by former Detective Donald Weathers, suggesting that Officer Greene possibly provided untruthful sworn testimony in an official proceeding.</p>
<p><b>Possible Violation(s) for Officer Jason Greene:</b></p> <p><b>General Order 9.1 – Section IIA 37:</b></p>	<p><b>General Order:</b></p> <p><b>Untruthfulness in an official proceeding (Perjury):</b> Police Department personnel shall not knowingly make false statements or intentional omissions while under oath in an official proceeding contrary to Florida law.</p>



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<p><b>Summary of Allegation(s) for Detective Wolfgang Daniel:</b></p> <p><b>Complainant: Major Newhouse</b></p> <p>Date: Date:</p>	<p>On January 31, 2019, Detective Wolfgang Daniel provided a sworn statement to Major William Newhouse in reference to IA 2018-011. On May 14, 2019, former Detective Donald Weathers provided a sworn statement to FDLE Agents in reference to a criminal investigation involving former Captain Jay Rodriguez. Detective Daniel's testimony was inconsistent with the sworn testimony provided by former Detective Donald Weathers, suggesting that Detective Daniel possibly provided untruthful sworn testimony in an official proceeding.</p> <p>On April 30, 2019, Detective Wolfgang Daniel provided a sworn statement to FDLE Agents in reference to a criminal investigation involving former Captain Jay Rodriguez. On May 14, 2019, former Detective Donald Weathers provided a sworn statement to FDLE Agents in reference to the same criminal investigation. Officer Daniel's testimony was inconsistent with the sworn testimony provided by former Detective Donald Weathers, suggesting that Detective Daniel possibly provided untruthful sworn testimony in an official proceeding.</p>
<p><b>Possible Violation(s) for Detective Wolfgang Daniel:</b></p>	<p><b>General Order:</b></p>
<p><b>General Order 9.1 – Section IIA 37:</b></p>	<p><b>Untruthfulness in an official proceeding (Perjury):</b> Police Department personnel shall not knowingly make false statements or intentional omissions while under oath in an official proceeding contrary to Florida law.</p>

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### Law Enforcement Witnesses

<b>Name:</b>	Detective O'Neil Kerr (Retired)
<b>Address:</b>	[REDACTED]
<b>City/State/Zip:</b>	[REDACTED]
<b>Employer:</b>	[REDACTED]
<b>Phone:</b>	[REDACTED]
<b>Email:</b>	[REDACTED]
<b>Name:</b>	Lt. Walter Mitchell
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	wmitchell@fmpolice.com
<b>Name:</b>	[REDACTED]
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	[REDACTED]
<b>Name:</b>	Officer Vincent Doyle
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	vdovle@fmpolice.com
<b>Name:</b>	Officer Mary Ellen Hughes
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	mheghes@fmpolice.com
<b>Name:</b>	Officer Jason Greene
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	jgreene@fmpolice.com



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### Law Enforcement Witnesses

<b>Name:</b>	Detective Wolfgang Daniel
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	wdaniel@fmpolice.com
<b>Name:</b>	Sgt. David Conticelli
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	dconticelli@fmpolice.com
<b>Name:</b>	[REDACTED]
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	[REDACTED]
<b>Name:</b>	[REDACTED]
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	[REDACTED]
<b>Name:</b>	Lt. Rebecca Prince (Retired)
<b>Address:</b>	2295 Victoria Avenue, #145
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	ABT – Fort Myers
<b>Cell Phone:</b>	(239) 560-3509
<b>Email:</b>	Unknown
<b>Name:</b>	Sean Havenner (Former Officer)
<b>Address:</b>	[REDACTED]
<b>City/State/Zip:</b>	[REDACTED]
<b>Employer:</b>	[REDACTED]
<b>Cell Phone:</b>	[REDACTED]
<b>Email:</b>	[REDACTED]



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### Law Enforcement Witnesses

<b>Name:</b>	Special Agent Kendall Bores (FDLE)
<b>Address:</b>	4700 Terminal Drive, Suite 1
<b>City/State/Zip:</b>	Fort Myers, Florida 33907
<b>Employer:</b>	FDLE
<b>Work Phone:</b>	(239) 278-7080
<b>Email:</b>	KendallBores@fdle.state.fl.us
<b>Name:</b>	SAS Grant Wagner (FDLE)
<b>Address:</b>	4700 Terminal Drive, Suite 1
<b>City/State/Zip:</b>	Fort Myers, Florida 33907
<b>Employer:</b>	FDLE
<b>Work Phone:</b>	(239) 278-7080
<b>Email:</b>	GrantWagner@fdle.state.fl.us
<b>Name:</b>	SA Gary Negrinelli (FDLE)
<b>Address:</b>	4700 Terminal Drive, Suite 1
<b>City/State/Zip:</b>	Fort Myers, Florida 33907
<b>Employer:</b>	FDLE
<b>Work Phone:</b>	(239) 278-7080
<b>Email:</b>	GaryNegrinelli@fdle.state.fl.us
<b>Name:</b>	Special Agent Chris Tissot (FDLE)
<b>Address:</b>	4700 Terminal Drive, Suite 1
<b>City/State/Zip:</b>	Fort Myers, Florida 33907
<b>Employer:</b>	FDLE
<b>Work Phone:</b>	(239) 278-7080
<b>Email:</b>	ChrisTissot@fdle.state.fl.us
<b>Name:</b>	SA Peter Kennedy (FDLE)
<b>Address:</b>	4700 Terminal Drive, Suite 1
<b>City/State/Zip:</b>	Fort Myers, Florida 33907
<b>Employer:</b>	FDLE
<b>Work Phone:</b>	(239) 278-7080
<b>Email:</b>	PeterKennedy@fdle.state.fl.us
<b>Name:</b>	SCIA Kelly Andriano (FDLE)
<b>Address:</b>	4700 Terminal Drive, Suite 1
<b>City/State/Zip:</b>	Fort Myers, Florida 33907
<b>Employer:</b>	FDLE
<b>Work Phone:</b>	(239) 278-7080
<b>Email:</b>	KellyAndriano@fdle.state.fl.us





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### Law Enforcement Witnesses

<b>Name:</b>	Special Agent Daniel Chu (FDLE)
<b>Address:</b>	4700 Terminal Drive, Suite 1
<b>City/State/Zip:</b>	Fort Myers, Florida 33907
<b>Employer:</b>	FDLE
<b>Work Phone:</b>	(239) 278-7080
<b>Email:</b>	DanielChu@fdle.state.fl.us
<b>Name:</b>	DFC Christopher Vaden
<b>Address:</b>	4700 Terminal Drive, Suite 1
<b>City/State/Zip:</b>	Fort Myers, Florida 33907
<b>Employer:</b>	FDLE
<b>Work Phone:</b>	(239) 278-7080
<b>Email:</b>	Unknown
<b>Name:</b>	Deputy Chief Jeffrey Meyers
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	jmevers@fmpolice.com
<b>Name:</b>	[REDACTED]
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	[REDACTED]
<b>Name:</b>	Detective James Langton
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	jlangton@fmpolice.com
<b>Name:</b>	Lt. Brian O'Reilly (Retired)
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	boreilly@fmpolice.com

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### Law Enforcement Witnesses

<b>Name:</b>	Former Detective Donald Weathers
<b>Address:</b>	101 S. Bridge Street
<b>City/State/Zip:</b>	Labelle, Florida 33939
<b>Employer:</b>	Hendry County Sheriff's Office
<b>Work Phone:</b>	(863) 674-4060
<b>Email:</b>	Unknown
<b>Name:</b>	Former Officer Sean Fitzpatrick
<b>Address:</b>	2295 Victoria Avenue, #145
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	ABT – Fort Myers
<b>Work Phone:</b>	Unknown
<b>Email:</b>	Unknown
<b>Name:</b>	Former Sgt. Eric Gutridge
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Retired
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	Unknown
<b>Name:</b>	Detective Brad Dickerson (Retired)
<b>Address:</b>	430 S. Parish Avenue
<b>City/State/Zip:</b>	Johnstown, CO 80534
<b>Employer:</b>	Johnstown Police
<b>Work Phone:</b>	(970) 578-9961
<b>Email:</b>	<a href="mailto:bdickerson@johnstownpolice.org">bdickerson@johnstownpolice.org</a>
<b>Name:</b>	Sgt. Candice Petaccio (Retired)
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Retired
<b>Work Phone:</b>	Unknown
<b>Email:</b>	Unknown
<b>Name:</b>	Capt. Melvin Perry (Retired)
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Retired
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	Unknown



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### Law Enforcement Witnesses

<b>Name:</b>	Capt. James Mulligan (Retired)
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Retired
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	Unknown
<b>Name:</b>	Chief Dennis Eads (Retired)
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Retired
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	Unknown
<b>Name:</b>	Chief Douglas Baker (Retired)
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Retired
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	Unknown
<b>Name:</b>	Detective Ralph Louissaint
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7770
<b>Email:</b>	<a href="mailto:rlouissaint@fmpolice.com">rlouissaint@fmpolice.com</a>
<b>Name:</b>	Lt. Enrico Doro (Retired)
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police Department
<b>Work Phone:</b>	(239) 321-7770
<b>Email:</b>	Unknown
<b>Name:</b>	Sgt. Mike Forbes (Retired)
<b>Address:</b>	2210 Widman Way
<b>City/State/Zip:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Retired
<b>Work Phone:</b>	(239) 321-7700
<b>Email:</b>	Unknown



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### Complainant(s) – Civilian Witness(s)

<b>Name:</b>	O'Neil Kerr (Former Officer)
<b>Address:</b>	[REDACTED]
<b>City/State:</b>	[REDACTED]
<b>Employer:</b>	Retired (Unknown)
<b>Telephone:</b>	[REDACTED]
<b>Name:</b>	Barbra Wills (ITS)
<b>Address:</b>	2200 Second Street
<b>City/State:</b>	Fort Myers, Florida 33902
<b>Employer:</b>	City of Fort Myers
<b>Telephone:</b>	(239) 321-7125
<b>Name:</b>	Steven List
<b>Address:</b>	2210 Widman Way
<b>City/State:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police
<b>Telephone:</b>	(239) 321-7700
<b>Name:</b>	Denise Egolf (Deceased)
<b>Address:</b>	2210 Widman Way
<b>City/State:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police
<b>Telephone:</b>	(239) 321-7700
<b>Name:</b>	Ellen Clyatt (HR Director)
<b>Address:</b>	2200 Second Street
<b>City/State:</b>	Fort Myers, Florida 33902
<b>Employer:</b>	City of Fort Myers
<b>Telephone:</b>	(239) 321-7064
<b>Name:</b>	Richard Calkins (ITS Director)
<b>Address:</b>	2200 Second Street
<b>City/State:</b>	Fort Myers, Florida 33902
<b>Employer:</b>	City of Fort Myers
<b>Telephone:</b>	(239) 321-7120
<b>Name:</b>	Juan Soto (Fiscal Manager)
<b>Address:</b>	2210 Widman Way
<b>City/State:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police
<b>Telephone:</b>	(239) 321-7759
<b>Name:</b>	Holly Simone (Finance)
<b>Address:</b>	2200 Second Street
<b>City/State:</b>	Fort Myers, Florida 33902
<b>Employer:</b>	City of Fort Myers
<b>Telephone:</b>	(239) 321-7159



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### Complainant(s) – Civilian Witness(s)

<b>Name:</b>	Sharon Wright (Former Fiscal)
<b>Address:</b>	Unknown
<b>City/State:</b>	Unknown
<b>Employer:</b>	Unknown
<b>Telephone:</b>	Unknown
<b>Name:</b>	Jennette Kreuz (Former Fiscal)
<b>Address:</b>	[REDACTED]
<b>City/State:</b>	[REDACTED]
<b>Employer:</b>	Unknown
<b>Telephone:</b>	[REDACTED]
<b>Name:</b>	Arleen Stoebenau
<b>Address:</b>	2210 Widman Way
<b>City/State:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police
<b>Telephone:</b>	(239) 321-7723
<b>Name:</b>	Diann Kopilec (Fiscal)
<b>Address:</b>	2210 Widman Way
<b>City/State:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police
<b>Telephone:</b>	(239) 321-7724
<b>Name:</b>	Joann Daniels (Fiscal)
<b>Address:</b>	2210 Widman Way
<b>City/State:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police
<b>Telephone:</b>	(239)321-7689
<b>Name:</b>	Khandyce Mosely
<b>Address:</b>	2210 Widman Way
<b>City/State:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police
<b>Telephone:</b>	(239) 321-7725
<b>Name:</b>	Heide Brescher
<b>Address:</b>	2210 Widman Way
<b>City/State:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police
<b>Telephone:</b>	(239) 321-8025
<b>Name:</b>	CJIS QS Bryan Platten
<b>Address:</b>	Criminal Justice Info Systems
<b>City/State:</b>	Fort Myers, Florida
<b>Employer:</b>	CJIS
<b>Telephone:</b>	(239) 533-2515



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### Complainant(s) – Civilian Witness(s)

<b>Name:</b>	Anthony Thomas
<b>Address:</b>	2726 Lemon Street
<b>City/State:</b>	Fort Myers, Fl 33916
<b>Employer:</b>	Unknown
<b>Telephone:</b>	(239) 265-2575
<b>Name:</b>	Ya Chen
<b>Address:</b>	Unknown
<b>City/State:</b>	Unknown
<b>Employer:</b>	Unknown
<b>Telephone:</b>	Unknown
<b>Name:</b>	[REDACTED]
<b>Address:</b>	Unknown
<b>City/State:</b>	Unknown
<b>Employer:</b>	Unknown
<b>Telephone:</b>	Unknown
<b>Name:</b>	Angela Montalvo
<b>Address:</b>	[REDACTED]
<b>City/State:</b>	[REDACTED]
<b>Employer:</b>	Unknown
<b>Telephone:</b>	[REDACTED]
<b>Name:</b>	Mei Hun Lu
<b>Address:</b>	Unknown
<b>City/State:</b>	Unknown
<b>Employer:</b>	Unknown
<b>Telephone:</b>	Unknown
<b>Name:</b>	Jill Newhouse
<b>Address:</b>	2210 Widman Way
<b>City/State:</b>	Fort Myers, Florida 33901
<b>Employer:</b>	Fort Myers Police
<b>Telephone:</b>	(239) 321-8023



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### Statements List

Name	Date	Written/Verbal & Transcribed
Former Detective O'Neil Kerr	12/7/2018	Declined
Lt. Walter Mitchell	12/20/2018	Audio and transcribed
[REDACTED]	12/20/2018	Audio and transcribed
Officer Vincent Doyle	12/21/2018	Audio and transcribed
Captain Jay Rodriguez	1/8/2019	Audio and transcribed
Barbra Mills	1/18/2019	Audio and transcribed
Officer Mary Ellen Hughes	1/31/2019	Audio and transcribed
Officer Jason Greene	1/31/2019	Audio and transcribed
Detective Wolfgang Daniel	1/31/2019	Audio and transcribed
Sgt. David Conticelli	1/31/2019	Audio and transcribed
[REDACTED]	1/31/2019	Audio and transcribed
Steven List	1/31/2019	Email to Captain Newhouse
[REDACTED]	2/1/2019	Audio and transcribed
Lt. Rebecca Prince (Retired)	N/A	Declined to return phone call/voicemail
Officer Sean Havenner (Former Officer)	2/7/2019	Audio and transcribed
Denise Egolf (Records Supervisor)	N/A	Provided Documents -- Deceased
Special Agent Kendall Bores (FDLE)	N/A	Declined
SA Supervisor Grant Wagner (FDLE)	N/A	Declined
Special Agent Gary Negrinelli (FDLE)	N/A	Declined
Special Agent Chris Tissot (FDLE)	N/A	Declined
Special Agent Peter Kennedy (FDLE)	N/A	Declined
SCIA Kelly Andriano (FDLE)	N/A	Declined
Special Agent Daniel Chu	N/A	Declined
DFC Christopher Vaden	N/A	Declined
Richard Calkins (ITS)	12/10/2020	Audio and transcribed
Barbara Wills (ITS)	12/10/2020	Audio and transcribed
Fiscal Manager Juan Soto	12/10/2020	Audio and transcribed
Holly Simone (City Fort Myers)	12/10/2020	Audio and transcribed
Former Fiscal Manager Sharon Wright	N/A	Declined to return phone call
Former Fiscal Manager Jenette Kruz	12/21/2020	Audio and transcribed
Arleen Stobenau	12/21/2020	Audio and transcribed
Diann Kopilec	12/17/2020	Audio and transcribed
Joann Daniels	12/11/2020	Audio and transcribed
Khandyce Mosely	12/11/2020	Audio and transcribed
Heide Brescher	12/21/2020	Audio and transcribed
CJIS QS Bryan Platten	N/A	Email to FDLE
Deputy Chief Jeffrey Meyers	1/14/2021	Audio and transcribed
HR Director Ellen Clyatt	1/14/2021	Audio and transcribed

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### Statements List

Name	Date	Written/Verbal & Transcribed
[REDACTED]	2/2/2021	Audio and transcribed
Detective James Langton	1/14/2021	Audio and transcribed
Lt. Brian O'Reilly	1/26/2021	Audio and transcribed
Anthony Thomas	N/A	Declined
Ya Chen	N/A	Unable to locate
[REDACTED]	N/A	Unable to locate
Angela Montalvo	N/A	Declined via attorney
Sgt. David Conticelli	1/27/2021	Audio and transcribed
[REDACTED]	1/26/2021	Audio and transcribed
[REDACTED]	1/26/2021	Audio and transcribed
Former Officer Sean Havenner	1/26/2021	Audio and transcribed
Jill Newhouse	1/26/2021	Audio and transcribed
Ma Hun Lu	N/A	Unable to locate
Former Detective Donald Weathers	2/1/2021	Declined via attorney
Former Officer Sean Fitzpatrick	2/3/2021	Audio and transcribed
[REDACTED]	1/27/2021	Audio and transcribed
Detective Vincent Doyle	2/2/2021	Audio and transcribed
Former Sgt. Eric Gutridge	N/A	Declined via letter to FDLE
Former Detective Brad Dickerson	2/1/2021	Audio and transcribed
Lt. Walter Mitchell	2/4/2021	Audio and transcribed
Former Sgt. Candice Petaccio	N/A	Unable to contact
Former Capt. Melvin Perry	N/A	Did not respond to email request
Former Capt. James Mulligan	1/29/2021	Declined
Former Capt. Dennis Eads	2/1/2021	Audio and transcribed
Former Chief Douglas Baker	1/29/2021	Declined
Detective Ralph Louissaint	1/27/2021	Audio and transcribed
Former Sgt. Richard Notaro	N/A	Declined via attorney
Former Lt. Enrico Doro	2/1/2021	Audio and transcribed
Sgt. Mike Forbes	2/1/2021	Phone Call with Attorney - Waiting

10/21/2021  
10:21 AM  
10/21/2021  
10:21 AM





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### Statements List– Taken By FDLE

Name	Date	Written/Verbal & Transcribed
Sgt. David Conticelli	2/21/2019	Audio and transcribed
[REDACTED]	3/1/2019	Audio and transcribed
[REDACTED]	3/5/2019	Audio and transcribed
Former Officer Sean Havenner	3/5/2019	Audio and transcribed
Jill Newhouse	3/20/2019	Audio and transcribed
Richard Calkins	4/3/2019	Audio and transcribed
Barbara Wills	4/16/2019	Audio and transcribed
Mei Hau Lu	4/16/2019	Verbal only – No Audio or transcription
O'Neil Kerr	4/25/2019	Audio and transcribed
Detective Wolfgang Daniel	4/30/2019	Audio and transcribed
Officer Jason Greene	5/8/2019	Audio and transcribed
Former Lt. Rebecca Prince	5/10/2019	Audio and transcribed
Former Detective Donald Weathers	5/14/2019	Audio and transcribed
Former Officer Sean Fitzpatrick	6/12/2019	Audio and transcribed
Former Sgt. Richard Notaro	6/13/2019	Declined via attorney
[REDACTED]	6/14/2019	Audio and transcribed
Former Sgt. Eric Gutridge	6/14/2019	Declined via letter

Richard  
Dante  
Mr.

Mr. [REDACTED]  
Mr. [REDACTED]  
Mr. [REDACTED]

Mr. [REDACTED]  
Mr. [REDACTED]



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### Investigative Summary

On Friday, December 7, 2018, former Fort Myers Police Detective O'Neil Kerr sent an email to the City of Fort Myers Director of Human Resources, Ellen Clyatt and Chief Derrick Diggs. Mr. Kerr copied Councilman Johnny Streets on this email. In this email, Mr. Kerr made a series of allegations against employees of the Fort Myers Police Department. (A copy of this email was included in the case file)

On Monday, December 10, 2018, Mr. Kerr sent a follow-up email to Human Resources Director Clyatt and City Attorney Grant Alley, copying Councilman Johnny Streets. (A copy of this email was included in the case file)

On Monday, December 10, 2018, at about 5:00 p.m., Chief Diggs met with Captain Newhouse and carefully reviewed each of the separate complaints brought forward by Mr. Kerr. Upon reviewing the complaints, Chief Diggs ordered Captain Newhouse to conduct an Internal Affairs Investigation regarding a specific complaint made by Mr. Kerr against Captain Jay Rodriguez. This complaint included the following allegation by Mr. Kerr in his December 7<sup>th</sup> email:

*"As a member of the now defunct Special Investigations unit (SIG), Rodriguez was involved in sex while on duty. Listed are some of the officers who have worked with or in that SIG unit and have specific knowledge of this and other actions by Rodriguez that are to be considered as conduct unbecoming of a Police Officer. (V. Doyle, W. Mitchell and [REDACTED]). [sic]"*

Additionally, Mr. Kerr provided the following in his December 10<sup>th</sup> email:

*"Specifically, the information on Rodriguez has to be known and very unlikely I am the one who brought it to light. For a police officer to engage in sex while on duty is bad enough but to engage in that act with a sex worker (prostitute), shows the character and ethical mindset of that person". [sic]"*

On Wednesday, December 12, 2018, Captain Newhouse met with Captain Rodriguez and provided him with a written notification of the Internal Affairs Investigation. (Note: a copy of this notification is contained within the case file) Additionally, on December 12, 2018, Captain Newhouse (through his Administrative Assistant) sent Mr. Kerr a written notification that the Professional Standards Section received his complaint and assigned it as an Internal Affairs Investigation. (Note: a copy of this notification is contained within the case file)

On Thursday, December 13, 2018, Captain Newhouse sent Mr. Kerr an email, requesting that he contact him for a sworn interview regarding his complaint. Captain Newhouse also telephoned Mr. Kerr and left a voicemail requesting he contact him for an interview.



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On Friday, December 14, 2018, at 7:36 a.m., Mr. Kerr sent an email to Captain Newhouse indicating he would contact him later that day. At approximately 2:35 p.m., Mr. Kerr telephoned Captain Newhouse and said he was not certain whether he wanted to provide a sworn statement in reference to his complaint. He also said he would think about it over the weekend and let Captain Newhouse know his decision by sometime the following week.

On Tuesday, December 18, 2018, at 9:13 a.m., Mr. Kerr sent Captain Newhouse a follow-up email to the December 14<sup>th</sup> phone conversation. Mr. Kerr made the following statements (among many others) in his email, indicating he did not want to provide a sworn statement:

- *“Everything I stated was objectively truthful and provided witnesses and those with first hand knowledge to corroborate the specific allegations of what you broadly defined as Misconduct....”*
- *“I refuse to put my fate in your hands Sir for so many reasons. Most concerning is the nefarious reason such as, I known your request could be used to harm me in a civil or criminal manner.”*
- *“The absolute personal bad experiences with this section you are now in-charge of specifically after brining forward information or making a complaint, I am then automatically turned into a perpetrator/suspect/wrongdoer”.*
- *“I don’t believe you will fairly and without bias investigate a friend and an equal work colleague with whom you have worked with for 20+ years”.*
- *“I offer two options to show I am fully co operative with this complaint. First, I would subject myself to a polygraph to test the veracity of my statements and Second, in the spirit of fairness and equality to have the city use an independent diversity investigator to property investigate and reach a conclusion base on the facts”.*

(Note: a complete copy of this email was included in the case file)

On Wednesday, December 19, 2018, Captain Newhouse sent a response email to Mr. Kerr. Captain Newhouse conveyed based upon his email above, it appeared he was unwilling to provide a sworn statement concerning his complaints. Captain Newhouse included language in this email, asking Mr. Kerr to contact him immediately if he wanted to provide a sworn statement in the matter. (Note: a copy of this email was included in the case file)

On Thursday, December 20, 2018, Mr. Kerr sent a response email containing the following: *“I am willing to fully cooperate with this complaint by subjecting myself to a polygraph to test the veracity of my statements. Or in the spirit of fairness and equality to have the city use an independent diversity investigator to properly investigate and reach a conclusion based on the facts”.*



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Mr. Kerr provided two (2) different alternatives but did not elect to provide a sworn statement concerning his complaint.

Captain Newhouse researched the files in the Professional Standards Section's database, known as IA Pro, for any complaints/investigations that might be related to Mr. Kerr's allegations against Captain Rodriguez. Captain Newhouse discovered that on October 11, 2017, an anonymous complainant sent a letter to Chief Diggs, making numerous allegations against Fort Myers Police employees. One of the complaints alleged by the anonymous author was that Captain Rodriguez received oral sex from a female informant and this act was video recorded. The anonymous complainant wrote the following:

*"In my previous letter, I told you that Jay Rodriguez was corrupt and racist, but you promoted him to Captain anyway. I know you may not have had much to choose from, but Jay Rodriguez. So just to let you know Jay Rodriguez's is going to be one of you biggest disappointments, regrets and greatest embarrassments since you started working at the police department. Rodriguez thought that officers had left the scene. A female informant gave him a blow job. The blow job was recorded. Rumor has it that there is a video of this, and officers are upset and disgusted that Jay Rodriguez was promoted considering his history of misconduct. Everyone knows that he was one of the key players that caused the destruction of our agency. If this rumor is at all true, and of course I hope that it is not, as a professional courtesy, I want you to be prepared to combat these allegations. It seems like officers from SIG love having sex with informants, but was unable to make a significant drug arrest in years. Jay Rodriguez went into the SIG office, pleading with officers not to betray him, because his career and marriage would be over if the video was leak. He is desperately trying to get the video, so it can be destroyed. Another rumor is after SIG was dismantled, Jay Rodriguez made sure that the officers from SIG were assigned back to units of their preference". [sic]*

This anonymous complaint against Captain Rodriguez was investigated by Lt. Brian O'Reilly as IA 2017-017. Lt. O'Reilly conducted interviews with employees who worked with Captain Rodriguez when he was assigned to the Special Investigations Group. These employees included Detective Vincent Doyle, Detective Matthew Schulze, Lt. Enrico Doro, Captain Dennis Eads, Jill Newhouse, Captain James Mulligan, Detective Candice Petaccio, Sgt. Michael Walsh, Officer Kelly Witt, and Sgt. [REDACTED]. Additionally, Lt. O'Reilly interviewed Captain Rodriguez and he denied committing the described act. At the conclusion of this investigation, Chief Diggs determined the anonymous complainant's allegation against Captain Rodriguez was unfounded. (Note: a copy of the investigative report for IA 2017-017 was included in the case file)

There was no specific date or location listed by Mr. Kerr or the anonymous complainant concerning the allegations involving Captain Rodriguez. Additionally, Mr. Kerr declined to provide a detailed sworn statement wherein he could be asked questions related to the details of his allegation, or how he came to know this information. It is impossible to know whether or not Mr. Kerr and the anonymous

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complainant were referring to the same incident. Mr. Kerr, did however, indicate the following: *"Listed are some of the officers who have worked with or in that SIG unit and have specific knowledge of this and other actions by Rodriguez that are to be considered as conduct unbecoming of a Police Officer. (V. Doyle, W. Mitchell and [REDACTED])" [sic].*

On Thursday, December 20, 2018, Captain Newhouse conducted an audio recorded sworn interview with Officer [REDACTED] in reference to this allegation. Officer [REDACTED] testified that [REDACTED] never witnessed, nor had knowledge of Captain Rodriguez engaging in the conduct alleged by Mr. Kerr.

On Thursday, December 20, 2018, Captain Newhouse conducted an audio recorded sworn interview the Lt. Walter Mitchell in reference to this allegation. Lt. Mitchell said that he had no knowledge of Captain Rodriguez engaging in the conduct alleged by Mr. Kerr.

On Friday, December 21, 2018, Captain Newhouse conducted a sworn – audio recorded interview with Officer Vincent Doyle. Officer Doyle testified that he did not have any personal knowledge concerning Captain Rodriguez engaging in sex on duty. Officer Doyle said he heard something in the past about Captain Rodriguez engaging in "inappropriate activity", but he did not know the nature of the "inappropriate activity". Officer Doyle said he did not know who he heard this information from and did not know when it occurred. Officer Doyle said,

*"It was inappropriate activity, Um, I didn't question details about it cause it didn't concern me. I wasn't part of the unit and Special Investigations Group keeps, uh, pretty tight, uh, tight with the information regarding their investigations, because of the sensitivity of them".* Captain Newhouse asked Officer Doyle if he heard about the precise nature of the activity. Officer Doyle said, *"I don't, I don't recall. I really don't recall. When I, when, when, when rumors come across my plate and this is why I'm so disconnected from anything that occurs until actually it occurs because I don't get involved with them. If I hear a rumor or did you hear this or did you hear that, unless I speak with that individual specifically I have no desire to partake in it or, or extended further".*

and On Tuesday, January 8, 2019, at approximately 9:53 a.m., Captain Newhouse conducted an audio recorded sworn interview with Captain Rodriguez. Prior to questioning, Captain Newhouse provided Captain Rodriguez with Garrity Warnings and a copy of the Law Enforcement Officer's Bill of Rights. Additionally, Captain Newhouse provided Captain Rodriguez with a written Notification of Allegations form. (Note: these forms were included in the case file)

Captain Rodriguez declined to have a representative of his choice present during the interview. While under oath, Captain Rodriguez denied that he ever engaged in sexual activity on duty or with a prostitute. On page number two (2) of his transcribed interview on January 8, 2019, Captain Newhouse asked Captain Rodriguez, "Have you ever engaged in sexual activity on duty with a, uh, a sex worker or prostitute?" Captain Rodriguez responded by saying, "No". Captain



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Newhouse asked Captain Rodriguez if he had any idea why Mr. Kerr would make such an allegation and he responded with the following:

*"Yes, uh..basically Mr. Kerr made this and several other allegations once...um I ordered him to come to work based on medical paperwork documentation saying that he was eligible to come back to work, uh...and I've been, as you know, other....other IA's and other admins because of this...uh this all stems from... I had a great relationship with Mr. Kerr...um supervised him as a Sergeant, on patrol, um...in one of his emails to me that...that started this commended me for taking care of him as a Sergeant on patrol and when I was his Captain, uh...you know he was on light duty...never had an issue with him, again...basically this all stems from when I got orders from workman's comp that he was cleared to return to light duty, um...he did not like that and this...that's when all these problems from him started, um...to include...include uh...this allegation amongst others that he's generating um...specifically because I just asked him to come back to work".*

Captain Newhouse asked Captain Rodriguez if he knew what "inappropriate activity" Detective Doyle was referring to in his sworn statement. Captain Rodriguez said he didn't know what Detective Doyle was referring to. He denied engaging in "inappropriate activity" while working in the Special Investigations Group (SIG).

On January 8, 2019, Captain Newhouse completed the investigation relating to IA 2018-011. Captain Newhouse forwarded the investigation, along with the Final Action Summary to Deputy Chief Jeff Meyers for review/recommendation. Deputy Chief Meyers recommended the allegation against Captain Rodriguez for violation of General Order 9.1, Section II A (9) – Standard of Conduct be "unfounded". Captain Newhouse then forwarded the investigative file to Chief Diggs for review and disposition.

On Saturday, January 12, 2019, Mr. Kerr sent an email to Human Resources Director Ellen Clyatt. Mr. Kerr copied City Attorney Grant Alley, Councilman Johnny Streets, and Chief Diggs. Mr. Kerr wrote, "I submitted a complaint directly to you with specific serious allegations of sexual misconduct with no real action to indicate this complaint was taken seriously other than to have Capt. Newhouse open an internal investigation." Additionally, Mr. Kerr wrote, "Is Capt. Newhouse capable of conducting a fair investigation? Absolutely, but I have serious doubts because of long standing friendships that fairness is even possible". Mr. Kerr included new information relating to his original complaint about Captain Rodriguez allegedly engaging in sexual activity while on duty. Mr. Kerr wrote the following:

*"Here is the straightforward information that is at the heart of the matter, of which you should already have: Under FMPD report number 2013-02675, which involved an undercover investigation of New Asian Massage parlor off Boyscout Drive, SIG detectives working that OP Jason Greene and Wolfgang*



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*Daniel witnessed and recorded one Jay Rodriguez involved in sex while on duty with a sex worker. If this video has not already been altered or deleted, it should be located in the SIG T Drive, sub-folder under operations, under 2013, under Asian message parlor. Arrested were Chen Ya (13-CF-015135) and [REDACTED]. There was also a second Op on or about that following Thursday at the Nature Poly Incorporated Massage Parlor located on Grove Street, arrested was [REDACTED]. Jay Rodriguez is a dirty cop, along with others such as Brian orielly and Victor Medico who are left overs from Dough Baker.” [sic] (Note: Mr. Kerr’s complete email was included in the case file)*

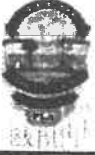
**Date:** On Monday, January 14, 2019, Captain Newhouse met with Chief Diggs concerning the above-mentioned email from Mr. Kerr. Chief Diggs ordered Captain Newhouse to reopen IA 2018-011 based upon this new information. Captain Newhouse completed a memo to Captain Rodriguez, notifying him that the investigation was reopened based upon new information. (A copy of this memorandum was included in the case file) On January 14, 2019, Chief Diggs approved an extension request, authorizing Captain Newhouse an additional 45 days to complete the investigation. A copy of this approved extension request was provided to Captain Rodriguez and Mr. Kerr. Additionally, Captain Newhouse placed the original (previously completed) Internal Affairs Investigation report, along with the original Final Action Summary (Signed by Deputy Chief Jeff Meyers) into the case file.

On Tuesday, January 15, 2019, Captain Newhouse contacted Officer Mary Ellen Hughes. Officer Hughes works with the Career Criminal Taskforce at the State Attorney’s Office and has access to court documents. Captain Newhouse asked Officer Hughes to locate any court documents relating to Fort Myers Police arrest report number 2013-02675 (The arrest of Chen Ya and [REDACTED] on March 14, 2013 at New Asian Massage 1791 Boy Scout Dr. Fort Myers, FL) and report number 2013-02878 (The arrest of [REDACTED] on March 21, 2013, at Nature Poly Inc. 1957 Grove Street Fort Myers, FL). Officer Hughes provided copies of the arrest report for Chen Ya (2013-02675) and some related documents from the State Attorney’s Office file.

[REDACTED] The documents provided by Officer Hughes were included in the case file. Officer Hughes told Captain Newhouse that the State Attorney’s Office was not in possession of any video evidence related to this case. Officer Hughes later (on January 31, 2019) provided a sworn statement to Captain Newhouse, documenting that she provided the above records.

[REDACTED]

[REDACTED]



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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In his January 12, 2019 email, Mr. Kerr specifically referenced the arrest of Chen Ya and [REDACTED] under Fort Myers Police report number 2013-02675 as the incident wherein he alleged Captain Rodriguez engaged in *“sex while on duty with a sex worker”*. Although he additionally made mention of another undercover operation leading to the arrest of [REDACTED] at the Nature Poly Inc. massage parlor, he did not allege any misconduct in reference to this second undercover operation. Therefore, the focus of this investigation relates to Captain Rodriguez’s conduct during the arrest under report number 2013-02675.

Captain Newhouse searched for the arrest reports for both cases mentioned by Mr. Kerr (2013-02675 and 2013-02878) on the Lee County Universal Booking System website. Captain Newhouse located two (2) arrest reports for 2013-02675 (The arrest reports for Chen Ya and [REDACTED] dated 3/14/2013). He also located the arrest report for 2013-02878 (The arrest report for [REDACTED] dated 3/21/2013). All three (3) arrest reports were included in the case file. Additionally, Captain Newhouse located the Computer Aided Dispatch (CAD) notes for both arrest in the Fort Myers Police Department Records Management System (RMS) and included them in the case file.

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The following is the narrative portion of the arrest of Chen Ya on March 14, 2013 at New Asian Massage (1791 Boy Scout Dr, Fort Myers, FL), report number 2013-02675:

*On December 4, 2012, Officer David Conticelli received a complaint of prostitution at 1791 Boy Scout Drive #3, New Asian Massage. The owner of Bella Hair Studio (which is next door to New Asian Massage), Robert Oliver explained that men come into his business requesting "a good time" and ultimately ending up next door at the New Asian Massage. The customers, who are always male, do not park in front of the business. He explained that he has observed [REDACTED] inside the business and two never leave the business. He stated that the one female who drives a box style Scion and brings groceries into the business.*

*Over the course of three months, Officer Conticelli conducted marked and unmarked surveillance at the New Asian Massage. Officer Conticelli always observed a newer model green Kia Soul with a Florida tag of BDVN42 come and go from the business. There was an Asian female who would drive the Kia. Officer Conticelli was able to observe [REDACTED] inside the business and he didn't see them leave during his surveillance. Officer Conticelli also observed numerous males and no females come in and out of the business as well as an [REDACTED] briefly step outside the rear door wearing intimate lingerie. Officer Conticelli was also able to locate advertisement for the business on the website [www.fortmyers/backpage.com](http://www.fortmyers backpage.com) where the advertisement included photos of Asian females that are sexual in nature wearing lingerie. As a result of the surveillance and research Officer Conticelli had reason to believe that prostitution was actively being solicited at the business and proceeded to establish an operation to validate that belief.*

*On Thursday March 14, 2013, Lieutenant Jay Rodriguez of the Fort Myers Police Department was working in an undercover capacity within the city of Fort Myers, Lee County, Florida. On this date, officers were investigating a complaint about possible prostitution activity at the New Asian Massage located at 1791 Boy Scout Drive, Unit 3. The Fort Myers Police Department had received information that the business may be using the massage business as a way to facilitate prostitution.*

*On this date, at approximately 1740 hours, Lieutenant Rodriguez entered the business as a customer. Upon entering the business, Lieutenant Rodriguez encountered an [REDACTED] sitting on a couch to the left of the front door. The [REDACTED] stood up and greeted Lieutenant Rodriguez. Lieutenant Rodriguez asked the [REDACTED] if anyone was available for a massage session. The [REDACTED] motioned over to Lieutenant Rodriguez to follow [REDACTED] into the first room on the left hand side of the hallway.*

*Once inside the room, the [REDACTED] closed the door and asked Lieutenant Rodriguez if he wanted an hour session. [REDACTED] then informed Lieutenant Rodriguez that the cost*



## Fort Myers Police Department Internal Affairs Investigation



<b>Internal Affairs Number:</b>	<b>IA 2018-011</b>
<b>Date of Incident:</b>	<b>March 23, 2013</b>
<b>Date Complaint Received:</b>	<b>December 7, 2018</b>
<b>Date of Report:</b>	<b>March 22, 2021</b>

would be seventy (70) dollars. Lieutenant Rodriguez retrieved seventy dollars in US currency from his left front pocket (Three twenty dollar bills and two five dollar bills of prerecorded FMPD funds) and handed them to the [REDACTED]. The [REDACTED] left the room and returned shortly after. Prior to leaving, the [REDACTED] instructed Lieutenant Rodriguez to remove all his clothing. Lieutenant Rodriguez removed his shirt and shorts but did not remove his underwear.

Once the [REDACTED] returned, [REDACTED] instructed Lieutenant Rodriguez to lie on the massage bed in the room. Once on the bed, the [REDACTED] identified [REDACTED] and began to rub Lieutenant Rodriguez's back, arms and legs. Less than a minute from beginning the massage, the [REDACTED] reached around and grabbed Lieutenant Rodriguez's genitals. Lieutenant Rodriguez reacted to the motion and the [REDACTED] asked, "Do you like that?" Lieutenant Rodriguez told the [REDACTED] he was interested and questioned about a price.

At that time, the [REDACTED] moved over to the front of the table and began to whisper in Lieutenant Rodriguez's ear. The [REDACTED] asked, "What do you want?" Lieutenant asked the [REDACTED] what she would do. The [REDACTED] responded, "How much you want to pay?" Lieutenant Rodriguez told the [REDACTED] he would pay [REDACTED] fifty dollars. The [REDACTED] responded, "One hundred and fifty for blowjob and one hundred and twenty for hand job."

Lieutenant Rodriguez agreed to the hand job to which the [REDACTED] responded, "Pay first." Lieutenant Rodriguez again reached into his left front pocket and retrieved one hundred and twenty dollars in US currency (Six twenty dollar bills). The [REDACTED] took the money and left the room again. Lieutenant Rodriguez stood up off the table and waited for the [REDACTED] to return. Once the [REDACTED] returned, Lieutenant Rodriguez confirmed the money provided was for manual stimulation (A hand job). The [REDACTED] confirmed and once again instructed Lieutenant Rodriguez to lie on the bed.

Once on the bed, the [REDACTED] walked over to Lieutenant Rodriguez and tried to remove his underwear. At that time, Lieutenant Rodriguez stopped the [REDACTED] and asked how late [REDACTED] would be working. The [REDACTED] indicated that [REDACTED] was working until 2100 hours. Lieutenant Rodriguez told the [REDACTED] that he had to leave but would return later. The [REDACTED] provided Lieutenant Rodriguez with a business card for the New Asian Massage and wrote [REDACTED] name, [REDACTED] on the back of the card. Lieutenant Rodriguez exited the business and returned to the vehicle.

Lieutenant Rodriguez provided a detailed description of the [REDACTED] to the uniform support officers that were in the area. Lieutenant Rebecca Prince, Officer David Conticelli and Officer Sean Havenner walked into the business and detained the [REDACTED] that matched the description provided by Lieutenant Rodriguez. The [REDACTED]



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was escorted outside by Lieutenant Prince and was positively identified as [REDACTED] the [REDACTED] that solicited the manual stimulation for one hundred and twenty dollars.

Lt. Prince contacted 239-674-3818 in an attempt to make contact with the owner Ya Chen. A female answered the phone and once Lt. Prince requested her to arrive on scene as a result of an incident that occurred at her business at which time the female hung up. Shortly after Ya Chen began circling the business in the same green Kia Soul that was observed during earlier surveillance. Officer Conticelli recognized Chen as the same female who had always driven the green Kia Soul and advised Lt Prince. Lt Prince flagged down Chen and requested that she come back to the business.

Date of

While officers were inside the business, they observed numerous pieces of lingerie, condoms, lubricant and other items that would lead a reasonable person to believe that the business was not operating as a legitimate massage parlor. There was no phone to the business and no licensing for the [REDACTED] who were offering their services. The room on the right had two beds with pillows and personal items.

The officers were unable to communicate with the [REDACTED] because they spoke Chinese. The officers summoned Deputy Bryan Smith from the Lee County Sheriff's Office who spoke Chinese. Deputy Smith read [REDACTED] Miranda Rights and identified [REDACTED] as [REDACTED] and [REDACTED] agreed to talk. Deputy Smith explained to [REDACTED] why the officers were there and [REDACTED] agreed to return their money. [REDACTED] walked into the room where [REDACTED] and [REDACTED] Mei Hua Lu slept and opened a blue suitcase. Once [REDACTED] was inside the suitcase, Lieutenant Prince observed numerous bundles of cash in different denominations. [REDACTED] handed the money to Lieutenant Prince and Officer Conticelli where they compared the money to the recorded money. The officers located the money that Lieutenant Rodriguez used during the transaction and marked on the photocopied paper which bills were used. During the interview, [REDACTED] stated that [REDACTED] boss, Ya Chen pays [REDACTED] a salary. [REDACTED] would not provide the officers with any information regarding the business.

Deputy Smith spoke with Mei Hua Lu who stated that her boss Chen told her that she could do hand jobs for additional money. Lu stated that she came from New York a few days ago and was living inside the business.

Deputy Smith spoke with Ya Chen and she denied knowing anything about prostitution inside the business.

Florida State Statute 796.05 Deriving support from the proceeds of prostitution states the following: (1) It shall be unlawful for any person with reasonable belief or knowing another person is engaged in prostitution to live or derive support



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*or maintenance in whole or in part from what is believed to be the earnings or proceeds of such person's prostitution.*

*Based on the totality of the circumstances, Chen knowingly allowed the [REDACTED] inside her business to engage in prostitution and she derived proceeds from the prostitution. Chen knew the [REDACTED] were not licensed massage therapists and did not operate the business as such.*

*Chen was placed under arrest for deriving support from the proceeds of prostitution as well as driving without a license and subsequently was transported to the lee county jail for booking, processing and lodging.*

The court document relating to Fort Myers Police Department arrest report number 2013-02675 (Court Case Number 13-CF-015135) revealed criminal charges (relating to Deriving Support from Proceed of Prostitution) were not filed by the State Attorney's Office, citing "Insufficient Evidence to Prove beyond Reasonable Doubt."

The following is the narrative portion of the arrest of [REDACTED] on March 14, 2013 at New Asian Massage (1791 Boy Scout Dr, Fort Myers, FL), report number 2013-02675:

*On Thursday March 14, 2013, Lieutenant Jay Rodriguez of the Fort Myers Police Department was working in an undercover capacity within the city of Fort Myers, Lee County, Florida. On this date, officers were investigating a complaint about possible prostitution activity at the New Asian Massage located at 1791 Boy Scout Drive, Unit 3. The Fort Myers Police Department had received information that the business may be using the massage business as a way to facilitate prostitution.*

*(Court Proceed Proc) On this date, at approximately 1740 hours, Lieutenant Rodriguez entered the business as a customer. Upon entering the business, Lieutenant Rodriguez encountered an [REDACTED] sitting on a couch to the left of the front door. The [REDACTED] stood up and greeted Lieutenant Rodriguez. Lieutenant Rodriguez asked the [REDACTED] if anyone was available for a massage session. The [REDACTED] motioned over to Lieutenant Rodriguez to follow [REDACTED] into the first room on the left hand side of the hallway.*

*(Court Proceed Proc) Once inside the room, the [REDACTED] closed the door and asked Lieutenant Rodriguez if he wanted an hour session. [REDACTED] then informed Lieutenant Rodriguez that the cost would be seventy (70) dollars. Lieutenant Rodriguez retrieved seventy dollars in US currency from his left front pocket (Three twenty dollar bills and two five dollar bills of prerecorded FMPD funds) and handed them to the [REDACTED]. The [REDACTED] left the room and returned shortly after. Prior to leaving, the [REDACTED] instructed Lieutenant Rodriguez to remove all his clothing. Lieutenant Rodriguez removed his shirt and shorts but did not remove his underwear.*



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Once the [redacted] returned, [redacted] instructed Lieutenant Rodriguez to lie on the massage bed in the room. Once on the bed, the [redacted] identified [redacted] and began to rub Lieutenant Rodriguez's back, arms and legs. Less than a minute from beginning the massage, the [redacted] reached around and grabbed Lieutenant Rodriguez's genitals. Lieutenant Rodriguez reacted to the motion and the [redacted] asked, "Do you like that?" Lieutenant Rodriguez told the [redacted] he was interested and questioned about a price.

Date:  
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At that time, the [redacted] moved over to the front of the table and began to whisper in Lieutenant Rodriguez's ear. The [redacted] asked, "What do you want?" Lieutenant Rodriguez asked the [redacted] what she would do. The [redacted] responded, "How much you want to pay?" Lieutenant Rodriguez told the [redacted] he would pay [redacted] fifty dollars. The [redacted] responded, "One hundred and fifty for blowjob and one hundred and twenty for hand job."

Lieutenant Rodriguez agreed to the hand job to which the [redacted] responded, "Pay first." Lieutenant Rodriguez again reached into his left front pocket and retrieved one hundred and twenty dollars in US currency (Six twenty dollar bills). The [redacted] took the money and left the room again. Lieutenant Rodriguez stood up off the table and waited for the [redacted] to return. Once the [redacted] returned, Lieutenant Rodriguez confirmed the money provided was for manual stimulation (A hand job). The [redacted] confirmed and once again instructed Lieutenant Rodriguez to lie on the bed.

Once on the bed, the [redacted] walked over to Lieutenant Rodriguez and tried to remove his underwear. At that time, Lieutenant Rodriguez stopped the [redacted] and asked how late [redacted] would be working. The [redacted] indicated that [redacted] was working until 2100 hours. Lieutenant Rodriguez told the [redacted] that he had to leave but would return later. The [redacted] provided Lieutenant Rodriguez with a business card for the New Asian Massage and wrote [redacted] name, [redacted] on the back of the card. Lieutenant Rodriguez exited the business and returned to the vehicle.

Lieutenant Rodriguez provided a detailed description of the [redacted] to the uniform support officers that were in the area. Lieutenant Rebecca Prince, Officer David Conticelli and Officer Sean Havenner walked into the business and detained the [redacted] that matched the description provided by Lieutenant Rodriguez. The [redacted] was escorted outside by Lieutenant Prince and was positively identified as [redacted] the [redacted] that solicited the manual stimulation for one hundred and twenty dollars.

The officers were unable to communicate with [redacted] because [redacted] spoke Chinese. The officers summoned Deputy Bryan Smith from the Lee County Sheriff's Office who spoke Chinese. Deputy Smith read [redacted] Miranda Rights and identified [redacted] as [redacted] and [redacted] agreed to talk. Deputy Smith explained to [redacted] why the



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officers were there and [redacted] agreed to return their money. [redacted] walked into the room where [redacted] and another [redacted] slept and opened a blue suitcase. Once [redacted] was inside the suitcase, Lieutenant Prince observed numerous bundles of cash in different denominations. [redacted] handed the money to Lieutenant Prince and Officer Conticelli where they compared the money to the recorded money. The officers located the money that Lieutenant Rodriguez used during the transaction and marked on the photocopied paper which bills were used. During the interview, [redacted] stated that [redacted] boss, Ya Chen pays [redacted] a salary. [redacted] would not provide the officers with any information regarding the business.

[redacted] was placed under arrest for soliciting prostitution and was booked and lodged at the Lee County Jail.

[redacted]

City of Fort Myers employees (including police department employees) utilize the city's computer server to store documents and other data files. The City of Fort Myers Information Technology Department is responsible for maintenance and serviceability of this server. In his January 12<sup>th</sup>, 2019 email, Mr. Kerr provided the location for the video wherein he alleged that Captain Rodriguez engaged "in sex while on duty with a sex worker", as the "SIG T drive, sub-folder under operations, under 2013, under Asian massage parlor". The "SIG T drive" is located on the City's server.

On Tuesday, January 15, 2019, at approximately 10:00 a.m., Captain Newhouse met with Richard Calkins, Director of Information Technology for the City of Fort Myers, and Network Engineer Barbra Wills. Captain Newhouse provided them with the description of the location of the video in question, as claimed in the above-mentioned email from Mr. Kerr. Captain Newhouse asked Ms. Wills to search the computer server for the video in question. Using the instructions provided by Mr. Kerr, she was unable to locate the video described. However, Ms. Wills requested additional time to more carefully examine the City's computer server to search for the video. Ms. Wills said she would get back to Captain Newhouse at the conclusion of her more intensified search process.

On Friday, January 18, 2019, Ms. Wills contacted Captain Newhouse and told him she had completed her search of the City's computer server but was still unable to locate the video in question. She agreed to provide a sworn statement in the matter. On this same date, at 4:55 p.m., Ms. Wills met with Captain Newhouse and provided an audio recorded sworn statement in reference to the matter.

Ms. Wills stated that she has been working for the City of Fort Myers IT Department for 12 years and is currently assigned as a Network Engineer. She further stated that she conducts server maintenance and the server configuring. Additionally, Ms. Wills confirmed that she has unrestricted access to all the data stored on the City's computer server (included police department data). Ms. Wills testified that she



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searched for the video in question, utilizing the instructions provided by the complaint (Mr. Kerr), but was unable to locate it. She added that the described location did not exist (**within the T Drive**). Ms. Wills testified that in addition to searching for the video in the described location, she searched the entire server for any video files that would have been near or around the time and date of undercover operation at New Asian Massage but was unable to locate any. Captain Newhouse asked Ms. Wills if there was any way for her to determine whether the video in question was ever on the server. Ms. Wills responded, "No". Ms. Wills stated there was a possibility the video in question was on the server but was moved by an employee. Ms. Wills stated there was no way for her to determine whether the video ever existed on the server, whether it was moved, and who could have moved it. Ms. Wills testified that in 2013 the City IT Department did not have auditing software to track the progression of data on the server (Tell when a file was added, deleted, or moved). She stated the IT Department now has this auditing software, but it only goes back for approximately 9 months to a year. Ms. Wills estimated that she spent 5 or 6 hours searching for the video in question but was unable to locate it.

Ms. Wills provided Captain Newhouse with two documents she located during her search for the video. These documents included: (1) the operational plan for an undercover operation at the Nature Poly massage parlor, conducted on March 21, 2013, and (2) a nuisance abatement notification, dated April 24, 2013, for New Asian Massage. These documents were included in the case file.

On January 30, 2019, at 8:08 a.m., Mr. Kerr sent an email to Human Resources Director Ellen Clyatt. Mr. Kerr copied City Attorney Grant Alley, Councilman Johnny Street, and Chief Derrick Diggs. Among several topics, Mr. Kerr's email contained his argument relating to reasons why he believed that this internal affairs investigation should not be assigned to Captain Newhouse. This email was included in the case file.

On Thursday, January 31, 2019, at 11:32 a.m., Captain Newhouse conducted an audio recorded sworn interview with Officer Jason Greene. The need to interview Officer Greene was due to the fact that Mr. Kerr specifically wrote in his January 12, 2019 email, **"SIG detectives working that OP Jason Greene and Wolfgang Daniel witnessed and recorded one Jay Rodriguez involved in sex while on duty with a sex worker"**. Prior to questioning, Captain Newhouse provided Officer Greene with the opportunity to review the arrest report for Fort Myers Police Department report number 2013-02675, the arrest of Chen Ya at New Asian Massage 1791 Boy Scout Dr. Additionally, Captain Newhouse explained the content of the email complaint received from Mr. Kerr on January 12, 2019. **During questioning, Officer Greene stated he was not involved in the operation or the arrest. He said he never witnessed or recorded Jay Rodriguez involved in sex while on duty.** Officer Greene did not know who (if anyone) might have been involved in recording the operation by the Special Investigations Group. Officer Greene said he did not have any direct knowledge concerning the truthfulness of this allegation. He clarified he did not have any knowledge regarding Jay Rodriguez ever engaging in sex on duty with a sex worker. **Officer Greene stated he had never seen a video of Captain Rodriguez engaged in sex while on duty.** He said that he had never seen a video of the undercover operation in question. He had no idea why Mr. Kerr named him as a specific witness. Officer Greene said he did not have regular communication with Mr. Kerr, was not friends with him, and did not speak with him on a regular basis.



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On Thursday, January 31, 2019, at 12:07 p.m., Captain Newhouse conducted a sworn audio recorded interview with Detective Wolfgang Daniel. The need to interview Detective Daniel was due to the fact that Mr. Kerr specifically wrote in his January 12, 2019 email, **"SIG detectives working that OP Jason Greene and Wolfgang Daniel witnessed and recorded one Jay Rodriguez involved in sex while on duty with a sex worker"**. Prior to questioning, Captain Newhouse provided Detective Daniel with the opportunity to review the arrest report for Fort Myers Police Department report number 2013-02675, reporting the arrest of Chen Ya at New Asian Massage, 1791 Boy Scout Dr. Additionally, Captain Newhouse explained the content of the email complaint received from Mr. Kerr on January 12, 2019. **Detective Daniel stated he did not work this operation.** He said he recalled the Special Investigations Group received a complaint from Lieutenant Prince or a request to conduct an operation at New Asian Massage. Detective Daniel said he believed the request came to Sergeant Richard Notaro (the supervisor for the Special Investigations Group). Detective Daniel said Sergeant Notaro told Lieutenant Prince that the Special Investigations Group was too busy to handle the investigation at that time, due to other operations going on. Detective Daniel testified Lieutenant Prince and Sergeant Conticelli decided to conduct the operation without the assistance of the Special Investigations Group. Detective Daniel reported the New Asian Massage was located within Lieutenant Prince's geographical area of responsibility as a patrol Lieutenant. Detective Daniel testified that (as far as he knew) Lieutenant Prince and others handled the operation in question without the assistance of the Special Investigations Group. Captain Newhouse asked Detective Daniel whether or not Mr. Kerr's complaint relating to **"SIG detectives working that OP Jason Greene and Wolfgang Daniel witnessed and recorded one Jay Rodriguez involved in sex while on duty with a sex worker"** was true. Detective Daniel responded by saying, **"I have no memory of that sir, I don't recall that."** **Detective Daniel clarified he had never witnessed Jay Rodriguez engage in sex while on duty.**

Detective Daniel testified that he worked in the Special Investigation Group from 2012 to 2017. Detective Daniel said interactions with suspects are usually recorded during undercover operations. However, he said that they are not always recorded. **He did not have any knowledge concerning whether or not the operation at New Asian Massage was recorded.**

On Thursday, January 31, 2019, at 12:24 p.m., Captain Newhouse conducted a sworn audio recorded interview with Sergeant David Conticelli. Prior to questioning, Captain Newhouse provided Sergeant Conticelli with the opportunity to review the arrest report for Fort Myers Police report number 2013-02675. Additionally, Captain Newhouse provided Sergeant Conticelli with the content of Mr. Kerr's complaint. Sergeant Conticelli explained that during the timeframe of the arrest in question (3/14/2013) he was the Community Policing Officer and Lieutenant Prince was his Lieutenant. He said they received a complaint from neighboring businesses relating to possible prostitution activity occurring at the New Asian Massage, located at 1791 Boy Scout Drive. He testified he conducted some surveillance at the location and based upon his observations, thought there were enough grounds to ask the Special Investigations Group to investigate the matter. Sgt. Conticelli said Lieutenant Prince and he submitted a complaint to the Special Investigations Group, requesting they investigate the location for prostitution activity. (Note: Sergeant Conticelli later provided Captain Newhouse with a copy of the complaint and it was included in the case file)





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Sergeant Conticelli said Lieutenant Prince and he ended up coordinating the investigation, not the Special Investigations Group. He completed the operational plan. (Note: a few minutes after his sworn interview, Sergeant Conticelli provided Captain Newhouse with a copy of this operational plan and it was included in the case file) The operational plan listed the proposed date for the operation as March 14, 2013, at 1791 Boy Scout Drive. The plan listed Lieutenant Prince as the coordinator and operational supervisor. Additionally, the operational plan contained the following list of the personnel involved:

1. Officer Conticelli – Marked Patrol
2. Officer Havenner – Marked Patrol
3. ██████████ – Unmarked/Monitor/Breacher
4. ██████████ – Unmarked/Monitor/Breacher
5. Lieutenant Prince – Marked Patrol
6. Lieutenant Rodriguez – Undercover

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Additionally, the operational plan contained the following language:

**Intelligence Gathered:**

Officer David Conticelli received a complaint from two businesses located at 1791 Boy Scout Drive regarding prostitution activity at a business called "New Asian massage" located at 1791 Boy Scout Drive. There appears to be multiple ██████████ working inside giving massages. The complainants stated that they are engaging in prostitution inside the business.

**Special Considerations/Operational Procedure:**

Detective ██████████ and Officer ██████████ will monitor and conduct surveillance from a location near 1791 Boy Scout Drive. Lt. Jay Rodriguez will enter the business as a civilian and ask for a massage. Lt. Rodriguez will either get a legitimate massage or will give a predetermined take down signal instructing the officer to enter the business and secure all occupants. If Lt. Rodriguez is asked to look up all his belongings, he will comply and enter the room without any monitor. Lt. Rodriguez will then stop the illegal act prior to fruition and exit the business. Lt. Rodriguez will then brief the officers as to what occurred and whether an arrest(s) will be made.

Sergeant Conticelli said (as far as he knew) the undercover operation was going to be audio recorded, not video recorded. Sergeant Conticelli said he thought Lieutenant Rodriguez was going to audio record his interactions during the operation. He said he never heard about any plan to video record the operation. Sergeant Conticelli testified he did not know what happened to the audio recording of this operation. Sergeant Conticelli said he thought ██████████ (Detective ██████████ at that time) might have been involved in the operation, as ██████████ handled the surveillance equipment for the Special Investigations Group at the time. **Sergeant Conticelli testified he never witnessed Jay Rodriguez engage in sex on duty with a sex worker, as alleged by Mr. Kerr.**

On Thursday, January 31, 2019, at 12:34 p.m., Captain Newhouse telephoned former Lieutenant Rebecca Prince and left her a voicemail. Captain Newhouse explained he wanted to interview her in reference to an internal affairs investigation. She did not return the phone call.



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On Thursday, January 31, 2019, at 1:28 p.m., Captain Newhouse sent an email to Evidence Supervisor Steven List, asking him to check the evidence vault to see if he had any evidence relating to report number 2013-02675 (Specifically, an audio or video recording). At 1:42 p.m., Supervisor List responded via email, indicating there was no evidence or property relating to the specific report number. (Note: a copy of this email was included in the case file)

On Thursday, January 31, 2019, at 2:53 p.m., Captain Newhouse conducted an audio recorded sworn interview with Lieutenant [REDACTED]. Prior to questioning, Captain Newhouse provided Lieutenant [REDACTED] with an opportunity to review arrest report 2013-02675. Additionally, Captain Newhouse provided Lieutenant [REDACTED] with the content of Mr. Kerr's complaint, along with the operational plan for the incident. During questioning, Lieutenant [REDACTED] said [REDACTED] remembered being involved in the operation/arrest in question. [REDACTED] said [REDACTED] did not recall who else was involved in this operation/arrest. Lieutenant [REDACTED] said [REDACTED] remembered it was [REDACTED] role to monitor the undercover officer (Lieutenant Jay Rodriguez) as [REDACTED] interacted with the suspect(s) during the investigation. [REDACTED] could not recall who (if anyone) was assigned to assist [REDACTED] with [REDACTED] monitoring role. [REDACTED] could not recall whether Lieutenant Rodriguez either audio or video recorded his interactions during the operation. Lieutenant [REDACTED] stated he did not have any knowledge of Jay Rodriguez engaging in any a sexual act while performing his duties during the operation in question. [REDACTED] testified Jay Rodriguez entered the business in an undercover capacity to determine if he would be solicited for a sexual act but did not recall anything out of the ordinary happening during Rodriguez's involvement. Lieutenant [REDACTED] said [REDACTED] had never seen a video relating to Jay Rodriguez engaging in sexual activity while on duty.

Lieutenant [REDACTED] said [REDACTED] did not know how Mr. Kerr would have any knowledge relating to this operation/arrest. [REDACTED] said Mr. Kerr was never assigned to the Special Investigations Group and did not recall Mr. Kerr working the operation in question.

Next, Captain Newhouse asked Lieutenant [REDACTED] a series of questions relating to the common practice of investigators during similar undercover operations. [REDACTED] said that typically they do not utilize video recording for these types of investigations. [REDACTED] said the reason for this is the suspects can become very aggressive and search for recording devices (wires). Lieutenant [REDACTED] said they instead typically utilize audio recording/monitoring measures for these types of operations. [REDACTED] said sometimes they audio record the interactions, but sometimes they just monitor the undercover officer's interaction to ensure their safety. Again, Lieutenant [REDACTED] testified [REDACTED] could not remember whether or not the operation in question was audio or video recorded.

Lieutenant [REDACTED] testified [REDACTED] had 12 years of experience working in the Special Investigations Group. [REDACTED] said [REDACTED] has experience both participating in and monitoring undercover operations. Captain Newhouse pointed out that in the narrative of arrest report 2013-02675, Jay Rodriguez stripped down to his underwear while inside of the business and the suspect grabbed his genitals. Captain Newhouse asked Lieutenant [REDACTED] if that was uncommon. [REDACTED] said it was not. Captain Newhouse asked Lieutenant [REDACTED] if this in anyway indicated Jay Rodriguez acted inappropriately or violated policy. Lieutenant [REDACTED] said, "no." Lieutenant [REDACTED] explained these actions by the suspects are not uncommon, as they are trying to determine whether they are interacting with a police officer.



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Prior to the interview with Lieutenant [REDACTED] Captain Newhouse provided [REDACTED] with the specific directions listed in Mr. Kerr's email complaint concerning the alleged location of a video recording relating to the undercover operation. Captain Newhouse asked Lieutenant [REDACTED] to search for the video in question (on the T drive). Additionally, Lieutenant [REDACTED] said that the Special Investigation Group maintained a back-up hard drive (containing case information) inside a safe that was maintained in the SIG supervisor's office. Captain Newhouse asked Lieutenant [REDACTED] to attempt to locate this "back-up hard drive" in the SIG supervisor's safe. Lieutenant [REDACTED] testified [REDACTED] followed the directions provided by Mr. Kerr (for the location of the video on the T drive) but was unable to locate the video in question. Lieutenant [REDACTED] also told Captain Newhouse that [REDACTED] was unable to locate the "back-up hard drive" inside the SIG supervisor's safe.

On Friday, February 1, 2019, at 2:14 p.m., Captain Newhouse conducted a sworn audio recorded interview with Sergeant [REDACTED] in reference to this investigation. Prior to questioning, Captain Newhouse provided Sergeant [REDACTED] with the opportunity to review arrest report 2013-02675, the related operational plan, and the email complaint provided by Mr. Kerr. Sergeant [REDACTED] said [REDACTED] remembered participating in the operation, but "vaguely". [REDACTED] said [REDACTED] did not remember [REDACTED] exact role in the operation. [REDACTED] said [REDACTED] remembered being in the massage parlor after the investigation with Lieutenant Prince and a few uniformed officers but could not remember [REDACTED] role. Sergeant [REDACTED] said that during the timeframe of the operation (3/14/2013) [REDACTED] was a Police Officer for the Violent Crimes Taskforce, not a Detective with the Special Investigations Group. Captain Newhouse asked Sergeant [REDACTED] if [REDACTED] remembered whether [REDACTED] monitored or recorded Jay Rodriguez during the operation. [REDACTED] responded by saying, **"I don't remember ever recording anything. I don't remember even monitoring this."** [REDACTED] said [REDACTED] did not know if this operation was audio or video recorded. **Sergeant [REDACTED] said never recorded or witnessed Jay Rodriguez engaged in sex while on duty with a sex worker.** Sergeant [REDACTED] testified [REDACTED] did remember the operation in question was very short. [REDACTED] said [REDACTED] was almost surprised that "he" (Jay Rodriguez) was in and out of the business so quickly. Sergeant [REDACTED] said [REDACTED] has never heard the allegation relating to Jay Rodriguez in the past. [REDACTED] said [REDACTED] had never saw a **video of Jay Rodriguez engaged in sex with a sex worker.**

Next, Captain Newhouse asked Sergeant [REDACTED] a series of questions relating to [REDACTED] background/experience working in the Special Investigations Group. [REDACTED] testified [REDACTED] has an extensive experience relating to working in the Special Investigations Group. [REDACTED] said [REDACTED] has many years of experience working in an undercover capacity and has received specific training relating to this. [REDACTED] testified [REDACTED] has experience working in an undercover capacity relating to prostitution crimes. Captain Newhouse asked Sergeant [REDACTED] if (after reviewing the arrest narrative for 2013-02675) [REDACTED] saw any information that would indicate Captain Rodriguez acted inappropriately during the investigation. Sergeant [REDACTED] responded, "No".

On Monday, February 4, 2019, at 7:46 a.m., Mr. Kerr sent an email to Human Resources Director Ellen Clyatt. Mr. Kerr copied City Attorney Grant Alley, Councilman Johnny Street, and Chief Derrick Diggs. Mr. Kerr's email amounted to a public records request for all video evidence relating to Fort Myers Police Department report number 2013-02675. This email contained the following language:

EX-102  
EX-101  
EX-100



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*Dear Ellen Clyatt,*

*Pursuant to Article I, section 24 of the Florida Constitution, and chapter 119, F.S., I am requesting a copy of all video evidence of a close criminal investigation with subject Jay Rodriguez related to the matter of FMDP report # 2013-02675. This video evidence was uploaded by Jason Greene and stored on a computer to this location, (SIG T drive), sub-folder (Operations), listed under (2013), listed under (Asian message parlor). Since this was a criminal investigation and the proper standard operating procedure is to also enter all video evidence into the evidence section under the above report number, the videos must be located here as well.*

*I agree to pay the actual cost of duplication as defined in Section 119.07(1)(a). Should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by Section 119.07(1)(d), F.S.*

*I request these records be available by February 11, 2019. If you have any questions or need more information in order to expedite this request, you may contact me at [redacted] or at [redacted] sic]*

*Thank you  
O'Neil Kerr*

*I understand you are not the custodian of records, however i can not submit a records request to Jay Rodriguez whom i recall to be the PIO for the police department. In my years of experience working for the city too often i came across situations where the cover-up was as bad or worse than the crime itself. If the video recording was located from my complaint, action would have already been taken against Rodriguez. If the video recording was deleted or altered, who did it and why? Two things to understand:*

- 1. There is a copy of this video outside of the PD.*
- 2. Rodriguez's subordinates have compromising evidence against him.*

*Two names I previously mentioned to you. Mike Masiero kept his job because he had compromising information on those above him including Doug Baker. Brian orielly watching pornography on a bus with children present is known to me because Ray Beiner's son was placed in an IA and he became upset with orielly.*

(Note: This email was included in the case file)



## Fort Myers Police Department Internal Affairs Investigation



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On Monday, February 4, 2019, at 2:01 p.m., Ellen Clyatt sent a response email to Mr. Kerr addressing his public records request for any videos relating to Fort Myers Police Department report number 2013-02675. Her email containing the following:

*Dear Mr. Kerr,*

*This is in reply to your public records request of 2/4/19. Pursuant to F.S. 112.533(2)(a) all information obtained pursuant to investigations into complaints filed against law enforcement officers are confidential and exempt from disclosure until the investigation is no longer active. Notwithstanding the subject investigation is still active, be advised that no video as described in your request is in the possession of the City of Fort Myers or FMPD. The postscript to your request suggests that you are in possession of a video you believe to be the one you've requested, or you have access to such video. If that is the case, this is to request that you produce the video to me and/or Captain William Newhouse ([bnewhouse@fmpolice.com](mailto:bnewhouse@fmpolice.com)) within five (5) days from today.*

*Regards,*

**Ellen M. Clyatt, CMS, PHR, SHRM-CP, FCLRP**  
 Director of Human Resources  
 City of Fort Myers  
 Human Resources Department

(Note: This email was included in the case file)

On Thursday, February 7, 2019, at 1:04 p.m., Captain Newhouse conducted a sworn audio recorded interview with Sean Havenner. Mr. Havenner was previously employed as a Police Officer with the Fort Myers Police Department from 2011 to 2016. Prior to questioning, Captain Newhouse provided Mr. Havenner with the opportunity to review arrest report 2013-02675, the related operational plan, and the email complaint provided by Mr. Kerr. Mr. Havenner stated he remembered working the incident and remembered Lieutenant Rodriguez acted as the undercover officer for this operation. He did not know whether the investigation was either audio or video recorded. He said he did not remember who was assigned to monitor Lieutenant Rodriguez during the operation. He stated he remembered Officer Conticelli was involved in the operation as uniformed support. Mr. Havenner could not recall whether Officer [REDACTED] or Detective [REDACTED] were involved in the operation. He said he remembered Lieutenant Prince was involved as the supervisor of the operation. He could not recall whether Officer Jason Greene or Detective Wolfgang Daniel were involved in the operation.

Mr. Havenner said he never witnessed Lieutenant Rodriguez engaged in sex while on duty with a sex worker. He said he has never seen a video of Lieutenant Rodriguez engaged in sex on duty with a sex worker. He said he has never heard an audio tape relating to Lieutenant Rodriguez engaging in sex while on duty with a sex worker.



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Mr. Havenner said he is not friends with O'Neill Kerr and does not speak with him on a regular basis. He said as far as he could remember; Mr. Kerr was not involved in the operation in question. Mr. Havenner said he does not know how Mr. Kerr would have derived the information listed in his complaint. Mr. Havenner testified he never witnessed Jay Rodriguez acting inappropriately during the investigation in question.

Captain Newhouse contacted City of Fort Myers Information Technology Network Engineer Barbara Wills and asked her to search the City's server for any audio files that might exist relating to the operation and arrest that occurred at New Asian Massage on March 14, 2013. On February 8, 2019, Ms. Wills sent Captain Newhouse the following email:

*"Per you request pertaining to IA 2018-011, I have completed the additional search for an audio file that may have been saved on the shared drives on or after March 14, 2013. My search was for any audio file type for 6 months after the march 14, 2013 date. I did not find anything in relation to the Asian massage investigation anywhere on any of the shared drives. If you have any further questions, please let me know." (Note: This email was included in the case file)*

On Friday, February 8, 2019, at 11:17 p.m., Mr. Kerr sent another email to Human Resources Director Ellen Clyatt. Mr. Kerr copied City Attorney Grant Alley, Councilman Johnny Street, and Chief Derrick Diggs. Mr. Kerr's email included links to videos. This email contained the following:

operation  
Wills

*Dear Ellen Clyatt,*

*I am not a detective anymore for the police department but it feels like I have been doing the work of investigating my complaint. After much consideration and prayer I am reluctantly fulfill your request and subjecting my self to bodily danger as was the case in 2016 when I informed the police department of a racial slur used by an Officer. I previously gave sufficient information to investigate this matter, if those named did not truthfully and fully cooperate that is beyond my control.*

*I was never assigned or worked in the SIG unit nor at any point during my employment participated in any SIG Ops, had access to any physical hard copy cases or case files stored on a computer. The City IT department designates who gets access to computer drives based on their current assignment.*

*I only came across this information about Rodriguez after he started to subject me to a targeted workplace harassment, primarily for a provable work place injury. I submitted my troubling concerns with due diligence of Rodriguez's actions directly to the human resources manager Connie Gleason but the false words of Rodriguez out weighed my honest and verifiable claims of harassment.*



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*On the public information request, I am still respectfully requesting that you ask Jill Newhouse and Denise Egolf in records to locate the original video. Jill Newhouse who worked for years in the SIG unit is familiar with the covert (T) drive and how evidence is stored on it and furthermore the process to delete information. The City IT department may also need to investigate if this video is no longer present. All SIG Ops were recorded, in very few exceptions if the undercover officer believed he would be searched then a hidden covert recording device was not used.*

*Jay Rodriguez was outfitted by Jason Greene with a SIG [REDACTED] Covert Hidden Spy Camera. Rodriguez is seen entering the message parlor and obtained more than just the solicitation for prostitution. Rodriguez did not know how to operate the recording device and failed to properly turn it off which captured this incident on video and audio recording. Based on the video evidence, Rodriguez is observed violating on duty:*

*F.S. 796.07 Prohibiting prostitution and related acts*

*(1) As used in this section:*

- (a) "Prostitution" means the giving or receiving of the body for sexual activity for hire but excludes sexual activity between spouses.*
- (b) "Lewdness" means any indecent or obscene act.*
- (c) "Assignment" means the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.*
- (d) "Sexual activity" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; anal or vaginal penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation; however, the term does not include acts done for bona fide medical purposes.*

*(2) It is unlawful:*

- (a) To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignment, or prostitution.*
- (b) To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.*
- (c) To receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignment, or to permit any person to remain there for such purpose.*

*Upon exiting and making contact with Greene, Rodriguez advised the device did not work and told Greene to delete any information on it. Greene later uploaded the data from this camera onto the SIG T drive.*



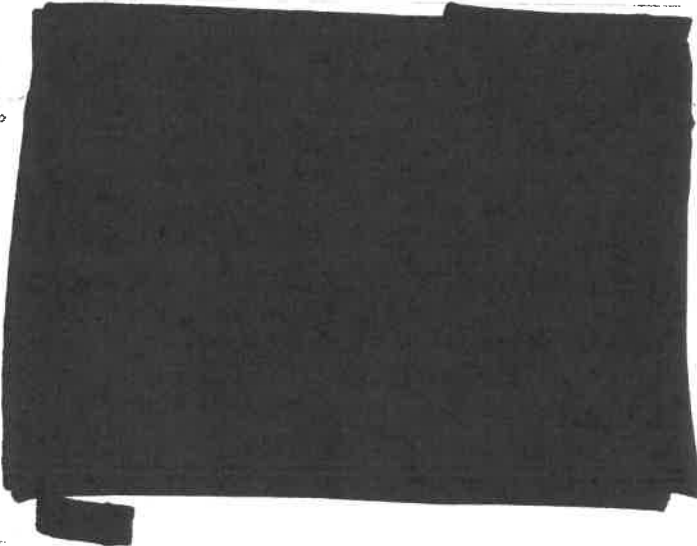
**Fort Myers Police Department  
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*Below is the NBC news story which shows [redacted] the same [redacted] wearing the same outfit on the video who was solicited by Rodriguez and who engaged in the act of Prostitution after Rodriguez's sexual proposal and payment.*

Inte



*Not only was taxpayer money used in the commission of this crime, the booking sheet did not reflect the accurate events that occurred, evidence was not preserved with care to include a lack of proper chain of custody, and the evidence was not turned over to the state for proper prosecution where the charges filed were later dismissed for insufficient evidence.*

*There should be no further delay in immediate action. The fact other officers have been placed on administrative leave pending an Internal Investigation for far lesser offenses, Rodriguez appeared to have the confidence and protection of the Police Department and City. If no action is taken my next step will be to forward all information to FDLE, the Freeh Group, and news media.*

*Attached is the unedited video requested [redacted]*



*Respectfully,*





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*O'Neil Kerr*

On Monday, February 11, 2019, Captain Newhouse contacted City of Fort Myers Information Technology Director Richard Calkins and asked him to capture the videos (provided in Mr. Kerr's email) onto a thumb drive. Mr. Calkins did so for the video at the link marked [REDACTED]. Additionally, he captured the video link marked [REDACTED] and emailed this video to Captain Newhouse on February 11, 2019, at 9:32 a.m. Captain Newhouse placed both videos on a thumb drive and they were included in the case file.

On Monday, February 11, 2019, Captain Newhouse reviewed the videos submitted by Mr. Kerr. Chief Diggs also reviewed these videos. Based upon his assessment of the content of the videos, Chief Diggs ordered that Captain Rodriguez be placed on administrative leave, effective Monday, February 11, 2019. Captain Newhouse served Captain Rodriguez with his administrative leave notice at 11:38 a.m. on February 11, 2019.

**Review of the videos:**

Video #1 (Marked [REDACTED]) – This video has the date and time stamp of 3/14/13 – beginning at 17:38:20 or (5:38pm). This video depicts Jay Rodriguez (wearing a grey or dark colored short-sleeved T-shirt and baseball cap) looking into the camera for a few seconds. It also contains a frame with the words, “Rodriguez looks into the camera....heart”.

Video #2 (Marked [REDACTED]) – This video has a date and time stamp of 3/14/13 – beginning at 17:38:18 or (5:38pm). This video begins with Jay Rodriguez (Wearing a grey or dark colored short-sleeved T-shirt, a baseball cap, tan cargo shorts, and flip-flops; walking towards a building. In reviewing this video, it appears that “Video #1” is a short segment of “Video #2”, capturing Jay Rodriguez’s face as he walks towards the building. This building appears to be one that contains multiple businesses. The video continues with Jay Rodriguez walking up to and eventually into a business with a glass door marked with a sign “New Asian Massage open 7 days (239) 674-3818”. At time stamp 17:38:48, the video depicts Jay Rodriguez entering the front door of New Asian Massage. The video next depicts a [REDACTED] (who appears to be seated on a sofa) get up and greet Jay Rodriguez. While watching the video, Captain Newhouse can clearly hear it is Jay Rodriguez speaking with an [REDACTED] (Note: Captain Newhouse and Captain Jay Rodriguez have worked at the Fort Myers Police Department for more than 20 years and Captain Newhouse can easily identify his voice/speech patterns)

The video depicts the [REDACTED] who greeted Captain Rodriguez was wearing a short yellow dress, with brown patterns on the sides. At time stamp 17:38:55, Rodriguez can be heard asking the [REDACTED] “Anyone available for a night session?” The [REDACTED] replies with something that is unintelligible, while motioning Rodriguez to a room in the back. At 17:39:03, Rodriguez and the [REDACTED] can be seen entering the first room on the left. There were no lights on in the room and the video depicts a dark room.



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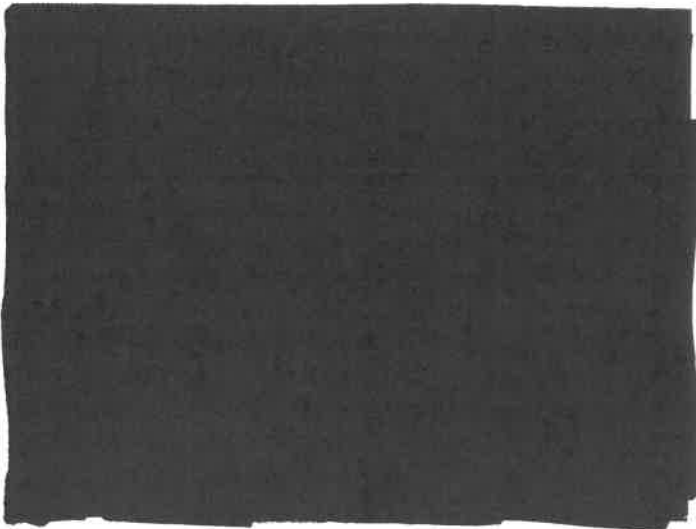
The video depicts Rodriguez placing the camera down on an unknown object, possibly a table. You can hear Rodriguez and the [REDACTED] discussing whether he wants an hour session or a half-hour session. The [REDACTED] can be heard telling Rodriguez that it is \$70.00 and [REDACTED] tells him to pay her first. You can hear what sounds like the counting of paper money. You can hear the [REDACTED] telling Rodriguez that he is "handsome", and he replies with "you're pretty good looking too". You can hear Rodriguez asking the [REDACTED] where [REDACTED] is from and [REDACTED] respond with "Korea." Next you can hear the sound of a door closing, suggesting the [REDACTED] left the room (presumably with the \$70.00).

The video depicts (17:40:00) Rodriguez repositioning the video camera directly towards what appears to be a white massage table. The video depicts Rodriguez remove his clothing, leaving on only his underwear. At 17:40:47 the video depicts Rodriguez reposition the video camera towards a door, away from directly in front of the massage table.

At 17:41:08 the [REDACTED] in the yellow dress reenters the room. At 17:41:18 you can hear the sound of a telephone ringing and you can hear Rodriguez say, "That's my phone, hold on". At 17:41:31 you can hear Rodriguez answer the phone and say, "Hey man, I will have to call you back" and "Ok bud".

Next the video depicts what appears to be the [REDACTED] giving Rodriguez the agreed upon massage. At 17:41:54 you can hear Rodriguez ask the [REDACTED], "Is that okay?" The [REDACTED] replies, "You like it, okay". At 17:42:02 you can see the [REDACTED] toss what appears to be a dark cloth object (Possibly Rodriguez's underwear) near the location of the camera. At 17:42:07 you can hear the [REDACTED] telling Rodriguez that he has a nice body and hear him reply "Thank you". Next you can hear Rodriguez and the [REDACTED] talking about the massage (hard or soft). You can hear the [REDACTED] performing a massage on Rodriguez.

At 17:43:41 you can see the [REDACTED] walking around the massage table with [REDACTED] dress pulled up and the back of [REDACTED] underwear showing.





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At 17:43:50 you can hear Rodriguez ask the [REDACTED] for [REDACTED] name and [REDACTED] replies [REDACTED]. You can hear the [REDACTED] giving Rodriguez a massage. At 17:44:36 you can hear [REDACTED] asking him if he wants lotion or oil and he replies, "lotion's fine". You can see the [REDACTED] walk in front of the camera and hear [REDACTED] obtaining lotion (pumping sounds).

At 17:45:10 you can hear the [REDACTED] ask Rodriguez "what do you like?". Rodriguez responds, "well, whatever you want to do". You can hear Rodriguez say, "You're doing good with the lotion". At 17:45:43 you can hear Rodriguez ask the [REDACTED] "What else can you do?" The [REDACTED] responds by laughing and Rodriguez asks, "With the lotion?" At 17:45:68 you can hear Rodriguez ask a second time, "What else can you do?" You can then hear what sounds like the [REDACTED] telling Rodriguez that it is up to him. At 17:46:15 you can hear the [REDACTED] ask, "What would you like me to do?" and Rodriguez responds, "Some lotion".

At 17:46:37 you can hear Rodriguez say, "No touch" and the [REDACTED] respond, "Not touchie?", and Rodriguez reply "Not touch". At 17:46:41 Rodriguez can be heard saying, "No me, you" and the [REDACTED] laughs. At 17:46:43 Rodriguez can be heard saying, "a little bit". You can hear the [REDACTED] saying "Oh, nice" and Rodriguez replying, "Um hum, real nice". Rodriguez then says, "Very nice". The [REDACTED] can be heard saying, "Oh, thank you". You can hear Rodriguez moaning, as if receiving pleasure.

At 17:47:07 you can hear Rodriguez telling the [REDACTED] can take [REDACTED] clothes off. At 17:47:11 you can hear the [REDACTED] ask Rodriguez in a soft voice, "What do you want?". You can hear Rodriguez reply he wants a hand job or a blow job. They then begin discussion a price. The [REDACTED] asked Rodriguez, "How much?". Rodriguez asked the [REDACTED] how much [REDACTED] wants. They go back and forth about who is going to name a price. Rodriguez can be heard offering \$50.00. The [REDACTED] declines the price and asked for more.

Next you can hear Rodriguez and the [REDACTED] whispering to each other but cannot make out all the conversation. At 17:47:34 you can hear the [REDACTED] talking to Rodriguez about the price for a "blow job". You can hear Rodriguez asking how much and the [REDACTED] respond with "120". At 17:47:40 you can hear Rodriguez saying, "For a hand-job, you take off?". You can hear Rodriguez asking [REDACTED] how much for a "Hand-job" and the [REDACTED] responds "100". He can then hear Rodriguez agree to the hand-job. You can next hear the [REDACTED] telling Rodriguez to pay first. Rodriguez asks, "120?".

The video depicts the [REDACTED] putting a bottle of lotion away 17:47:58 and you can hear what sounds like the counting of paper money 17:48:06. At 17:48:19 you can see the [REDACTED] receiving what appears to be money, then turn and walk out of the door to the room. At 17:48:21, Rodriguez asks the [REDACTED] why [REDACTED] keeps leaving.

At 17:48:31 the video depicts Captain Rodriguez standing near the video camera, nude with his penis exposed to the camera.

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11:00  
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At 17:48:37 you can see Rodriguez standing near the video recorder and hear sounds of him texting someone on a cell phone. At 17:48:49 the [redacted] reentering the room, while Rodriguez continues to text on the cellphone. At 17:48:52 you can hear Rodriguez tell the [redacted] "I just want a hand job", while he is standing in front of [redacted] naked. Rodriguez asked the [redacted] (referring to the hand job) "Is that ok?" and [redacted] replies, "Yeah".

At 17:48:57 you can see the [redacted] walk towards the massage table and hear what sounds like someone climbing onto the table. At 17:49:16 you can hear the [redacted] asking Rodriguez if he would like some oil. He responds with, "whatever you want". At 17:49:23 you can hear a cellphone receiving a message, text, or email. In response to this Rodriguez can be heard saying, "My fucking phone".

At 17:49:27 you can see the [redacted] walk away from the massage table, towards the camera and then return to the massage table where Rodriguez is laying. You can then hear sounds Rodriguez moaning in pleasure. You can then hear Rodriguez say, "Oh, that's good. Yeah, like that". You can hear Rodriguez say, "Are you going to make me cum?", "Make me cum hard aren't you?". The [redacted] can be heard replying in a soft voice, "Yeah.". Rodriguez then can be heard saying, "Hard, hard, yeah real hard". Rodriguez can be heard saying he was about to ejaculate by saying, "I'm going to cum, you ready?", followed by moaning noises. The [redacted] can be seen on the camera wearing only black underwear bottoms. The [redacted] can then be heard asking Rodriguez if he wanted a hot towel to clean off, to which he declined. The video ends at 17:52:05.

On Monday, February 11, 2019, Captain Rodriguez contacted Officer [redacted] and filed a Fort Myers Police report (2019-01724). Captain Rodriguez alleged Anthony Thomas committed the crime of extortion against him on December 3, 2018. The narrative portion of this police report includes the following:

*On February 11, 2019 at approximately 1137 hours, Officer [redacted] was on marked patrol with the Fort Myers Police Department, Lee County, Florida. Officer [redacted] was contacted by Fort Myers Police Department Captain (Cpt) Jay Rodriguez, in reference to an incident that occurred on December 3, 2018.*

*Cpt Rodriguez stated the following: On December 3, 2018 at approximately 1630 hours, Cpt Rodriguez was at the Fort Myers City Council meeting held at 2200 Second St, City Hall. Cpt Rodriguez was on duty at the time of the meeting. Cpt. Rodriguez was approached by Chuck Newell who stated that Anthony Thomas (02/02/1983) was talking about Cpt. Rodriguez. Cpt Rodriguez asked Newell what was being said, in which Newell told Cpt Rodriguez that Thomas was telling people that he had a video of Cpt Rodriguez having sex while on duty.*

*Cpt Rodriguez approached Thomas and both Thomas and Cpt Rodriguez stepped outside of the council chambers to speak. Cpt Rodriguez asked Thomas what Thomas was saying about a video. Thomas told Cpt Rodriguez that he had a video of Cpt Rodriguez having sex while on duty and that Councilman Johnny*



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*Streets already had said video. Thomas then said to Cpt Rodriguez, "and the rest of them (city council) are going to have it too, if you don't pay".*

*Cpt Rodriguez received a text message from Steve Gruber a little time later telling Cpt Rodriguez the same thing Newell said. Cpt Rodriguez also received a text message from Fort Myers News Press reporter Melissa Montoya. Montoya asked Cpt Rodriguez what he and Thomas were talking about as Montoya overheard some of the conversation.*

*Cpt Rodriguez didn't understand what Thomas meant until Thomas posted a comment on Facebook within the last two weeks of February 11, 2019. The comment mentioned Cpt Rodriguez and the video that Thomas was talking about on December 3. Cpt Rodriguez then understood that Thomas was trying to get Cpt Rodriguez to pay (money) Thomas to not release the video.*

*Cpt Rodriguez completed a written sworn statement. Officer ██████ submitted the statement to the Fort Myers Police Department Detective Division. Officer ██████ contacted Newell and Gruber; both stated that they would complete a supplemental report of what they witnessed. Detective Division was notified.*

*Gruber obtained a copy of the council meeting for December 3, 2018. Officer ██████ submitted the DVD copy to the Fort Myers Police Department Evidence Section. [sic]*

On February 12, 2019, Captain Rodriguez completed a written sworn statement in reference to 2019-01724. His sworn statement included the following:

*On Monday, December 3, 2018, I, Captain Jay Rodriguez attended the City of Fort Myers City Council Meeting that began at approximately 4:30 p.m. My attendance is part of my normal duties as a command staff officer representing the Police Department and to answer possible questions regarding agenda items that relate to the Police Department.*

*Just prior to the meeting starting, I was approached by Detective Chuck Newell of the Fort Myers Police Department. Detective Newell was in a uniformed capacity working security for the council meeting. Detective Newell stated to me that Anthony Thomas had just approached him and told him that that he (Thomas) was in possession of a video that captured me having sexual relations with another person. Detective Newell relayed the information to me and took his post inside council chambers.*

*Immediately after speaking to Detective Newell, I received a text message from Officer Steve Gruber. Officer Gruber was working the council security detail*



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*and was positioned outside of council chambers. Officer Gruber's text was to inform me that Anthony Thomas was outside the council chambers, "Trying to stir a ton of stuff up out here." Another text from Officer Gruber read, "Said you had a porn flick." Officer Gruber then sent me a picture of Thomas sitting at the table outside of council chambers viewing his cell phone.*

*As the meeting was commencing, I proceeded outside of the chambers and found Anthony Thomas still sitting at the table. I confronted Thomas about the allegations he was making against me. Thomas stated that he had a video of me having sex with another person. I explained to Thomas that if he had a complaint of wrongdoing against me, he needed to file a formal complaint with the department. I advised Thomas that I would not allow him to spread rumors or slander my name.*

*Thomas responded by saying that he did in fact have a tape of me having sex with another person. Thomas also stated that Councilman Johnny Street was already in possession of the same video and that shortly, every member of city council will have a copy of the video as well. Thomas paused for a moment and then said, "Unless you're willing to pay for it." I again explained to Thomas that if he had a complaint against me, he needed to go to the Police Department and file a formal complaint. I walked away from the conversation and returned to chambers.*

*At approximately 4:35 p.m., I received a text message from Miss Melissa Montoya-Ocampo. Ms. Montoya-Ocampo is a reporter for the News Press. Ms. Montoya-Ocampo covers most city council meeting and was present for part of the conversation between me and Anthony Thomas outside the chambers. While I remember Ms. Montoya-Ocampo being around for part of the conversation, I cannot say what she may or may not have heard. Ms. Montoya-Ocampo's text message read, "What was that???" She was referring to the conversation between me and Anthony Thomas.*

*On Sunday, February 10, 2019, I began receiving phone calls and text messages from several people advising me of a post published by Anthony Thomas on his Facebook page. While I have not seen the post, it was explained to me that Anthony Thomas was advertising that he had a video of me involved in a sexual act and was going to release it to the media the following day.*

*I have encountered Anthony Thomas dozens of times throughout my career with the Police Department. Prior to my promotion to captain, I too worked the city council meeting security details. It was not uncommon for Anthony Thomas to approach me at these meetings and threaten to complain on me for several policy*



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*violations and/or criminal acts. Thomas has accused me of being racist along with a number of other derogatory remarks.*

*Because of this history, I did not understand or give much attention to his statement of, "Unless you're willing to pay." It is clear to me now that given the amount of time that has passed between the December 3<sup>rd</sup> conversation and today's day, Anthony Thomas was trying to threaten me with fear of public humiliation and extort money in exchange for the video he possessed.*

*I wish to press charges against Anthony Thomas for this offense. [sic]*

The aforementioned criminal case, alleging extortion and sexual cyberharassment (2019-01724), was assigned to Detective James Langton for investigation. Detective Langton conducted the investigation, to include sworn interviews with the involved persons and submitted the investigative file to the State Attorney's Office for prosecutorial review. This criminal case review was assigned (by way of an executive order from the Governor) to the Tenth Judicial Circuit. On August 21, 2019, Assistant State Attorney Hannah Potter **declined to prosecute the case**, noting the following: *"In consideration of the evidence and applicable law, we have determined that the evidence in this case is insufficient to prove any criminal conduct beyond a reasonable doubt against Anthony Thomas. No further action will be taken by this office regarding this matter."* (Note: the documents related case 2019-01724 were included in the case file for this internal affairs investigation)

**Summaries of Detective Langton's interviews for 2019-01724 include the following:**

**Officer Steven Gruber** – (Interviewed on 2/14/2019)

- Officer Gruber confirmed that on December 3, 2018 he was working an extra duty assignment, acting as security at the City Council meeting.
- Officer Gruber said Detective Charles Newell was also working this assignment.
- Officer Gruber said sometime around 4:30 p.m. he had contact with Anthony Thomas in the lobby area of City Hall.
- Officer Gruber said (referring to Mr. Thomas), *"He said, I can't believe, something like, and again I can't be 100 percent um accurate, but I can't believe your boss got caught, or made a porno tape or has a porno tape or something like that"*.
- Officer Gruber testified said at the time of Mr. Thomas' statement, Detective Newell was next to him.
- Officer Gruber told Detective Langton that he did not have any knowledge concerning what Mr. Thomas was referring to.



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- Officer Gruber said Officer Newell then when inside the council chambers and informed Captain Rodriguez of the statement that Mr. Thomas just made.
- Officer Gruber testified he texted Captain Rodriguez about Mr. Thomas' statement.
- Officer Gruber testified he witnessed Captain Rodriguez speaking with Mr. Thomas in the lobby area of City Hall.
- Officer Gruber told Detective Langton that Captain Rodriguez said, *"if there was a video, to make a complaint through the PSB office in the City of Fort Myers Police Department and um, and to do so, and if he continued with statements like this he was gonna go after him for slander or, or somethin like that, without making a complaint"*.
- Officer Gruber testified he did not hear Mr. Thomas' response to Captain Rodriguez because *"he mumbled"*.
- Officer Gruber testified he did not hear any further conversation between Captain Rodriguez and Mr. Thomas and did not see any more interactions between them.
- Officer Gruber testified he later obtained a copy of the video footage for the City Council meeting and turned it over to Officer [REDACTED] who in turn submitted it to FMPD evidence.

### Detective Charles Newell - (Interviewed on 2/14/2019)

- Detective Newell confirmed that on December 3, 2018 he was working an extra duty assignment, acting as security at the City Council meeting.
- He remembered working this assignment with Officer Gruber.
- Detective Newell testified he and Officer Gruber were standing inside the Council Chambers near the main doors when Mr. Thomas came up and started talking to them.
- Detective Newell testified Mr. Thomas said, *"something, in slang, he said, did you, did you...guys know or see... and then he said something in slang, with your, with your boss, or Captain Rod, your boss Captain Rodriguez, or your boss Rodriguez, something like that...you know, what he meant by that, and then he said something about a sex tape or something"*.
- Detective Newell testified he saw Captain Rodriguez and told him about Mr. Thomas' statement.





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- Detective Newell said Captain Rodriguez left the Council Chambers and went into the lobby area to talk to Mr. Thomas. Detective Newell clarified that he remained in the chambers and did not witness the conversation between Mr. Thomas and Captain Rodriguez in the lobby area.

**Captain Jay Rodriguez** – (Interviewed on 4/9/2019)

- Captain Rodriguez testified he was at the City Council meeting on December 3, 2018.

**Date:** Captain Rodriguez testified that while inside the Council Chambers, Mr. Thomas said, *“he said something like, hey I saw your something or other... I want to say it was something clip, I don’t, I don’t know it wasn’t like, maybe it was a porn clip, porn clip, or porn hit, something like that”*.

- Captain Rodriguez explained Mr. Thomas made this statement to him in passing and that he did not stop to speak with him at that time.
- Captain Rodriguez said Detective Newell approached him and told him that Mr. Thomas said something like, *“Anthony’s going crazy or lost it or whatever”*.
- Captain Rodriguez said Detective Newell told him, *“he says (referring to Mr. Thomas) he’s got you’re in a porn video or you’re having sex with somebody”*.
- Captain Rodriguez said Officer Gruber sent him a text message, mentioning that Mr. Thomas said he had *“a porn flick”* and then Officer Gruber sent him a photograph of Mr. Thomas sitting at a table.
- Captain Rodriguez testified he went out to the lobby and confronted Anthony, who was still sitting at a table.
- During questioning, Captain Rodriguez said Mr. Thomas told him that Councilman Street already had the video and that it was going to be provided to the rest of City Council.
- Captain Rodriguez confirmed (as listed in his written statement), Mr. Thomas said, *“unless you’re willing to pay”*.
- Captain Rodriguez testified he told Mr. Thomas, *“If you got a, if you got a something, I’m gonna tell you again, If you have a complaint against me you go to the Police Department now, if not, uh, you can’t, I can’t have you going around, I won’t allow you to go around to uh tarnish my name or whatever”*.
- Captain Rodriguez said when he was having the conversation with Mr. Thomas that Officer Gruber was in the lobby 6 to 7 feet away.



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- Captain Rodriguez said News Press reporter Montoya was standing nearby, at the door leading to the Council Chambers.
- Captain Rodriguez testified Ms. Montoya, *"listens to our conversation, I mean literally, she just stopped"*.
- Captain Rodriguez said Ms. Montoya sent him a text message at 4:35 p.m. with, *"What was that?"* and he responded with, *"No clue"*.
- Captain Rodriguez testified Ms. Montoya texted him, *"Any of it true?"* and he responded with *"Seriously?"*. Ms. Montoya responded with, *"Exactly, try, that's why I trust nobody"*.
- When questioned further about the exact words used by Mr. Thomas relevant to, *"Unless you're willing to pay for it"*, Captain Rodriguez said that although he was certain that Mr. Thomas used the words, *"pay for it"*, he was not sure if he was referring to monetary payment or *"like in a discipline way"*.
- Captain Rodriguez said he did not have any contact or communication with Mr. Thomas after this December 3, 2018 City Council meeting. Additionally, Captain Rodriguez said that no one associated with Mr. Thomas attempted to contact him.
- Captain Rodriguez said on Sunday, February 10, 2019, he began receiving phone calls from the media *"several media outlets"* and others asking him if he knew about some Facebook posts, indicating that *"he's"* (Mr. Thomas) *"gonna reveal something on, on Monday?"*
- Captain Rodriguez said he replied to the above inquiries with the statement, *"No, I'm not"*.
- Captain Rodriguez told Detective Langton, *"And, I really didn't put 2 and 2 together, and then I think by later that afternoon, I want to say a couple of our officer were already, like they uh, somebody had told them about it, and it was, it there was already becoming pretty public. And they had reached out to me, and I said Yeah, I'm aware of it. So, I let uh the Deputy Chief Pepitone know on Sunday, um, what I was hearing, so there was no surprise. And then, that's it"*.
- Captain Rodriguez testified that he has never received a demand for money or payment from Mr. Thomas, other than Mr. Thomas' comments (listed above) at the December 3<sup>rd</sup> council meeting.

**O'Neil Kerr** – (Interviewed on 4/26/2019)

- Mr. Kerr testified he was not present at the December 3<sup>rd</sup> City Council meeting.



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- Mr. Kerr testified he was not aware of any plot or any scheme or anything in reference to anyone trying to extort and get money from Jay Rodriguez for anything.

**Melissa Montoya** – (Interviewed on 5/30/2019)

Ms. Montoya testified she was at the City Council meeting on December 3, 2018. She said she was sitting inside the chambers, near the door so, "I hear what's going on outside".

- Ms. Montoya testified she heard loud speaking between Captain Rodriguez and Mr. Thomas. She said she heard Captain Rodriguez "*Threatening to sue Anthony Thomas*" and heard Mr. Thomas mention something about a "*sex tape*".
- Ms. Montoya testified she never heard any demands between the two.

On Monday, February 11, 2019, at 4:00 p.m., Chief Diggs and Captain Newhouse met with State Attorney Amira Fox and her team for a criminal case review of the video and other case documents. State Attorney Fox viewed the video. Captain Newhouse explained the progression of the internal affairs investigation, along with the sworn statement of Captain Jay Rodriguez wherein he answered "**No**" to the following questions: "*Have you ever engaged in sexual activity on duty with a, uh, a sex worker or prostitute*". State Attorney Fox indicated that based upon her review of the video, along with the sworn statement of Captain Rodriguez, a criminal investigation into the matter was appropriate. She and her team mentioned the investigation should include possible perjury and tampering with evidence. She suggested Captain Newhouse and Chief Diggs meet with leaders at the Florida Department of Law Enforcement to determine if they would be willing to handle the criminal investigation.

On Monday, February 11, 2019, at 5:30 p.m., Captain Newhouse and Chief Diggs met with Special Agent in Charge (SAC) Shane Pollard at the Fort Myers office of the Florida Department of Law Enforcement. Captain Newhouse provided SAC Pollard with an overview of the facts of the case, along with the content of the videos provided by Mr. Kerr. Captain Newhouse and Chief Diggs asked SAC Pollard if his agency would be willing to conduct a criminal investigation into the allegations. SAC Pollard said he wanted to consider the matter, in consultation with his legal department, and would get back with Chief Diggs.

On Tuesday, February 12, 2019, at 9:00 a.m., FDLE SAC Pollard telephoned Chief Diggs. Captain Newhouse was present (during this phone call) in Chief Diggs' office and the conversation was on speaker phone. SAC Pollard said his office was opening a criminal investigation into the matter as of 2/12/2019. He mentioned FDLE would focus on the entire operation that occurred on March 14, 2013 at New Asian Massage. He said FDLE's investigation would include allegations of perjury (involving Captain Rodriguez's statement in this internal affairs investigation) and possibly tampering with evidence. He said FDLE Supervisor Grant Wagner would telephone Captain Newhouse to obtain any documents he may require during FDLE's criminal investigation.



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Based upon the fact FDLE launched a criminal investigation into this matter, this Internal Affairs Investigation was tolled, effective February 12, 2019. On February 14, 2018, Captain Newhouse provided Chief Diggs with a memorandum, denoting the official "tolling" of IA 2018-011 and included it in the case file.

On February 12, 2019, Captain Newhouse provided FDLE with the following documents: Special Investigations Group Complaint/Intelligence Report, Arrest Report for Chen Ya dated March 14, 2013 (FMPD report number 2013-02675), SAO documents referencing defendant Chen Ya (court case 13-CF-015135, and a FMPD Operational Plan referencing the "Massage Parlor Operation" to be executed on March 14, 2013. (Note: a copy of this email and the related documents were included in the case file)

On February 12, 2019, FDLE Special Agent Supervisor (SAS) Grant Wagner requested that Captain Newhouse provide him with the email from Mr. Kerr (containing the links to the videos). Captain Newhouse sent SAS Wagner the requested email. Additionally, Captain Newhouse emailed him the CAD notes for operation at New Asian Massage. (Note: a copy of this email and the related documents were included in the case file)

On February 13, 2019, SAS Wagner emailed Captain Newhouse, requesting Mr. Kerr's cellphone number. Captain Newhouse responded to the email (that same date) and provided the requested phone number [REDACTED]. One that same date, SAS Wagner emailed Captain Newhouse, requesting that he provide him with a thumb drive, containing the videos provided by Mr. Kerr. (Note: a copy of these emails was included in the case file)

On February 13, 2019, Special Agent (SA) Bores sent a preservation request letter to Vimeo, Inc, via email, requesting that all account information and videos for accounts [REDACTED] and [REDACTED] be preserved. She received an auto generated email confirming receipt.

On February 14, 2019, SAS Wagner met with Captain Newhouse at the Fort Myers Police Department. Captain Newhouse provided SAS Wagner with a thumb drive, containing the videos provided in Mr. Kerr's email.

On February 20, 2019, SA Bores reviewed the content on the USB flash drive (thumb drive), containing the videos provided by Mr. Kerr. A synopsis outlining the content found on the videos was documented by SA Bores in her report, listed under "Serial #3". SA Bores later submitted the USB flash drive (thumb drive) into evidence at the Florida Department of Law Enforcement.

On February 20, 2019, SA Bores submitted a subpoena request to the State Attorney's Office, 20<sup>th</sup> Judicial Circuit, requesting a subpoena duces tecum for Vimeo, Inc. She requested to obtain all information associated with Vimeo accounts: [REDACTED] and [REDACTED] (See Serial #4 in FDLE's report)

On February 20, 2019, Captain Newhouse telephoned SAS Wagner and spoke with him about the [REDACTED] involved in this case. Captain Newhouse asked SAS Wagner if he wanted copies of



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██████████ relating to the case. SAS Wagner agreed to meet with Captain Newhouse on a later date to collect ██████████. Captain Newhouse met with FMPD Records Supervisor Denise Egolf. Ms. Egolf located a series of ██████████ relating to FMPD case number 2013-02675 and 2013-02878 and provided them to Captain Newhouse.

On February 21, 2019, at approximately 3:56 p.m., SA Bores and SAS Grant Wagner conducted an interview (under oath) with Sergeant David Conticelli. The following synopsis outlines the information obtained during this interview, as documented in SA Bores' FDLE report (for a complete record refer to the audio recording of this interview):

*Sgt. Conticelli stated that he is a Law Enforcement Officer with FMPD and has been with the agency since 2010. SAS Wagner referred to the incident involving the massage parlor on March 14, 2013 to which Sgt. Conticelli advised that he was working that day. Sgt. Conticelli stated that at the time he was a community policing officer in the west district of Fort Myers and he took a complaint from a hair salon believing that there was prostitution taking place at a neighboring Asian massage parlor. Sgt. Conticelli met with the owners of the hair salon who advised him that they had seen lingerie, people going in and out of the business for fifteen minutes at a time, and had individuals come into their business asking for a good time. Sgt. Conticelli conducted surveillance on the Asian massage parlor and witnessed activity that was consistent with the claims made by the hair salon. He then submitted a written complaint about the suspicious activity to the agency's Special Investigations Group (SIG). After submitting the complaint, he did not receive a response from the SIG unit so his Lieutenant (Lt.) Rebecca Prince, reached out to then Lt. Jay Rodriguez to try to set up an operation on their own. Sgt. Conticelli advised that his Captain, Jim Mulligan, was aware of the operation.*

*Sgt. Conticelli then stated that Lt. Prince wrote the Operational Plan for March 14, 2013 which detailed that Sgt. Conticelli, Lt. Prince and Officer (Ofc.) Sean Michael Havenner were to be uniformed patrol, Lt. Rodriguez was to be in plain clothes, and Detective (Det.) ██████████ and Ofc. ██████████ were to monitor and conduct surveillance. Ofc. Conticelli could not identify Ofc. ██████████ at the scene. Ofc. Havenner was a member of the Violent Crimes Task Force which, at that time, fell under the command of Lt. Rodriguez. Sgt. Conticelli and the other assigned uniformed patrol officers were on the same radio channel waiting to hear the takedown work, which was "snapper", from the two officers assigned to monitor and surveil the operation. Sgt. Conticelli and Lt. Prince were parked in the parking lot of Around the Clock Fitness during the operation and never heard the takedown word. Lt. Rodriguez walked over to where he and Lt. Prince were parked and gave a description of the individual to be arrested. Sgt. Conticelli then drove over to the Asian massage business and the described ██████████ was placed in handcuffs. The officers then did a sweep of the business locating one other ██████████ worker. They also located where the ██████████ put the money that Lt. Rodriguez gave ██████████ but Sgt.*



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*Conticelli could not recall if any evidence was collected and if it was, he advised that it would have been given to the SIG unit.*

*Neither of the [redacted] females inside the business spoke English so they contacted the Lee County Sheriff's Office (LCSO) and requested a translator who spoke Chinese. One of the undercover detectives picked up the LCSO translator, who Sgt. Conticelli described as an aviation deputy who showed up wearing a jumpsuit. The LCSO deputy interviewed the [redacted] that was under arrest and also interviewed a second [redacted] located inside the business because there were concerns of human trafficking. At some point the owner of the business was seen driving around in a grey box car and was brought in and arrested for facilitating prostitution. The two [redacted] under arrest were transported to the jail but Sgt. Conticelli did not believe that he transported them. Sgt. Conticelli's main focus was on licensing and shutting down the business and the possibility of human trafficking. While he was doing surveillance, he observed that the [redacted] were never allowed outside, the food was always brought in for them with a kitchen in the back, and while inside the business he observed a room with mattresses in it. The LCSO translator told him that he wasn't able to obtain any information regarding the possibility of human trafficking from the [redacted] e interviewed.*

*Sgt. Conticelli didn't believe he wrote the arrest report but believed that it was a collaborative effort from those involved. The portion of the arrest report that involved him was verbatim from the initial complaint that he wrote and everything involving him was correctly documented. Sgt. Conticelli stated that the only briefing they did on the operation was in the parking lot right before the operation. He was not aware of where the two SIG members were located during the operation and stated that he was not aware that there was a video monitor being used during the operation, he only assumed there was an audio monitor. Sgt. Conticelli stated that there was no indication afterwards that would lead him to believe anything inappropriate happened during the operation.*

*Sgt. Conticelli had recently viewed the video of the operation which was posted on Anthony Thomas's Facebook page via a Vimeo link. He remembered the [redacted] in the video as being the [redacted] from the operation and stated that he believed the video to be from that day. He also recognized the male in the video to be Lt. Jay Rodriguez. Sgt. Conticelli stated that he only has a working relationship with Jay Rodriguez and that he has never been in his direct chain of command.*

*SAS Wagner and SA Bores discussed the documents Sgt. Conticelli provided. One of the documents was a Special Investigations Group Complaint/Intelligence Report dated December 12, 2012. Sgt. Conticelli stated that he wrote this report and submitted it to the SIG box for review. The purpose of this report is to notify the SIG group of potential illegal activity involving drugs or prostitution. Sgt. Conticelli*



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also provided The Fort Myers Police Department Operational Plan labeled "Massage Parlor Operation" to be executed on Thursday, March 14, 2013. Lt. Prince created this Operational Plan and notified him of the operation via email a few days before, on March 5, 2013. Sgt. Conticelli provided a copy of this email that showed it was also sent to Jay Rodriguez, Sean T. Fitzpatrick, [REDACTED] and Jim Mulligan. Sgt. Conticelli provided a copy of email correspondence from their public information officer including a news release about the undercover operation on March 21, 2013, at 1957 Grove Avenue resulting in an arrest. A copy of email correspondences about state licensing relating to the 1957 Grove Avenue operation was provided along with an email correspondence from Lt. Prince to Sgt. Conticelli and Sgt. Richard Notaro asking them to send nuisance abatement letters to the owners of the two massage parlors where the arrests were made. Sgt. Conticelli stated that Sgt. Notaro was in charge of the SIG at that time.

On February 20, 2019, SA Bores received correspondence from Christopher Crowley in reference to the investigation involving Captain Rodriguez. Crowley's correspondence consisted of a letter to FDLE, Office of Executive Investigation (OEI), requesting that an investigation be opened into Capt. Rodriguez for his involvement in the "prostitution sting" in 2013, and the City of Fort Myers and/or FMPD for violating Florida State Statute Chapter 119, information requests.

Mr. Crowley provided a copy of emails between Mr. Kerr and the City of Fort Myers Director of Human Resources, Ellen Clyatt. The emails were the same emails provided to SA Bores on February 12, 2019, by Captain Newhouse and were referenced previously. SA Bores noted the emails appear to have been forwarded from Mr. Kerr [REDACTED] to Mr. Thomas (Anthony thomasfmh@hotmail.com) on February 13, 2019 at 11:58 a.m., and then forwarded from Mr. Thomas to Crowley (cwcrowley@hotmail.com) on February 13, 2019 at 10:47 p.m. (Note: a copy of this correspondence was included in the case file – See FDLE's INV-6)

On February 22, 2019, Captain Newhouse met with SAS Wagner and provided him with a copy of the following records:

- Copy of Computer Aided Dispatch (CAD) notes from March 14, 2013 – report number 2013-02675
- Copy of Nuisance Abatement Notification for – 1791 Boy Scout Drive (New Asian Massage)
- Copy of FMPD Arrest Report 2013-02675 (Showing court ordered redaction)
- Copy of Computer Aided Dispatch (CAD) notes from March 21, 2013 – report number 2013-02878
- Copy of FMPD Operational Plan referencing "Massage Parlor Operation" – March 21, 2013
- Copy of General Order 13.1 – Records Division & Records Management
- Copy of Records Disposition Document 18-6 titled [REDACTED] Criminal History Records with inclusive dates of January 2014 to April 28, 2018

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- Copy of FMPD [REDACTED] Record Logbook showing report number 2013-02675 on September 19, 2014

(Note: a copy of these documents was included in the case file - See FDLE's report INV-9)

On February 21, 2019, Special Agent Bores requested all case documents pertaining to case number 13CF015135 from Assistant Chief Investigator Chuck Battaglia of the Office of the State Attorney (SAO), 20<sup>th</sup> Judicial Circuit.

**Date:** On February 27, 2019, SA Bores received the requested document from Asst. Chief Investigator Battaglia who also advised that the defendant [REDACTED]. The following documents were received:

- An unredacted arrest report for Chen Ya referencing FMPD case number 2013-0267
- A Florida Uniform Traffic Citation for Chen Ya, dated March 14, 2013
- A copy of emails from the SAO requesting a case report for FMPD case number 13-002675
- Documents relating to Criminal Traffic Division case number 13-T-100147, referencing defendant Chen Ya
- A SAO Notice to the Clerk referencing defendant Chen Ya, showing a disposition of "Insufficient Evidence to Prove Beyond Reasonable Doubt" for the charge of 796.05(1), Deriving from Proceeds of Prostitution, and the charge of 322.03, No Driver's License, was referred to misdemeanor on April 15, 2013

(An electronic copy of the documents is maintained in FDLE related items as INV-79)

On February 22, 2019, SA Boars received the subpoena duces tectum from the SAO for the requested information from Vimeo, Inc. She served the subpoena to the company via email on the same date and received a receipt confirmation. (See Serial #4 FDLE report)

On March 1, 2019, at approximately 2:03 p.m., SA Bores and SAS Wagner interviewed Sgt. [REDACTED]. Sgt. [REDACTED] was represented by [REDACTED] attorney, J.P. Galasso. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

[REDACTED] stated that [REDACTED] has worked for FMPD for the past 16 years and currently holds the position of Sergeant [REDACTED]. In March of 2013, Sgt. [REDACTED] was a member of the FMPD Violent Crimes Task Force but was transitioning to the FBI Violent Crimes Task Force. [REDACTED] sergeant at that time was Art Gonzalez, [REDACTED] lieutenant was Jay Rodriguez, and [REDACTED] captain was Jim Mulligan.





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█ had not been a member of the Special Investigations Group (SIG) since late 2011 or 2012.

SA Bores provided █ with a copy of the FMPD Operational Plan for the "Massage parlor Operation" to be executed on March 14, 2013. Sgt. █ recognized the operational plan from █ Internal Affairs interview with Capt. Newhouse but could only remember parts of the operation. █ advised that Officer (ofc.) Conticelli was there during the operation as well as Lieutenant (Lt.) Rebecca Prince, and Lt. Rodriguez. █ could not recall Detective (Det.) █ or Ofc. Sean Havenner being present for the operation but assumed they were there. Sgt. █ stated that █ was assigned to monitor the operation. Normal practice for monitoring operations included monitoring the one-way device that the undercover officer was equipped with, ensuring his safety, and relaying information to the nearby units. Sgt. █ could not recall what monitoring equipment was used during the operation and was unaware that any recording devices were being used. █ advised that if Lt. Rodriguez was equipped with anything to record the operation for evidence purposes █ assumed it would have been provided to █ by █ Sgt. █ could not remember where █ was staged during the operation but it would have been normal practice to have the entrance of the business in view.

Sgt. █ explained normal operating procedures for retrieving recording devices and monitor equipment after operations. If the undercover officer is a SIG member then they would take the equipment back to the office with them. If the undercover officer was not a SIG member then he would give the equipment back to whoever gave it to him. If it was a bug or a wire it would have been given back to the SIG member that checked the equipment out.

Sgt. █ found out that a video of the operation existed a couple weeks prior to this interview when █ received a text message from Trey Radel telling █ that Anthony Thomas posted on Facebook regarding the video. Radel sent Sgt. █ a screen shot of Thomas's post. Sgt. █ allowed SA Bores to view the screenshot which stated that Thomas was going to release a sex tape of Capt. Rodriguez to the media the following day. (According to Mr. Thomas) The video showed him receiving a blow job from a █ during an undercover prostitution operation in Fort Myers which Capt. Rodriguez paid for with taxpayer money. It also stated that the current police chief knew about the incident and proceeded to promote Capt. Rodriguez. Thomas stated in the post that he was given the video the night before by a concerned law enforcement friend and there has been a major cover-up regarding this incident at the FMPD and Capt. Rodriguez and his cronies withheld the evidence from the State Attorney's Office.



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Sgt. [redacted] sent a text message to Rodriguez after learning about the video and told him what Anthony Thomas had posted on Facebook. Capt. Rodriguez responded and said that someone had already made him aware and thanked [redacted].

[redacted] viewed the video at work when a colleague showed it to [redacted] about a week and half prior to this interview. The video [redacted] viewed was posted on Vimeo. [redacted] believed that the video [redacted] viewed was from the operation on March 14, 2013. [redacted] stated that there was no doubt in [redacted] mind that the male in the video was Jay Rodriguez.

[redacted] advised that when [redacted] was a SIG member they would download all video evidence on a computer tower called, "SIG video drive". This was a community computer for the undercover office that would be used to store undercover videos. [redacted] advised that this tower was not connected to the network and hard copies of video evidence would be made for the case officer, case file, and for the State Attorney's Office. Hard copies of the video evidence were not submitted into FMPD evidence. Every officer was in charge of downloading their own video evidence onto the tower and would need to do so in order to make room on the video recording device for the next use. [redacted] advised that this computer was not password protected.

On March 5, 2019, at approximately 10:13 a.m. SA Bores and SA Gary Negrinelli interviewed Lt. [redacted] was represented by [redacted] attorney, Tim Culhane. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

[redacted] stated that [redacted] has worked for the FMPD for seventeen (17) years and [redacted] currently holds the position of Lieutenant in the [redacted]. In March of 2013, [redacted] was a detective with the Special Investigations Group (SIG). [redacted] supervisor at that time may have been Sergeant (Sgt.) Notaro. [redacted] was a SIG member from 2006 to approximately 2017. SA Bores provided [redacted] with a copy of the FMPD Operational Plan for the "Massage Parlor Operation" to be executed on March 14, 2013. [redacted] did not recall seeing that operational plan in 2013 but stated that [redacted] remembered parts of the operation. [redacted] remembered Lt. Rebecca Prince, Detective (Det.) [redacted] and Lt. Rodriguez being part of that operation. [redacted] did not remember if Officer (Ofc.) Sean Havenner or Ofc. David Conticelli were present. [redacted] was assigned to monitor the operation that day but the monitor equipment malfunctioned. They attempted to use Callyo but the quality was bad so they used an open line to monitor the operation. The open line would have been conducted on an undercover cell phone. [redacted] advised that [redacted] would be able to go back into Callyo and provide SA Bores with the information saved in Callyo from that operation.



## Fort Myers Police Department Internal Affairs Investigation



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<b>Date of Incident:</b>	<b>March 23, 2013</b>
<b>Date Complaint Received:</b>	<b>December 7, 2018</b>
<b>Date of Report:</b>	<b>March 22, 2021</b>

██████████ would have been in an unmarked vehicle and in plain clothes for this operation and it would have been normal practice to be staged at a location within sight of the business. ██████████ assumed that ██████████ was with ██████████ during the operation and could not remember doing a briefing or any activity that happened before or during the operation. Once inside the business, ██████████ remembered seeing cots in the back room of the business and thinking there was human trafficking going on. ██████████ reached out to FDLE or Homeland Security Investigations (HIS) to see if they wanted to conduct interviews. ██████████ disconnected the security system inside the business so that no one could watch what was going on. ██████████ did not recall collecting any evidence or seeing anyone else collect evidence. ██████████ explained that when SIG members collected evidence, such as drugs, it would have been submitted into FMPD evidence. When they had video or audio evidence it would have been uploaded onto the network drive, or Synology storage device. Evidence that was uploaded on the network drive would remain there unless it was requested by the State, in which case, they would make hard copies of the evidence. This network drive can only be accessed by SIG members. ██████████ did not recall uploading anything after the operation.

██████████ viewed the video regarding this incident a couple weeks prior to this interview when it was posted by Anthony Thomas. ██████████ could not recall what website the video was posted on. ██████████ had not heard about this incident or the video before the Internal Affairs interview with Capt. Newhouse. Capt. Newhouse asked ██████████ to look for the video on the SIG T drive and gave ██████████ a specific path to follow but ██████████ was unable to locate the video. ██████████ explained that a couple years ago Sgt. Notaro requested that ██████████ move older stuff off of the SIG drive because it was taking up too much space on the network. ██████████ requested that they move it to an external hard drive which was then stored in the SIG safe. Capt. Newhouse also requested that ██████████ check that hard drive so Sgt. Doro opened the SIG safe to allow ██████████ to look for the video on that hard drive but the hard drive was not in the safe. The location of the hard drive is unknown. ██████████ also stated that the City of Fort Myers IT Department asked ██████████ to give them any old SIG drives. ██████████ provided the IT Department with the old Synology device and other old backup drives.

SA Bores showed ██████████ the first video that depicted a timestamp of March 14, 2013 at 17:38:20 and showed a white male looking down into the camera. ██████████ identified the man in the video as Jay Rodriguez. SA Bores then showed ██████████ the beginning of the second video that depicted a timestamp of March 14, 2013 at 17:38:18 and showed a male walking through a parking lot wearing khaki shorts and flip flops. The male in the video then entered a business and greeted an ██████████ in a yellow dress. SA Bores then stopped the video. ██████████ believed that the video took place during the operation that day. ██████████ stated that based on the time and date stamp, the monitor device used to record the video would have been a covert recording device such as ██████████



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██████████ detailed the video that ██████████ had seen and stated the following: Lt. Rodriguez went into the business and set up the equipment. It then sounded like he received a massage. ██████████ could hear in the video that the two were working out a deal and discussed the price and the act. The ██████████ in the video left the room and came back a couple times. It sounded as though the sexual act that was discussed is then carried out. Lt. Rodriguez was seen naked in the video and the ██████████ was seen partially naked. The video was then turned off by Lt. Rodriguez. There was a phone call that takes place during the video that ██████████ believed was placed by ██████████ who told Lt. Rodriguez that they could not hear ██████████. There was also text messages received on Lt. Rodriguez's phone during the video that ██████████ stated could have been sent by ██████████ in order to get updates about the operation. Lt. ██████████ did not remember placing the call or sending the text messages but stated that it would have been normal practice for them if monitor equipment had stopped working and they were unable to monitor the operation.

██████████ was the SIG member that housed and managed a lot of the electronic equipment and he would have been the one to take care of broken equipment. There is an operation form that was used to check out electronic equipment but ██████████ did not believe that it was being used at the time of this operation in 2013. An expenditure form would have been filled out for the operation detailing the amount of cash check out and approved by a supervisor. Any money that was not used would have been returned to the safe.

After ██████████ interview ██████████ returned to FDLE and provided SA Bores with a black USB flash drive containing Callyo records. SA Bores reviewed the files on the flash drive which contained the following:

- One (1) Excel spreadsheet detailing three (3) calls on March 14, 2013
- Three (3) audio recordings

The first recording began at 17:15:13 and was fifty-nine seconds (0:59) in length. There were two individuals on the recording who confirmed the bug number. The second recording begins at 17:18:52 and is four minutes and twelve seconds (4:12) in length. On this recording, it appeared the individuals were testing the call. One individual stated that if they got disconnected then call him and he would say that he had to call them back and then he would have needed to redial to connect again. The third recording began at 17:24:41 and was five minutes and forty-four seconds (5:44) in length. It appeared to SA Bores that the individuals tested the call again. SA Bores noted one individual stated that the audio was very quiet and they should do an open line. SA Bores secured the USB flash drive, provided by ██████████ and later transferred it into evidence at FDLE.

On March 5, 2019, at approximately 11:18 a.m. SA Bores and SA Gary Negrinelli interviewed former FMPD Officer Sean Havenner. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

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*Havenner stated that he currently works for Gold Standard, a security company, and has worked there for approximately six months. He is a former Law Enforcement Office with the FMPD and worked there for approximately four and half years beginning in October of 2011. He resigned in good standing to travel. He stated that in March 2013, he was on the Violent Crimes Task Force. Sergeant (Sgt.) Gonzalez and Lieutenant (Lt.) Rodriguez were in his chain of command at that time. Lt. Rodriguez was the lieutenant over Special Operations.*

*SA Bores provided Havenner with a copy of the FMPD Operational Plan for the "Massage Parlor Operation" to be executed on March 14, 2013. He recalled seeing this operational plan in his Internal Affairs interview with Capt. Newhouse. This was the first undercover operation that Havenner was involved in. Lt. Rebecca Prince was in charge of the operation. Officer (Ofc.) David Conticelli, and [REDACTED] Rodriguez were also present during the operation. He did not remember Detective [REDACTED] and [REDACTED] being present but believed they could have been there in an undercover capacity. Havenner was the uniform patrol officer for the operation and his job was to detain any suspects and secure the scene. He was staged at the Gulf Stream Apartments during the operation and believed he was with Ofc. Conticelli. Havenner could not recall any communication that took place during the operation but remembered driving to the business and seeing someone placed in handcuffs. He could not recall anything that took place once inside the business. He stated being the uniformed officer for the operation meant he would have been the one to transport someone if need be, but he does not remember transporting anyone. Havenner explained that since he was a new officer he would not have been the one to equip Lt. Rodriguez with a monitoring device nor would he have taken it from him.*

*SA Bores provided Havenner with a signed copy of the FMPD Arrest Report bearing agency report number 2013-02675. Havenner confirmed the signature on the Arrest Report as being his own. After reading the report, he stated that it looked like his writing style. Lt. Prince, Ofc. Conticelli, and Lt. Rodriguez were also listed on the Arrest Report as "Officers Reporting". Havenner did not recall the aforementioned officers telling him what happened during the operation but he assumed that is how he got the information to write in the report. At the time of writing the report, he had not seen any video or listened to any audio from the operation. Havenner stated, to the best of his knowledge, everything in the arrest report was accurate at the time of writing it.*

*SA Bores provided Havenner with a copy of the Computer Aided Dispatch (CAD) notes bearing report number 2013-02675. Havenner stated that his officer number was 479 and his call sign was "S7", Ofc. Conticelli's officer number was 465 and his call sign was "CP33", Lt. Prince's officer number was 240 and her call sign was*



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*"A1". Havenner explained the CAD notes indicated that he transported a female to the police station and later transported a [REDACTED] to the Lee County Jail. After reading the CAD notes, Havenner vaguely remembered transporting someone to the police station and then to the jail. He explained that it would have been normal practice to transport to the police station where he would have written arrest reports, evidence would have been submitted, and interviews would have been conducted.*

*Havenner was unaware that there was a video of the operation until recently. He had watched the video that had been posted to Vimeo on his friend's cell phone. Havenner explained seeing a male in the video that looked like Jay Rodriguez. The male entered the massage parlor and laid down on something then the [REDACTED] asked him if he wanted any sexual favors. The male then handed [REDACTED] money and [REDACTED] left the room. The male then stood in front of the camera naked and that was when Havenner stated that he stopped watching the video.*

*SA Bores showed Havenner the first video that depicted a timestamp of March 14, 2013 at 17:38:20 and showed a white male looking down into the camera. Havenner identified the man in the video as Jay Rodriguez. SA Bores then showed Havenner the beginning of the second video that depicted a timestamp of March 14, 2013 at 17:38:18 and showed a male walking through a parking lot wearing khaki shorts and flip flops then entering a business and greeting an [REDACTED] in a yellow dress. SA Bores then stopped the video. Havenner believed the video took place during the operation that day but did not recognize the [REDACTED] in the video. This video appeared to be the same video he had previously watched on his friend's cell phone.*

On March 6, 2019, at 2:00 p.m., Captain Newhouse and Lt. Brian O'Reilly went to the former SIG office space (The second Floor), located at 2285 Union Street. Captain Newhouse did not have a key, so he requested [REDACTED] to meet him to unlock the building. Captain Newhouse wanted to search for receipt files (expenditure reports) relating to the operation conducted on March 14, 2013 at New Asian Massage for any other related documents. Lt. O'Reilly mentioned that back when he conducted an audit of SIG (in 2017) all of the expenditure reports/receipts were housed (orderly) inside of Sgt. Notaro's (The SIG supervisor) former office. [REDACTED] mentioned that sometime after the timeframe when the SIG unit was dismantled (2017 after the SIG audit – See IA 2017-009) [REDACTED] moved [REDACTED] Intel Unit into Sgt. Notaro's former office in the SIG building. [REDACTED] said [REDACTED] secured the files from Sgt. Notaro's office into a neighboring office.

Upon entering the former SIG office space, Captain Newhouse, Lt. O'Reilly, and [REDACTED] found the office to be in extreme disorder. There were expenditure files on a table in the front of the office, on the floor, and in plastic trash bags. The files were not orderly as last seen by Lt. O'Reilly on [REDACTED] and were not housed inside of Sgt. Notaro's former office or the adjacent office. Captain Newhouse had Lt. O'Reilly arrange to have the locks changed to all the doors to the building and provide him with the only



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key. Captain Newhouse then reported the condition of the office to Deputy Chief Pepitone and Deputy Chief Meyers. Additionally, Captain Newhouse telephoned FDLE SAS Wagner and reported the conditions at the former SIG building.

On March 7, 2019, Captain Newhouse met with Fiscal Manager Juan Soto and asked him to locate SIG financial documents for March 2013. Mr. Soto explained hard copies of the requested documents are normally stored in a binder, located within the secured financial office at the Fort Myers Police Department. He mentioned electronic copies of these documents should be stored on the FMPD finance drive, which has restricted access. Mr. Soto said he searched for the documents for March of 2013 in both locations, but they were missing. The documents from January 2013 to March 20, 2013 were missing. At this time, Mr. Soto was employed as the Financial Manager for approximately one year. He could not explain the missing documents. Captain Newhouse immediately notified SA Bores concerning the missing financial documents.

On March 18, 2019, at 11:00 am, SA Bores and SA Negrinelli met with Captain Newhouse and he provided them access to the former SIG office. Captain Newhouse explained the building received some water damage during Hurricane Irma in 2017 and was vacated shortly thereafter. Captain Newhouse showed SA Bores a binder full of 2013 SIG Financial Requests and Expenditure Report, which he found in the SIG office on March 6, 2018, lying on a table with the prongs open and reports detached.

SA Bores and SA Negrinelli commented on the disorderly nature of the SIG office. They noted later in their report (See Serial 11 of FDLE's report), *"SA Bores and SA Negrinelli entered the office and noticed chairs, tables, boxes, filing cabinets, trash bags, binders, office and computer equipment stored in multiple rooms in no orderly fashion. Contained in some of the files were confidential informant (CI) documents, SIG Financial Request and Expenditure Forms, and SIG Operation Plans, SIG Financial Request and Expenditure Forms were also located in a trash bag on the floor"*.

SA Bores photographed the office and collected the following evidence:

- One (1) blue 3-ring binder containing 2012 and 2013 Financial Requests and Expenditure Reports
- One (1) black 3-ring binder containing 2013 Financial Requests and Expenditure Reports
- One (1) SIG Operation Plan dated March 14, 2013
- Five (5) SIG Operation Plans dated March 21, 2013
- One (1) Compstat Report dated March 2013
- UC by documents and Evidence Submission Form referencing report number 13-04954
- One (1) green file folder containing 2012 briefs and complaints
- One (2) green file folder containing 2013 briefs and complaints

SA Bores was unable to locate any Financial Requests and Expenditure Reports or Operation Plans pertaining to the undercover prostitution operation at the massage parlor on March 14, 2013. However, SA Bores was able to locate SIG meeting notes from March 12, 2013 and March 26, 2013 which list "Jay" in attendance. Additionally, SA Bores located SIG meeting notes from December 11, 2012,



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documenting "Becky Massage Parlor" listed under the name [REDACTED] SA Bores submitted the above-mentioned items into evidence at FDLE.

On March 18, 2019, SA Bores received a copy of the unsigned FMPD arrest report number 2013-02675, referencing defendant [REDACTED] dated March 14, 2013, from Captain Newhouse. Captain Newhouse was able to access the arrest report from the Universal Booking System (UBS), even though the defendant's arrest record [REDACTED] (Note: an electronic copy of this arrest report is maintained in FDLE related items INV-80)

On March 20, 2019, at approximately 10:01 a.m. SA Bores and SA Negrinelli interviewed FMPD Staff Assistant Jill Newhouse. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

*Newhouse stated that she currently works at FMPD and holds the position of Staff Assistant in the Homicide Unit. She has worked for FMPD for 19 years, 15 of those years working in the Special Investigations Group (SIG). Newhouse was the staff assistant for SIG in March of 2013. She advised that Richard Notaro, Donald Weathers, [REDACTED] Eric Gutridge, and Candice Petaccio were all members of SIG at that time. Jay Rodriguez was not a member of SIG.*

*Newhouse remembered Lieutenant (Lt.) Rebecca Prince submitting a complaint to SIG in regard to prostitution at a massage parlor. SIG was too busy at that time and did not assist with the operation so Prince put an operation together. Newhouse could not recall Lt. Rodriguez being involved with any SIG operations or SIG meetings.*

*Newhouse was in charge of receiving all complaints submitted to SIG and then inputting them into the computer on the SIG T drive. She received the complaints by email, phone, or the SIG complaint form. Sergeant (Sgt.) Notaro would then go into the SIG T drive and review the complaints and assign them to SIG detectives. Newhouse explained that only SIG members have access to the SIG T drive. Copies of the operational plans were also uploaded and hard copies were maintained with all other case documentation in a filing cabinet under the SIG number, or case number.*

*Newhouse stated that Detective [REDACTED] as in charge of managing electronic equipment utilized by SIG members. He was also responsible for ordering and fixing electronic equipment. She believed there was a form that needed to be filed out when equipment was checked out and returned. Electronic equipment was stored in a locked equipment room with the Sgt. Notaro and [REDACTED] maintaining the key.*





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*Sgt. Notaro maintained expenditure forms in a binder as well as in a "quicken" program on his computer used to track the movements of SIG funds. The binder was stored in Sgt. Notaro's office. Money that was used for SIG operations was stored in a safe that was located in the sergeant's office. Newhouse believed that all members of SIG had access to the safe.*

*Interview: Newhouse explained that she would have been responsible for deleting documents if she received [REDACTED] that pertained to a SIG investigation. She received the [REDACTED] from FMPD records personnel. She did not recall doing so for the case in question but, she did recall receiving [REDACTED] in the past and removing files from the SIG T Drive. Hard copies of files that were required to be [REDACTED] would have been shredded.*

*Newhouse saw the video that showed Capt. Rodriguez enter a massage parlor and provide money to a [REDACTED] in exchange for a sexual act. She was able to identify Capt. Rodriguez by his voice. Newhouse viewed this video within the past couple weeks when it was shown on the news. She did not recall any conversation of said video in 2013.*

*Interview: Newhouse advised that shortly after Chief Diggs became the Chief of the FMPD, the SIG was disbanded following an audit conducted by Brian O'Reilly. After Sgt. Notaro left the agency and the SIG was disbanded, [REDACTED] took over Sgt. Notaro's old office in the old SIG building [REDACTED] to maintain all of [REDACTED] electronic equipment.*

*The SIG safe is now located in the VCU, the building where this interview took place [REDACTED]. Newhouse believed the only members who have current access to the safe were Lt. Doro and [REDACTED]. She believed the safe was moved from the old SIG building to the current building when they moved out of that building.*

On March 20, 2019, Captain Newhouse provided SA Bores with Captain Rodriguez's agency issued Panasonic laptop, his agency issued iPad, and the tower to his agency issued Dell computer. Capt. Newhouse explained that while the Captain would have been able to store items on the devices provided, most data would be stored on his network Z drive. Every employee in the agency has their own Z drive, allowing them to access all of their stored data from any computer in the agency. All Z drive data is stored at the City of Fort Myers Information Technology (IT) Department located at 2200 2<sup>nd</sup> Street, Fort Myers, Florida. SA Bores provided a Preservation Request to City of Fort Myers IT Department, requesting all data stored on Capt. Rodriguez's network account be preserved. SA Bores submitted the above-mentioned computers into evidence at FDLE.

On March 21, 2019, SA Bores received an email from City of Fort Myers Network Engineer Barbara Wills. Ms. Wills stated she was requested to search for the video in question at a specific location on the

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SIG drive, but the location did not exist. She searched the entire server as well as the SIG drive, yielding no results. Ms. Wills advised that from 2013 up until a couple of years ago, an external hard drive was used by SIG for storing video files. She stated that because of the hurricane damage to the former SIG building, the connection was down and remote access to that device was unavailable.

Ms. Wills informed SA Bores that City of Fort Myers Information Technology (IT) Director Calkins received two (2) Western Digital hard drives and a Synology Network Attached Storage (NAS) device a couple weeks prior. She believed the SIG video would be stored on one of the three devices. Wills advised SA Bores she could retrieve the three devices from her and make a forensic copy of each device.

On the same date, SA Bores met with Wills at her office, located on the third floor of 2200 Second Street. Wills provided SA Bores with two (2) Western Digital hard drives and a Synology NAS device. She also provided a copy of a handwritten properly receipt showing that three hard drives were delivered to the ITS Director by Lt. [REDACTED] on February 27, 2019, at 2:00 p.m.

SA Bores turned the devices over to FDLE Digital Forensic Consultant (DFC) Christopher Vaden. On April 4, 2019, SA Bores received the devices back from DFC Vaden and she placed them into evidence at FDLE.

On March 19, 2019, SA Bores received an anonymous letter addressed to FDLE. The letter reference former Lt. Rebecca Prince and alleged actions of misconduct during her time at the Fort Myers Police Department. The letter alleged Prince took money from drug dealers and failed to submit narcotics into evidence. It also alleged Prince engaged in sexual conduct with supervisors while on duty, mishandled internal affairs investigations, and stole money from the City of Fort Myers at the annual Christmas party. The "Freech" (Freech Group) reports are mentioned in the letter and the author stated that Prince, although she was not named in the reports, was responsible for corruption and wrongdoing within the agency. The letter indicated the allegations against Prince were brought forward to City of Fort Myers officials, but no actions were taken due to the potential for negative backlash.

Additionally, the letter addressed allegations against Capt. Rodriguez. The author stated the video was deleted from the server and Capt. Rodriguez and Prince mistakenly assumed no one made a copy of the video for their records. The author of the letter asserted that Prince was an Internal Affairs Lieutenant and was made aware and provided a copy of the video from another officer approximately 3 years prior. The author requested that FDLE investigate Prince and names her as Rodriguez's "co-conspirator". SA Bores later submitted the letter into evidence at FDLE.

On March 28, 2019, SA Bores and SA Negrinelli met with FMPD Fiscal Manager Juan Soto. Mr. Soto advised that the SIG financial documents from the first quarter of 2013 could not be located. He noticed this when Capt. Newhouse contacted him on March 7, 2019, asking him to locate SIG financial documents from March 2013. Hard copies of the documents are stored in a binder located in the secured financial department of FMPD. Electronic copies of the documents are stored on the FMPD finance drive with restricted access. The documents from January 2013 to March 20, 2013 were not located in either of those places.



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Mr. Soto explained he only held the position of Fiscal Manager for about a year, but said it is normal practice to send a copy of the financial documents via email the City of Fort Myers Finance Department, Holly Simone. SA Bores contacted Ms. Simone via telephone, and she stated that she could not locate any SIG financial documents from 2013. She advised that because of the confidentiality of the SIG, it was not policy in 2013 to send SIG financial documents to the City of Fort Myers Finance Department. Normal practice in 2013 would have been to provide SIG financial documents to the Chief of Police or his designee for review.

SA Bores obtained a copy of the SIG financial documents that showed dates March 21, 2013 to Jun 12, 2013. These documents a maintained as INV-20 (See FDLE's report).

On April 1, 2019, SA Bores obtained one (1) Western Digital hard drive from City of Fort Myers Network Engineer Barbara Wills. This hard drive contained surveillance video from the exterior of the former SIG office building. The video was copied to the hard drive by Matt Fabric, City of Fort Myers IT engineer. This video contained three (3) separate views of the office building and began on February 18, 2019 at 2:26 pm., and ended on March 19, 2019 at 12:00 a.m. It should be noted the video for this location is saved for 30 days and then automatically deleted. SA Bores submitted the video into evidence at FDLE. The video did not reveal who may have been responsible for removing the expenditure reports (for the operation on March 14, 2013) from the SIG office building.

On April 3, 2019, at approximately 3:11 p.m., SA Bores and SAS Wagner interviewed ITS Director Richard Calkins. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

*Calkins stated that he currently works at the City of Fort Myers and holds the position of ITS Director, a position he has held for approximately one year. He has worked in the IT department since approximately 2012 and has worked for the City of Fort Myers since 2007.*

*SA Bores asked Calkins about the handwritten property receipt that showed that on February 27, 2019, at 2:00 p.m., Lieutenant (Lt.) [REDACTED] provided Calkins with three (3) external hard drives from the former Special Investigations Group (SIG) building located at [REDACTED]. Calkins stated that the former SIG building had previously been recognized as having asbestos issues. When it was damaged by Hurricane Irma, the City determined that the building needed to be vacated. During the Internal Affairs investigation Capt. William Newhouse asked Calkins to attempt to locate the video in question. Calkins then asked [REDACTED] if there was any electronic equipment that may contain the video in the old SIG office. That was when [REDACTED] delivered him a box containing three drives labeled "SIG". There were two (2) hard drives labeled "SIG video" and one (1) Synology device and power cord. Calkins created the handwritten property receipt and kept it with the devices that he stored in his locked office. When [REDACTED] dropped them off [REDACTED] said [REDACTED] hasn't seen the devices in a long time but knew that SIG previously*



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*used them. Calkins was informed by his staff member, Barbara Wills, that these types of devices were used to store videos from SIG investigations. These devices had not been searched by Calkins or his staff.*

*Calkins explained that the Fort Myers Police Department had their own IT department until approximately 2011 when it merged with the City of Fort Myers IT. The hardware purchased and the drives used by SIG at the time of the incident had been setup by the police department's IT personnel prior to the merge.*

*Capt. Newhouse provided Calkins with a specific location where the video might be stored but that location did not exist. Calkins explained that the T drive is a section of a larger police department server. Calkins and Wills attempted to locate the video on the existing T drive but were unsuccessful. They attempted to locate the video on the entire police department server, yielding no results. Calkins stated that he searched for videos from 2013 and searched for keywords that might pertain to the case. The structure of the T drive had changed along with the structure of the police department since 2013. It is very common for new members to change file structure. Calkins did not find the specific folder that was mentioned in the complaint provided to him by Capt. Newhouse. Calkins did find the operational plan related to the operation. He could not recall what folder that was located in but believed it would still be accessible.*

*Calkins believed that SIG may have utilized the hard drives that were provided to him by ██████████ in 2013. He advised that in 2015 or possibly before 2015, SIG started utilize the T drive. In approximately 2015, Chief Doug Baker left and Dennis Eads became the interim chief resulting in the reorganization of the department and the SIG. It would have been the responsibility of the detective to move their case data onto the T drive. There was never a large transfer of data from other devices onto the T drive.*

*Calkins advised that the IT department has auditing software that can track who accessed what files. The data that they would have would only contain the last few months of activity.*

On April 1, 2019, SA Bores received an email from City of Fort Myers Network Engineer Barbara Wills. This email contained a list of FMPD members who have current access to the finance drive, Special Investigations Group (SIG) drive, and the detective drive located on the FMPD network. Members with access to the SIG drive also have access to the detective drive. Attached to this email was a spreadsheet containing log files. Ms. Wills explained the log files detail anyone who accessed files on SIG or Detective drives. The log files range in dates from April 11, 2018 to April 4, 2019. (Note: an electronic copy of the file log is maintained in FDLE's related items as INV-23 and INV - 24)

### Current Finance Drive Access as of April 1, 2019



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Arleen Stobenau  
 Diann Kopilec  
 Heidi Brescher  
 JoAnn Daniels  
 Juana Soto  
 Khandyce Mosely

**Current SIG Drive Access as of April 1, 2019**

Officer [REDACTED] Officer Traci Fixler Officer [REDACTED] Video Station Detective Vincent Doyle Sgt. [REDACTED] Officer William Schulte Detective Wolfgang Daniel Officer Zachary Ross Officer Jason Greene Captain Jay Rodriguez Jill Newhouse Johnny Utah Jose Falcon Officer Joseph Way Officer [REDACTED] Detective Matthew Schulze Officer Miguel Hernandez Detective [REDACTED] Officer Nickson Vilsaint	Officer Nicolas Mamalis [REDACTED] Officer Abraham Pantoja Officer Adman Vasquez Officer Brandon Birch Sgt. Candice Petaccio Officer [REDACTED] Officer Edward Cutie Jr. Officer Edward Quinn Lt. Enrico Doro Officer [REDACTED] Officer Ivan Caffroni Officer Jack Millard Officer Jari Sanders Officer Jasmine Vasallo Lt. Brian O'Reilly
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On April 8, 2019, SA Bores received a spreadsheet containing the following information from Vimeo, Inc. pertaining to accounts [REDACTED] and [REDACTED] (Note: the information was in response to the subpoena duces tecum that SA Bores served on Vimeo Inc, on February 22, 2019) The spreadsheet from Vimeo contained the following:

**Account Info**

User ID: [REDACTED]  
 Screen Name: heart  
 Email: [REDACTED]  
 Address: n/a  
 Phone Number: n/a



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Account Type: Basic  
 Date Joined: Monday, February 9, 2015 at 11:05 AM  
 Date Terminated: Monday, April 8, 2019 at 1:46 PM  
 Reason Terminated: Violation of Vimeo's Terms of Service (<https://vimeo.com/terms>)

**IP Access Info**

Multiple Timestamps ranging from 2/8/19 to 2/14/19, from IP [REDACTED] (see related item INV-25 for detailed list)

**Upload Info**

Timestamp: 2/12/2019 13:43:00, IP: [REDACTED] Clip ID: [REDACTED] Clip Title Jay Rodriguez  
 Timestamp: 2/8/2019 18:48:00, IP: [REDACTED] Clip ID: [REDACTED] Clip Title: Jay Rodriguez  
 Timestamp: 2/8/2019 20:07:00, IP: [REDACTED] Clip ID: [REDACTED] Clip Title: Rodriguez looks into camera

(Note: see FDLE's INV-25 for spreadsheet from Vimeo, Inc.)

Reason  
 On April 10, 2019, SA Bores received a copy of a proffer subpoena from the SAO. The proffer subpoena commanded the appearance of O'Neill Kerr on April 25, 2019, at 10:00 a.m. at the Wilber Smith Attorneys at Law office, 2200 Broadway, for the purpose of testifying and speaking the truth of the investigation into Jay Rodriguez. This subpoena was served the same date via email, care of Mr. Kerr's attorney, Ryan Doyle. (See FDLE's INV-27)

On April 11, 2019, SA Bores obtained the following subpoenas duces tecum from the SAO:

1. CenturyLink – requesting the subscriber information for IP address [REDACTED]
2. Google Inc – requesting account information for Gmail account [REDACTED]
3. Yahoo Inc – requesting records regarding the identification of a user with the email [REDACTED]

SA Bores served all three subpoenas electronically and received auto generated receipts. (Note: see FDLE report INV-26)

On April 16, 2019, at 2:52 p.m., SA Bores interviewed IT Network Engineer Barbara Wills at Fort Myers City Hall. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

*Wills stated that she has worked for the City of Fort Myers IT Department for 12 years. She recalled that in 2013 the FMPD Special Investigations Group (SIG) utilized a Dell server and a couple of external hard drives to store files and videos. The external hard drives were primarily used for storing videos because there was not enough storage space on the Dell server. She did not recall when SIG stopped using the Dell server but remembered transferring data from the Dell server to the*



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*current FMPD server. She believed the external hard drives that she provided to SA Bores on March 21, 2019, were the hard drives utilized by SIG in 2013. Wills did not search those external hard drives for the video before providing them to SA Bores. Wills received the hard drives from Director Richard Calkins who had stored them in his locked office. Director Calkins told Wills that he received the hard drives from Lieutenant [REDACTED]*

**Date**

*Wills was initially asked by Capt. Newhouse to search for the video in question during the Internal Affairs investigation. Capt. Newhouse met with Wills and Director Calkins and discussed with them what to search for, such as the case number and date ranges. Wills later received an email with a specific location of where the video might be located but the location did not exist. Wills searched for any video files around the date of the incident, the case number, and files with the word "Asian", and any files with the word "massage". Wills searched for the video on the SIG drive and also searched all FMPD department drives and all user drives, yielding no results. Wills searched the recycling bins which would have contained anything that had been deleted in the last 60 days, yielding no results.*

**Date**

*Wills explained the log file that she sent SA Bores on April 1, 2019, stating that it showed who accessed, deleted, and modified a file on all FMPD drives, not just SIG and detective drives, for the past year. SA Bores asked Wills about the log showing that an "admin" user downloaded files from "SIG/Old Stuff/1-Old Sig Drive Folder" on January 15, 2019. Wills stated that that would have been her during the search for the video.*

On April 16, 2019, SA Bores obtained three (3) DVD's from Ms. Wills. On April 19, 2019, SA Bores obtained another DVD from Ms. Wills. These DVDs contained all current and former FMPD members' emails between the date range of 2012 to 2019.

Upon reviewing the emails, SA Bores found that on March 5, 2013, at 7:03 a.m., Rebecca Prince sent an email to Rodriguez, David Conticelli, Sean Fitzpatrick, [REDACTED] and copied Jim Mulligan. The subject of the email was "Massage op" and the content stated the massage operation at 1791 Boy Scout Drive was scheduled for March 14, 2013, at 4:00 pm., and the briefing would be held at the station and they would go from there.

SA Bores found that on March 14, 2013, at 8:55 p.m., Rodriguez sent an email to Prince with the subject "narrative." The contents of the email stated, "Let me know if you get it ok" with an attached document titled "Message." The attached document was a detailed account of Rodriguez's involvement in the undercover operation involving prostitution at the New Asian Massage parlor located at 1791 Boy Scout Drive, unit 3, on March 14, 2013. The details in the document are nearly identical to the narrative of FMPD arrest report number 2013-02675. (Note: for further details see FDLE's report INV-30)



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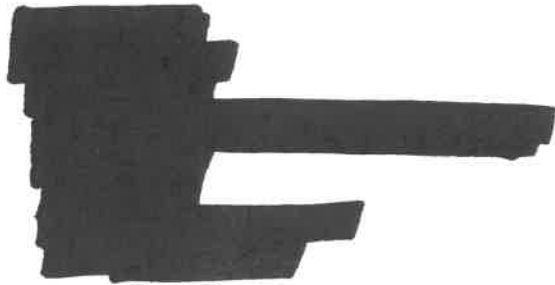
SA Bores found that on March 22, 2013, at 1:43 p.m., former FMPD Fiscal Manager Sharon Wright sent an email to Tara Lytle with the subject "PD – January 2013 Quarterly Petty Cash Reconciliation". The contents of the email stated the completed Cash Count Forms for the January 2013 quarter were attached. SA Bores reviewed the attached document which appeared to be the SIG financial documents that could not be located in the Finance Department of FMPD (reference FDLE's IR#16). The SIG financial documents listed dates of December 5, 2012 to March 21, 2013. The funds used for the undercover operation in question were not listed on the financial documents. (See FDLE's report INV-29 for electronic copies of the emails mentioned above)

On April 16, 2019, SA Bores, SAS Wagner and SA Daniel Chu met with Mei Hua Lu, owner of Green Leaf Massage, located at 1791 Boy Scout Drive, Unit 3, Fort Myers, Florida. Ms. Lu recalled being at the massage parlor, formerly known as New Asian Massage, on March 14, 2013, when Ya Chen and [REDACTED] were arrested. Ms. Lu stated she noticed a man come in for a massage, but he left only 10 minutes later. She asked [REDACTED] how long of a massage he paid for and she responded, one hour. [REDACTED] told Ms. Lu the man said he needed to leave but would come back later. A little while later, the police came into the business from the main entrance and the rear entrance. A female and male officer spoke with [REDACTED] in a separate room and a female and male officer spoke with Ms. Lu outside. According to Ms. Lu, the officers never told her what was going on or why [REDACTED] was being arrested. Ms. Lu said, later that evening, the owner (at that time), Ya Chen, returned to the business and was also arrested.

Ms. Lu reported that two (2) days after the incident she went to New York and saw [REDACTED] on the streets but did not speak to [REDACTED]. She said that was the last time she saw [REDACTED] and believed [REDACTED] may have left the country. Ms. Lu returned to Fort Myers in 2017, and became the owner of Green Leaf Massage and Lotus Massage, located at 311 Del Prado Boulevard South, Cape Coral, Florida. Lotus Massage has since closed. Ms. Lu said she has not seen or spoken with Chen since 2013, but believed she was in Tampa and possibly working at Bamboo Massage located at 2576 Sunset Point Road, Clearwater, Florida 33765. Ms. Lu was asked to contact FDLE agents if she hears from [REDACTED] or Chen or discovers their whereabouts.

On April 18, 2019, SA Bores received documents from CenturyLink, containing the following information pertaining to IP address [REDACTED] starting July 17, 2018 and ending February 20, 2019: (Note: these documents were produced by CenturyLink in response to a subpoena duces tecum obtained by SA Bores on April 11, 2019)

USERID  
 CAPE MAC ADDR  
 IP USER ID  
 EMAIL ADDR  
 TELEPHONE NUMBER  
 BIRTH  
 BILLING NAME  
 BILLING ADDRESS







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BILLING CITY [REDACTED]  
 BILLING ZIP FL [REDACTED]  
 SERVICE NAME [REDACTED]  
 SERVICE ADDRESS [REDACTED]  
 SERVICE CITY [REDACTED]  
 SERVICE STATE FL [REDACTED]  
 SERVICE ZIP [REDACTED]  
 SERVICE ESTABLISHED DATE 11-30-2009

SA Bores discovered the address listed above is the same as Mr. Kerr's address listed on his Florida driver's license. (See FDLE report INV-31)

On April 18, 2019, SA Bores received the following subpoenas duces tecum from the SAO, requesting subscriber information, and incoming and outgoing toll records from December 1, 2018 to present:

- Verizon phone numbers [REDACTED]
- Sprint phone number [REDACTED]
- AT&T phone number [REDACTED]
- T-Mobile phone number [REDACTED]

FDLE served these subpoenas via email. (See FDLE report related items INV-32)

On April 22, 2019, IT Network Engineer Wills emailed SA Bores a copy of the advisory that is shown anytime a FMPD employee presses "CTRL ALT DEL" to login to an agency issued computer. All employees must click "OK" to the message before they get to the login screen. The advisory message includes the following language:

*This computer is the property of The City of Fort Myers. It is for authorized use only. Unauthorized or improper use may result in disciplinary action and civil and criminal penalties. Use of this system is subject to monitoring, recording and audit. By continuing to use this system you indicate your awareness of and consent to these terms and conditions of use. Please note: Florida has a very broad public records law. Most written communications to or from government officials regarding government business are considered public records and are available to the public and media upon request. The system may be monitored or have activity recorded for audit purposes. Clicking OK indicates that you consent to these usage terms. All email is checked with Antivirus software!*

On April 22, 2019, FDLE Senior Crime Intelligence Analyst (SCIA) Kelly Andriano served a subpoena duces tecum via an online portal to Sprint requesting subscriber information, and incoming and outgoing toll records from December 1, 2018 to the present for the following phone numbers:



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On April 23, 2019, SA Bores received copies of three (3) anonymous letters sent to the Fort Myers Police Department. Deputy Chief Jeff Meyers provided SA Bores with these letters at her request. Each of these anonymous letters were previously received by FMPD and detail complaints involving current and former FMPD members. These letters were addressed to Chief Derrick Diggs at the Fort Myers Police Department. The first anonymous letter was received on August 13, 2016 and resulted in an Internal Affairs investigation into Officer Ezra Padgham (IA 2016-006). The allegation against Officer Padgham was "Not Sustained" by Chief Diggs. The first letter also resulted in an Internal Affairs investigation into Officer Katrina O'Brien (IA 2016-007). The allegation against Officer O'Brien was "Unfounded" by Chief Diggs. The second anonymous letter was received on September 3, 2016, resulting in an Administrative investigation into Rebecca Prince (Admin 2016-026), resulting in a "Not Sustained" outcome. The third anonymous letter was received on October 11, 2017 and resulted in an Internal Affairs investigation into Jay Rodriguez (IA 2017-017) and Jackie Garrett (IA 2017-018). The allegations against Rodriguez and Garrett were "Unfounded."

In IA 2017-017, the anonymous complainant alleged Captain Rodriguez received oral sex from a female informant and this action was captured on video tape. The anonymous author wrote the following referring to the actions of Captain Rodriguez:

*In my previous letter, I told you that Jay Rodriguez was corrupt and racist, but you promoted him to Captain anyway. I know you may not have had much to choose from, but Jay Rodriguez. So just to let you know Jay Rodriguez's is going to be one of your biggest disappointments, regrets and greatest embarrassments since you started working at the police department. Rodriguez thought that officers had left the scene. A female informant gave him a blow job. The blow job was recorded. Rumor has it that there is a video of this, and officers are upset and disgusted that Jay Rodriguez was promoted considering his history of misconduct. Everyone knows that he was one of the key players that caused the destruction of our agency. If this rumor is all true. And of course I hope that it is not, as a professional courtesy, I want you to be prepared to combat these allegations. It seems like officers from SIG love having sex with informants, but was unable to make a significant drug arrest in years. Jay Rodriguez went into the SIG office, pleading with officers not to betray him, because his career and marriage would be over if the video was leak. He is desperately trying to get the video, so it can be destroyed. Another rumor is after SIG was dismantled, Jay Rodriguez made sure that the officers from SIG were assigned back to units of their preference.*

In addition, the anonymous complainant alleged Captain Rodriguez transports narcotics with his brother from Miami to Fort Myers via a vessel. (Note: a copy of IA 2017-017 was included in the case file)



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On April 25, 2019, Assistant State Attorney (ASA) Andrew Van Sickle, SA Bores, and SAS Wagner interviewed O'Neil Kerr under the proffer subpoena mentioned previously. Mr. Kerr was represented by his attorney, Ryan Doyle. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

*Kerr is a former police officer and detective with the FMPD. He began his law enforcement career with the FMPD in 2008. Kerr was promoted to detective in October of 2016. He was medically terminated in November of 2018 for an injury that occurred while on duty. Approximately one year prior to being medically terminated, Kerr had not been working in compliance with doctors' orders.*

*ASA Van Sickle asked Kerr why he reported this issue involving Rodriguez. Kerr stated that he felt he was being treated unfairly by Rodriguez because of his injury. Kerr was not part of the "in crowd"; therefore, he was not treated properly. Kerr stated that he reported this issue because he had no problem reporting other issues in the past. The last issue he reported was involving the Violent Crimes Task Force, which Rodriguez was in charge of. An officer on the Violent Crimes Task Force had conducted a search of a person. The video recording from that incident was on the news and it was alleged that the officer had conducted a cavity search of the person. Kerr watched the video on the News Press website and noticed that the officer had used a racial slur. A protest was going to be held in front of the police station regarding the incident so Kerr informed the agency of the protest and that resulted in him being a witness in an internal investigation. Kerr stated that no consequences were received by the officer that used the racial slur and that Rodriguez then put that officer on the newly formed gang unit. (It should be noted that the officer that Mr. Kerr is referring to, Brandon Birch, was issued discipline for this conduct – see Final Action Summary in Admin 2016-001)*

*In March of 2013, Kerr was assigned to day Shift and his lieutenant was Rebecca Prince. Kerr was not involved in the operation at the New Asian massage parlor on March 14, 2013, but was aware that the operation took place because the location was in his zone of patrol and co-workers were talking about it during a briefing the next day. At that time, he was aware of the arrests at the massage parlor but no other specifics.*

*Kerr heard rumors about Rodriguez engaging in sexual acts with a prostitute during an operation from Vincent Doyle, [REDACTED] and Walter Mitchell who were talking about it in the squad bay but were unaware that Kerr was in the room. At that point, that was all Kerr knew about the incident. Kerr used that information and information from the LEO Affairs website for the basis of his complaint filed against Rodriguez on December 7, 2018. Kerr hoped that by naming individuals who were aware of the incident, Internal Affairs would conduct interviews with those individuals and they would disclose more details regarding the incident.*



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*SA Bores asked Kerr about Wolfgang Daniel's involvement in the incident and he believed that Daniel participated in the rumors that Kerr overheard. Kerr also believed that he seen his name in a report regarding the incident and that was why he named him in his emails to City of Fort Myers Human Resources Director Ellen Clyatt. Kerr believed that Prince involved Daniel and Jason Greene in the operation.*

*Inter: Based on the little pieces of information that Kerr received he was able to do his own research and found news reports regarding the operation and arrests at the New Asian Massage parlor. He then searched the Clerk of Courts website for documents that pertained to the operation that took place on March 14, 2013, where he found the case number. Kerr then provided the information that he found in his search to Clyatt.*

*Once word got out that Kerr had filed a complaint against Rodriguez alleging that he participated in sex while on duty, Kerr was contacted by Donald Weathers. Weathers is a former FMPD Special Investigations Group (SIG) member. Weathers contacted Kerr either by Facebook or email and provided his phone number and requested that Kerr call him. When Kerr called Weathers, Kerr told him that he reached out to Mike Forbes who told him about the video but Forbes stated that he didn't actually have a copy of it. Weathers told Kerr that Forbes would not know anything about it and told him the exact location of where to find the video on the FMPD server, but stated that only certain people had access to where the video was being stored. Weathers told Kerr that he was told by Greene that Greene had equipped Rodriguez with the covert hidden camera and when Rodriguez came out of the massage parlor he told Greene to delete everything on the camera because nothing had been recorded. Greene then uploaded the video as evidence.*

*Kerr stated Weathers made a copy of it for himself. Kerr explained that there was no policy against doing it and getting information from other officers' cases. Weathers suggested to Kerr that he submit a public records request for the video. After gaining knowledge about where the video was located, Kerr provided that location in his email complaint to Clyatt hoping that the city would find the video. A month after he provided the location of the video to Clyatt, Kerr still had not gotten a response. That was when Kerr sent a public records request for the video. When Clyatt responded to Kerr's email asking him to provide the video he had requested, Kerr was not in possession of the video at that time and had not seen it. Kerr stated he then reached out and asked if anyone had the video.*

*Kerr received the video on a secure digital (SD) card in his mailbox at his current residence, [REDACTED] Kerr received the SD card on February 8, 2019, the same day he sent it to Clyatt. As soon as Kerr received the SD card he put it in his desktop computer and viewed the video. Kerr*



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*described what he saw in the video and stated that he could identify Rodriguez by his face and tattoo. Kerr identified the [REDACTED] in the video as being the [REDACTED] arrested on March 14, 2013, based on [REDACTED] picture in the news article on NBC2. Kerr uploaded the entire unedited video to his Vimeo account and YouTube. Kerr explained that he took a screenshot of Rodriguez's face from the original video and provided a link to that screenshot to Clyatt as well. Kerr sent the video to Clyatt, the Chief of Police, the city attorney, the city council, and possibly two other officers. Kerr still has a copy of the video save under the original name on his hard drive. Kerr deleted the video off of Vimeo and YouTube when he heard of the extortion complaint filed by Rodriguez.*

*After Kerr provided the video to Clyatt, Kerr was informed (he did not specify by whom) that the incident involving Rodriguez was going to be brushed under the rug. That was when he called an officer requesting Anthony Thomas' phone number. Kerr called Thomas and Thomas requested that Kerr give him the video, which he did. Thomas then provided the video to news media. Kerr had also spoken with news reporter Melissa Montoya about the incident. Kerr met with Montoya at the 7-Eleven on Lee Boulevard and Gunnery Road and provided her with the original SD card. Montoya made a copy of it and gave it back to Kerr. Kerr then threw the SD card away at the 7-Eleven.*

Kerr has kept in contact with Weathers to give him updates on the internal investigation. (Note: the audio recording of the interview was preserved as FDLE INV-35)

On April 23, 2019, FDLE Senior Crime Intelligence Analyst (SCIA) Kelly Andriano served a subpoena duces tecum via an online portal to Verizon, requesting the subscriber information and incoming and outgoing toll records from December 1, 2018 to the present for the following phone numbers:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

On April 29, 2019, SCIA Andriano provided SA Bores with the requested documents from Verizon. Below lists the subscriber information for the phone numbers.

Phone Number	Subscriber	Business	Address
[REDACTED]	Jay Rodriguez		[REDACTED]
[REDACTED]	Angela Montalvo		[REDACTED]
[REDACTED]	Eloise Pennington	City of Fort Myers	2200 2 <sup>nd</sup> St. Ft Myers, Fl



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[REDACTED] Unavailable  
[REDACTED] Eloise Pennington City of Fort Myers 22002<sup>nd</sup> St. Ft Myers, FL

(See FDLE's INV-36)

On April 29, 2019, SA Bores served a subpoena duces tecum via email to Callyo, requesting account holder information and any and all call records for bug# [REDACTED] from March 14, 2013. (Note: an electronic copy of the subpoena was maintained in FDLE related items as INV-52)

On April 30, 2019, at 11:02 a.m., SA Bores and SAS Wagner interviewed Detective Wolfgang Daniel. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

*Det. Daniel has worked for the FMPD for 13 years beginning in 2006 and was a member of the Special Investigations Group (SIG) from 2012 to 2017.*

SA Bores asked Det. Daniel if he worked the massage parlor operation at the New Asian Massage parlor on March 14, 2013. Detective Daniel recalled a complaint about prostitution at the New Asian Massage parlor but SIG was busy with other investigations and Sergeant (Sgt.) Notaro advised that they could not do it. Det. Daniel was not working the operation at the New Asian massage parlor but he did work the massage parlor operation on March 21, 2013 at Nature Poly Inc. located at 1957 Grove Avenue, Fort Myers, Florida 33901. The massage parlor operation on March 21, 2013 was run by the SIG unit. Detective Gutridge was the operation supervisor and Det. Mitchell was the undercover. Det. Daniel could not recall if a recording device was used during the operation.

SA Bores asked Det. Daniel to explain the normal operating procedures for prostitution operations. Det. Daniel explained that after an operational plan was completed, there was a money form that would need to be filled out and signed by a supervisor in order to get the money from the safe for the operation. When the operation was concluded, the money form would be completed and turned in to the supervisor. Sgt. Notaro, Det. [REDACTED] Det. Pettaccio, and Det. Gutridge all had the combination to the SIG safe. The money used in the operation would be prerecorded by taking a picture and the money recovered would be matched by the serial number and copied for the case file.

Det. Daniel explained that evidence was not normally collected from these types of operation and videos would not have been submitted into evidence. Videos of operations would have been saved digitally on the SIG drive. Case files, templates, operation plans, and video were all saved on the SIG drive. Everyone in the SIG unit had access to the SIG drive including Jill Newhouse, the Professional Standards Bureau (PSB) and IT.



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*SA Bores asked Det. Daniel about the video that depicted Capt. Rodriguez at the massage parlor. Det. Daniel was aware of the video but did not know about it until it was released in 2019. He had viewed the beginning of the video and was able to identify Capt. Rodriguez. Det. Daniel had no knowledge of what took place inside the massage parlor on March 14, 2013.*

*Detective Daniel was interviewed by Lieutenant (Lt. O'Reilly in 2017 regarding Capt. Rodriguez and allegations that he had sex with a prostitute or a confidential informant. There were a lot of rumors going around at that time involving Capt. Rodriguez.*

*SA Bores provided Det. Daniel with the Fort Myers Police Department Operational Plan for the undercover operation at Nature Poly Inc, on March 21, 2013 located at 1957 Grove Avenue, Fort Myers, Florida 33901. Det. Daniel believed that he may have been assigned to monitor the operation even though the operational plan stated that he was assigned to "breacher/surveillance". Det. Daniel explained that when assigned to monitor the operation, the detective would have been responsible for listening to the covert audio device for safety and possibly take notes. Two devices would have been used for video recording and real-time audio transmitting. They did not have the capability to stream the video in real-time.*

*Det. Daniel believed he could see part of the front door and the side of the business while monitoring the operation. He recalled seeing an Asian male, possibly the owner, coming and going from the business. He also recalled a briefing before the operation but could not recall exactly what was discussed. Normally what is discussed at the briefing is everyone's roles during the operation, takedown and emergency words, what to do in case of an emergency, compromised investigation, and undercover rescue. Det. Daniel stated that this operational plan did not look like a SIG operational plan. SIG operation plans had a spot for video used to be documented.*

*SAS Wagner asked Det. Daniel if he supplied the undercover with a recording device for the operation. Det. Daniel stated that he may have but could not remember. He stated that the equipment room where recording devices were stored was a locked room and only supervisors had access to it.*

*Det. Daniel explained that they utilize patrol officers in their operations for transport and sometimes they would complete the arrest reports. The detective with the probable cause would provide the patrol officer with the information by sitting with them while they write it, emailing it to them, or by inputting it in the Universal Booking System (UBS).*

(Note: See INV-37 in FDLE's report for the audio recording of this interview)



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On May 1, 2019, SCIA Andriano provided SA Bores with the requested documents from Sprint (Regarding the subscriber and toll information) for the following phone numbers:

<u>Phone Number</u>	<u>Subscriber</u>	<u>Billing Address</u>
[REDACTED]	Shawn Havenner	[REDACTED]

(Note: See INV-38 in FDLE's report)

On May 4, 2019, SA Bores received the requested documents (Subscriber and toll log information) from T-Mobile. Below lists the subscriber information for the requested phone number:

<u>Phone Number</u>	<u>Subscriber</u>	<u>Billing Address</u>
(239) 887-7468	Maid You Look Cleaning Service LLC	917 SW 29 <sup>th</sup> St Cape Coral, Fl

(Note: See INV-39) in FDLE's report)

On May 1, 2019, SA Bores obtained a black Lexar USB flash drive from FMPD Detective James Langton. This flash drive contained the case documents pertaining to FMPD case number 2019-01724. This case related to a criminal investigation involving Anthony Thomas for allegedly extorting Captain Rodriguez at a City Council meeting on December 3, 2018. The documents provided by Detective Langton included: an incident report, a timeline of events, Subpoena for YouTube account name trisha82198, a written statement from Rodriguez, a FOX4 interview with Anthony Thomas, emails between Kerr and Ellen Clyatt, pictures from the News-Press website, Pictures of Officer Steven Gruber's text messages, a description of Florida State Statute 836.05 Extortion, and statements from Rodriguez, Kerr, Charles Newell, and Steven Gruber. The following is a synopsis of the incident report FMPD case number 2019-01724, as outlined in FDLE's report:

Note: On February 11, 2019, Rodriguez filed a police report with FMPD Officer [REDACTED] that alleged that Anthony Thomas extorted him (Rodriguez) at a Fort Myers City Council meeting on December 3, 2018. Rodriguez was approached by another FMPD officer at the city council meeting who told him that Thomas was telling people that he had a video of Rodriguez having sex while on duty. Rodriguez confronted Anthony who stated that he and Johnny Street had a video of Rodriguez engaging in sex while on duty and then stated, "the rest of them (city council) are going to have it too, if you don't pay". Another FMPD officer reached out to Rodriguez by text message and informed him of what Thomas was saying at the city council meeting. Fort Myers News-Press report Melissa Montoya also sent a text message to Rodriguez after overhearing the conversation between Rodriguez and Thomas. Rodriguez did not understand what Thomas meant until his post on Facebook. Then Rodriguez understood that Thomas was trying to get him to pay money not to release the video.





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(Note: see INV-40 in FDLE's report for related documents)

On May 6, 2019 SA Bores and SAS Wagner met with FMPD Deputy Chief Pepitone to review Capt. Rodriguez's personnel file. The following documents were photocopied:

- Capt. Rodriguez's signed Oath of Office for Police Officer on March 5, 1999
- Capt. Rodriguez's signed Oath of Office for Sergeant on March 1, 2016
- Capt. Rodriguez's signed Oath of Office for Lieutenant on December 17, 2008
- Capt. Rodriguez's signed Oath of Office for Captain on August 4, 2017

- Date
- Date
- Training certificate for "The Slippery Slope to Destruction: Managing your Risk with Informants, Undercover, & Drug Investigations", awarded to Rodriguez on January 27, 2006
  - Captain Rodriguez's resume
  - Captain Rodriguez's Performance Evaluation for 2013

(Notes: see INV - 42 in FDLE's report for these documents)

On May 8, 2019, SA Bores and SAS Grant Wagner obtained a sworn, audio recorded statement from FMPD Officer Jason Greene. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

Date

Date

*Ofc. Greene currently holds the position of Police Officer with the FMPD. He has worked for FMPD for 15 years beginning in 2004. Ofc. Greene was a member of the Special Investigations Group (SIG) from 2010 to 2017.*

*SA Bores asked Ofc. Greene about his knowledge regarding the video that purported to show Capt. Rodriguez engaging in sexual conduct at a massage parlor. Ofc. Greene stated that he had only seen clips of the video on the news. He had not seen the video prior to its release in 2019. Ofc. Greene stated that he did not work the operation on March 14, 2013 and he did not provide Capt. Rodriguez with the recording device for the operation at New Asian Massage. During his Internal Affairs interview with Capt. William Newhouse, Ofc. Greene was made aware that Kerr alleged that he (Greene) and Wolfgang Daniel had recorded the incident. Ofc. Greene did not know why Kerr made these allegations and stated that the allegations were false.*

*Ofc. Greene had never worked with Capt. Rodriguez while Capt. Rodriguez was in an undercover capacity. He had never provided Capt. Rodriguez with a recording device for any operation and Capt. Rodriguez never asked Ofc. Greene to upload or delete any video recordings.*

*Ofc. Greene stated that he had only worked one undercover operation at a massage parlor. SA Bores provided Ofc. Greene with the FMPD Operation Plan for the massage parlor operation at Nature Poly Inc. On March 21, 2013. Ofc. Greene*



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*recalled participating in this operation and doing surveillance. He was responsible for providing safety and rescue to the undercover officer. He did not recall the undercover officer using any kind of recording device for this operation. Everyone in the SIG unit had access to the locked equipment room and would have been able to get their own recording device. Ofc. Greene recalled an arrest being made after this operation and that there was a language barrier. Ofc. Greene never uploaded any video onto the SIG server from this operation and never made any copies of video from this massage parlor operation or the massage parlor operation on March 14, 2013.*

*Ofc. Greene explained that if video was recorded during an undercover operation it was normal practice for the video to be uploaded to the SIG server for evidence purposes. There was one computer in the main room of the office that was used by the SIG unit to store videos. Video was never burned to a CD and submitted into evidence; the only copies of video that was burned to a CD would have been for the State Attorney's Office.*

*SAS Wagner asked Ofc. Greene about the normal procedures for use of money in undercover operations. Ofc. Greene advised that money for undercover operations would have been provided by the supervisor, at that time it was Sergeant Notaro. Money used for operations would either be photocopied or photographed. Copies of the money were made in order to recover the money used for the operations after the operation had concluded. The money that was recovered after the operation was then photographed or photocopied again. All copies of the money were stored in the case file. A form was also filled out tracking money used and returned.*

*SA Bores asked Ofc. Greene about normal procedures for writing arrest reports for undercover operations like the massage parlor operation. Ofc. Greene advised that it would have been normal practice for the undercover officer to write the arrest report. A road patrol officer may complete the top sheet of the booking report and it would be possible for the undercover officer to go into UBS and provide the probable cause narrative of the arrest report.*

(Note: See INV-37 in FDLE's report for the audio recording of this interview)

On May 9, 2019, SA Bores received the requested information from Yahoo! As well as a Business Records Declaration signed by the custodian of records. Below lists the user information for Yahoo! Email account [REDACTED] from December 1, 2018 to April 10, 2019:

User ID	IP Address
[REDACTED]	[REDACTED]



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On May 10, 2019, SA Bores and SAS Wagner obtained a sworn, audio recorded statement from Rebecca Prince. Ms. Prince was represented by her attorney, April Goodwin. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

*SAS Wagner asked Prince if she had spoken to anyone that was involved in the operation since the video was released. Prince stated that a lot of people reached out to her by phone calls and text messages when they saw her name in the newspaper regarding the incident. She spoke with Rodriguez, (David) Conticelli, [REDACTED] and [REDACTED]. Prince received a phone call from Rodriguez on Sunday before the video was released but she did not answer the phone. The following day, the News Press called her and asked if she knew anything about the incident. That was when she called Rodriguez back. She was upset with Rodriguez but she never talked to Rodriguez about what happened in the video or the case. They talked about Rodriguez's wife and kids and their wellbeing, and the city council meeting and Anthony Thomas. Rodriguez apologized to Prince for getting her involved.*

*SAS Wagner asked Prince if she knew the operation was going to be video recorded. Prince had done multiple operations like the massage parlor operation and they were never conducted with video recording devices. At the time of the operation, she was unaware that a video was going to be taken of the operation and did not know about the video afterwards. Operations like this were normally only audio recorded.*

*The newspaper released an article that stated that Prince had written the report and it made it seem as though she intentionally left things out. Prince stated that that was not the case. She then hired an attorney to get her name out of the paper.*

*Prince was hired by FMPD in 1998. Prince was a community service aide for six months prior to being sponsored by FMPD to attend the police academy. Upon completion of the police academy, Prince became a sworn police officer. Prince then became a community policing officer followed by a Special Investigations Group (SIG) detective from 2006 to 2008. The sergeant (Sgt.) of SIG at that time was Sgt. Bernice and Sgt. Rodriguez (possibly a lieutenant at the time). As a Sig member, Prince worked a lot of undercover operations involving narcotics and prostitution and supervised many undercover operations. After the time in SIG, Prince was promoted to sergeant in road patrol and then Internal Affairs. She was in Internal Affairs for approximately two years working under Lieutenant (Lt.) Musante. Prince was then promoted to lieutenant in late 2012, assigned to road patrol.*



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*SA Bores provided Prince with a copy of the Fort Myers Police Department Operational Plan for March 14, 2013. Prince recalled going with Conticelli to a business nearby the massage parlor who complained about prostitution taking place at the massage parlor. The complaint then would have been provided to the narcotics unit who handles prostitution operations. Prince believed that for some reason narcotics could not conduct an operation and that was why she organized the prostitution operation. Prince speculated that she then reached out to people with experience to assist in her operation. Each officer assisting in the operation would have needed approval by their chain of command beforehand.*

*Prince remembered going into the massage parlor and finding [REDACTED] inside whom only spoke Chinese. Prince then called the Lee County Sheriff's Office (LCSO) and asked if they had a Chinese translator. The Chinese translator flew into the Page Field airport and [REDACTED] picked him up and brought him to the massage parlor. Prince was surprised that the Chinese translator was a Caucasian LCSO deputy. She spoke with the translator who told her that his wife was from China. Prince recalled seeing a bed in the business and thinking that [REDACTED] of the [REDACTED] was living there. She also recalled [REDACTED] Conticelli, the LCSO deputy and the [REDACTED] [REDACTED] being inside the business.*

*Prince explained that it would have been normal practice for them to have a briefing before the operation but she could not recall having one. Money for the operation would have been acquired from a SIG member. Prince did not remember how they received the money for the operation. Prince did not have access to undercover funds. Money used for the transaction should have been photocopied which would have been placed in the case file. Monitoring of the operation would have been an audio device that would have either recorded the audio or transmitted it to the other officers. Video recording was not used for those types of operations. Prince did not remember what monitoring devices were used in the massage parlor operation. Once a felony arrest is made, the case report is assigned to a detective who takes over the case. Prince did not know who the case was assigned to but stated a prostitution case would have been assigned to a SIG detective. Prince believed that the records division would have provided the paperwork from the arrest to the SIG supervisor who would then assign the case to a detective.*

*SAS Wagner read from the operation plan, "Lt. Rodriguez will then stop the illegal act prior to fruition and exit the business." SAS Wagner asked Prince if it would have been important to go over that with the undercover prior to the operation and Prince said, "Yes". Prince stated that Rodriguez knew what he was supposed to do once inside the massage parlor as the undercover officer. Prince did not remember speaking with Rodriguez about what he was supposed to do once inside the massage parlor and stated that it would be common sense. Prince stated*



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*that Rodriguez had done multiple undercover massage parlor, prostitution, and drug operations in the past and they were all carried out the same way.*

*SA Bores provided Prince with Fort Myers Police Report 2013-02675. Prince did not recall instructing Havenner to write the report but stated that lieutenants do not write reports so whoever was transporting the [REDACTED] would have written the report. The officer writing the report would normally talk to the undercover officer at the scene or call the undercover officer to receive the probable cause to write in the report. The undercover officer would not have been required to provide a supplemental report.*

*Prince did not remember receiving an email from Rodriguez entailing what took place inside the massage parlor on March 14, 2013. If she did receive an email she would have provided it to the arresting officer.*

*Prince returned to Internal Affairs as a lieutenant in 2014. After chief Baker was fired, Interim Chief Eads assigned Prince as acting captain over Internal Affairs and Training and Accreditation. Prince conducted internal investigations during her time as acting captain in Internal Affairs. All complaints would have been provided to Prince to be assigned unless it was something serious, then it would go to the Chief. Prince advised that all complaints were investigated. During her time in Internal Affairs, Prince never received a complaint regarding Rodriguez engaging in sex on duty with a confidential informant or prostitute. Prince stated that she is friends with Rodriguez but she would not lie for him or anyone.*

*Prince was questioned about the fact that she could not remember a lot of details surrounding the operation. Prince stated that the operation was six years ago and nothing out of the ordinary happened that would cause her to remember it besides the Caucasian deputy speaking Chinese. She also stated that operations like this one were not uncommon.*

(Note: See INV-37 in FDLE's report for the audio recording of this interview)

On May 10, 2019, SA Bores received the requested information from Google as well as a Certificate of Authenticity signed by the custodian of records. Below lists the user information for Gmail account [REDACTED] from December 1, 2019 to March 26, 2019:

<b>Name:</b>	O'Neil Kerr
<b>e-0Mail:</b>	[REDACTED]
<b>Created on</b>	[REDACTED]
<b>SMS:</b>	[REDACTED]
<b>IP Address:</b>	[REDACTED]

(Note: [REDACTED])



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(Note: the IP address listed above is the same IP address that returned to Kerr's current residence, reference IR#26 in FDLE's report)

On May 10, 2019, SA Bores received a subpoena duces tecum from the SAO, Twentieth Judicial Circuit, requesting subscriber information, incoming and outgoing toll records and text/sms logs from December 1, 2018 to present to serve to T-Mobile for phone number [REDACTED] SA Bores served the subpoena electronically via email that same date.

On May 10, 2019, SA Bores received a subpoena duces tecum from the SAO, Twentieth Judicial Circuit, requesting subscriber information, incoming and outgoing toll records and text/sms logs from December 1, 2018 to the present to serve to Comcast for phone number [REDACTED] On the same date, Senior Crime Intelligence Analyst (SCIA) Kelly Andriano served the subpoena to Comcast via an online portal.

On May 11, 2019, SA Bores received the requested documents from AT&T in reference to the subscriber information and toll records from telephone number [REDACTED] The subscriber information included the following:

MSISDN	[REDACTED]
MSISDN Active	9/15/2018 – Current
Name	Rebecca L. Prince
User Address:	[REDACTED]
Contact Home Email	[REDACTED]

(Note: the documents provided by AT&T are maintained electronically in FDLE related items as INV-50)

On May 13, 2019, SCIA Andriano provided SA Bores with the requested subscriber information from Comcast. The following is the subscriber information for phone number [REDACTED] from December 1, 2018 to May 10, 2019:

Target Phone No:	[REDACTED]
Subscriber Name:	Walter Mitchell
Service Address:	[REDACTED]
Type of Service:	Xfinity Mobile
Status:	Active

(Note: see INV-49 of FDLE's report)

On May 22, 2019, SA Bores received the requested documents from T-Mobile for phone number (239) 281-0110. The subscriber information included the following:



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Phone Number	Subscriber	Subscriber Address
(239) 281-0100	Steven Morris	719 Joel Blvd. Lehigh Acres, FL 33936

(See INV-46 in FDLE's report for the related items)

On May 14, 2019, SA Bores and SAS Wagner obtained an audio recorded sworn statement from Donald Weathers. Mr. Weathers was represented by his attorney, Tim Culhane. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

*Weathers is a former police officer with the FMPD. He was hired in February of 2007 and worked for the agency until November 2017 (Note: Weathers' employment was terminated by the Chief Dizez for untruthfulness (Perjury) in an official proceeding - See IA 2017-009). Weathers was a member of the Special Investigations Group (SIG) from 2010 to 2017. He had previously worked for the Hendry County Sheriff's Office and before that was a correctional officer with the State of Florida. Weathers currently works for the Hendry County Sheriff's Office.*

*SA Bores asked Weathers if he had participated in the FMPD undercover operation at the New Asian Massage parlor on March 14, 2013. Weather did not participate in the operation but was aware of the operation. He was also aware that a video was taken during that operation. Weather viewed the video a couple days after the operation took place in 2013. In the video, Weathers saw Lieutenant (Lt.) Jay Rodriguez walk into a massage parlor and meet a [REDACTED] Rodriguez and the [REDACTED] engaged in conversation and eventually he saw Rodriguez naked and then Rodriguez walked out. Weathers saw this same video on the news in February of 2019.*

*Weathers explained that a couple days after the operation took place, Jason Greene called Weathers into his office and told him about the massage parlor operation. Greene then showed Weathers and Wolfgang Daniel the video on his computer. He had accessed this video from the SIG T drive. Greene told Weathers that Rodriguez had gotten naked in the video and then Rodriguez goes off camera. Greene then made assumptions as to what may have occurred off camera. Weathers stated that Greene was concerned about the video. Greene and Daniel told Weathers that they were involved in that massage parlor operation. The operation was not a SIG operation but SIG recording equipment and a cold phone were used. Rebecca Prince and Rodriguez organized the massage parlor operation.*

*Weathers was confident that it was Jay Rodriguez in the video. He stated that it was not his operation and it would have been the responsibility of Greene and Daniel to report the video if they were concerned about it. He also was unsure of what actually took place in the video, whether Rodriguez got a legitimate massage or engaged in sexual activity. Weathers did not know how far Rodriguez had been*



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*instructed to take the operation. Sometimes undercover officers have to let the prostitute grab them in order to prove that they are not a police officer. Weathers stated that he was scared to report the video because of the power that Rodriguez had. He believed Dennis Eads may have been in charge of Internal Affairs (IA) in 2013 and the Eads and Rodriguez were very close.*

*Weathers had never been involved in a massage parlor operation. He had conducted other prostitution operations and it was standard practice to utilize video recording during operations for evidence purposes. Weathers explained that the T drive was a secured server that was accessible only by the SIG unit. Capt. Perry, Lt. Newhouse, Lt. Rodriguez, and the administrative assistance would have had special access to the T drive. The video was filed on the T drive under, "2013, operations, 2013", then subfolder "operations" and labeled "massage parlor".*

*Weathers was contacted by former FMPD Officer O'Neill Kerr in December of 2018. Kerr had heard about the video and asked Weathers if he was aware of the video. Weathers told Kerr that there was a video of Capt. Rodriguez. Kerr told Weathers that he was filing a complaint with the city against Capt. Rodriguez. Kerr wanted to do a public records request for the video so Weathers told him the exact location of where to find the video on the T drive. Weathers told Kerr to talk to Greene and Daniel because they were the ones who were there and handled the video. Weathers thought that by providing the names of Greene and Daniel, they would be confronted and tell the truth about the video. Kerr told Weathers that the City of Fort Myers could not find the video.*

*Weathers stated that he made a copy of the video shortly after he was made aware of the video. Because of Greene and Daniel's concerns about the video, Weathers felt that he needed to make a copy of the video in case something ever happened. It was originally on his flash drive but the flash drive was old so he transferred the video to an SD card and threw away the flash drive. Weathers put the SD card in Kerr's mailbox at Kerr's residence. Weathers never told Kerr that he was the one who put the SD card in his mailbox. Weathers does not currently have a copy of the video: he gave his only copy to Kerr. Angela Montalvo, Weathers' girlfriend, was the only other person who knew that Weathers had the video.*

*SAS Wagner asked Weathers if he deleted the video off of the FMPD server. Weathers stated that he did not delete the video. He never moved or renamed the video. Weathers explained that no one is able to delete anything off of the T drive without special authorization. Weathers did not know why Greene and Daniel were not listed on the operational plan for the massage parlor. He stated that they might have been in support roles, or might have been called to drop off recording equipment. Weathers believed that Greene or Daniel told him a covert camera was used during the operation. At that time, the [REDACTED] was a new device*





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*used by the SIG unit. Weathers knew that Rodriguez had told Greene that nothing was recorded on the device when he gave it back to Greene after the operation, but Weathers did not specify how he knew that information and did not want to misspeak.*

*SIG recording equipment was stored in a storage closet and everyone in SIG had access to it. There was an equipment sign out log that was loosely enforced. Money for undercover operations came from the SIG unit. An operation plan was needed to request money for an operation. There was a sign out sheet for money that needed to be signed by the case agent. Weathers explained that if a road patrol officer made a felony arrest, a detective would then follow up with the State Attorney's Office and do a case report. He did not recall if anyone did a case report for this case, but believed that road patrol may have handled it.*

(Note: FDLE's INV-51 contains the audio for this interview)

On May 17, 2019, SA Bores received the documents that she previously requested via subpoena from Callyo on April 29, 2019. These documents included three audio files from March 14, 2013 and a spreadsheet detailing the three audio files. The following details the subscriber information and call records:

User: [REDACTED]  
 Agency: Fort Myers Police Department  
 Email: [REDACTED]  
 Date Created: February 20<sup>th</sup> 2012 at 2:44 PM EST

Date	Start Time	End Time	Bug #	Length	File Name
3/14/2013	17:24:41	17:30:25	[REDACTED]	5:44	bug_2013-03-14_17-24-41_EDT.mp3
3/14/2013	17:18:52	17:23:04	[REDACTED]	4:12	bug_2013-03-14_17-18-52_EDT.mp3
3/14/2013	17:15:13	17:16:12	[REDACTED]	0:59	bug_2013-03-14_17-15-13_EDT.mp3

(Note: an electronic copy of the subpoena is maintained in related items INV-52 and the documents provided by Callyo are maintained in INV-53)

User: [REDACTED]  
 Agency: [REDACTED]  
 On May 29, 2019, SAS Wager received an email from Donald Weathers' attorney, Tim Culhane. The email included screen shots of text message between Kerr and Weathers. The text messages demonstrate that Mr. Kerr was working with Mr. Weathers in filing his complaint against Jay Rodriguez, along with other members of the Fort Myers Police Department. (Note: an electronic copy of the screenshots is maintained in FDLE's related items INV-54)

On May 31, 2019, SA Bores and SAS Wagner presented a search warrant for Rodriguez's City of Fort Myers Z drive to Honorable Judge Devin George, who was the on-call judge for the Twentieth



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Judicial Circuit in Lee County. Judge George approved the search warrant for the Z drive assigned to Rodriguez.

On May 31, 2019, SA Bores and SAS Wagner presented a search warrant for Rodriguez's agency issued desktop computer tower, laptop, and iPad, City of Fort Myers Synology network attached storage (NAS) device and two Western Digital hard drivers to Honorable Judge Devin George, who was the on-call judge for the Twentieth Judicial Circuit in Lee County. Judge George approved the search warrant for the items listed above.

On June 5, 2019, SAS Wagner obtained a DVD from City of Fort Myers IT Director Richard Calkins. This DVD contained the emails of current and former FMPD members for the date range of March 14, 2013 to March 21, 2013. (See FDLE's INV-60 for these emails)

On June 5, 2019, at 1410 hours, SAS Wagner served a search warrant for the content of Capt. Rodriguez's City of Fort Myers Z Drive on Information Technology Director Richard Calkins. With SAS Wagner and Director Calkins monitoring, Network Engineer Barbara Wills copied the information from the Z Drive to a Kingston 16GB USB drive. When the operation was complete (at approximately 1440 hours) SAS Wagner took possession of the USB drive and left a copy of the search warrant and a property receipt with Director Calkins. The flash drive was later stored in FDLE evidence.

(Note: See FDLE's INV-55 and INV-56)

On June 6, 2019, SAS Wagner emailed Director Calkins a copy of the search warrant for the other electronic equipment previously received from the City of Fort Myers, along with an inventory of those items.

On June 12, 2019, SA Bores contacted Eric Gutridge via telephone who volunteered to meet with SA Bores on June 19, 2019 at 9:00 a.m. On June 14, 2018, SA Bores received an email from Attorney Tim Culhane who stated that Gutridge had decided not to be involved and prepared a brief statement as to why. The letter from Gutridge was preserved as FDLE related item INV-66. The content of this letter includes the following:

*June 12, 2019*

*FDLE Agent Vores,*

*As you may know I had a long-decorated career at the Fort Myers Police Department from 2001 – 2017. I dedicated my loyal service to the safety of the citizens of the City of Fort Myers at the expenses of my own safety, wellbeing and time spent with my family. In 2017 I was unjustly terminated by the current Chief of Police, against all counsel by his administration who found policy allegations against me to be without merit. During the internal investigation my good name was released to the media who published untruthful information about the investigation*



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*and lumped me in with officers targeted in an on-going Federal investigation. Reporters published articles implying my involvement with police corruption and racism although neither were relevant to the allegations against me. During that time the Fort Myers Police Department made no effort to rectify these public false statements against me. As a result, I have endured hardship and undue stress from these public attacks on my character. Furthermore, my wife and four children who work and attend public school in this community have endured similar duress as a result of the mishandling of my internal investigation by the Fort Myers Police Department.*

*I have since regained my confidence and re-established myself as a valued contributing member of society in the civilian sector. Based on my adverse experience with the unfair treatment and process of the Fort Myers Police Department I have no interest in the voluntary participation of any investigation or the on-going rhetoric that has saturated that agency. Please receive this letter as the respectful decline to voluntarily participate in any law enforcement interview regarding the happenings of the Fort Myers Police Department as I had no participation in the event in question or firsthand knowledge of these events.*

*Respectfully,  
Eric Gutridge*

On June 12, 2019, SA Bores and SAS Wagner obtained an audio recorded sworn statement from former FMPD Officer Sean Fitzpatrick. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

*Fitzpatrick is a former law enforcement officer with FMPD, working there from 2007 until August of 2014. He currently works for Alcoholic Beverages and Tobacco (ABT) in Fort Myers. In 2013, Fitzpatrick was a community policy officer. Fitzpatrick did not work the operation at the New Asian Massage parlor on March 14, 2013, but he was aware of the operation because he had received complaints about the business and a business off of Grove Avenue. He had conducted surveillance at both massage parlors. Fitzpatrick was in training the date of the New Asian Massage parlor operation but his partner, David Conticelli, set up the operation. Fitzpatrick was aware that an arrest was made at the New Asian Massage because he compiled documents from both operation and provided them to the Department of Health. Fitzpatrick recalled the Special Investigation Group (SIG) not wanting to be involved with the first massage parlor operation at New Asian Massage.*

*Fitzpatrick explained that the operation at the massage parlor off of Grove Avenue was organized by the SIG unit. His role in the operation was uniformed marked support and he and Conticelli were parked down the street. Walter Michell was the*



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*undercover for that operation. Fitzpatrick did not know a lot of details about it and explained the SIG union as, "a secretive group, they didn't really want people involved in their stuff".*

*The marked support units would normally transport the arrestee to the jail or a holding cell. The SIG detective would complete the narrative and send it to the arresting officer. The transporting officer would input the arrestee's information and the charges and then input the probable cause narrative provided by the detective. The probable cause narrative was normally emailed to the arresting officer and then copied into the booking sheet. The detectives could also upload their narrative directly into UBS (Universal Booking System). Fitzpatrick stated that he did not like assisting the SIG unit because he would have to make arrests for them and put his name on their narrative. The detective's name would be listed on the booking sheet as "reporting officer" but they did not sign the arrest report or provide a supplemental report. When making an arrest the notarizing officer could have been anyone at the jail at the time of booking.*

*Rodriguez was never Fitzpatrick's direct supervisor and they are not friends. Rebecca Prince was Fitzpatrick's supervisor in 2013. Fitzpatrick is currently Rebecca Prince's supervisor at ABT. Prince recently spoke with Fitzpatrick about the incident involving Rodriguez. She advised Fitzpatrick that she was going to speak with FDLE agents and that she was upset about being involved. She said that Rodriguez put her in a bad spot and if she had known about it she would have done something about it then. Fitzpatrick did not believe that Prince knew about the video.*

*Fitzpatrick explained that a detective from the SIG unit would have needed to follow-up with the State Attorney's Office in reference to the massage parlor arrests. If a road patrol officer were to make a vice or drug related arrest, they were supposed to copy all of the booking reports and place it in a box in the hallway for SIG. The SIG secretary, Jill, would then take it to the SIG office.*

*Fitzpatrick did not know about the video until its recent release on the news. He did not recall hearing any rumors about Rodriguez and the video prior to its release. Fitzpatrick was able to identify Rodriguez in the beginning of (the) video that was shown on the news.*

(Note: see FDLE's INV-61 for the audio recording of this interview)

On June 12, 2019, SCIA Andriano received a request from FDLE SA Bores to analyze call detail records for the following telephone numbers:

[REDACTED]



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[REDACTED]

239-877-7468

Specifically, SA Bores requested calls between all of the above records, with the addition of [REDACTED] (for which no records were provided) from the time period of February 9, 2019 through the last date of record.

Subscriber/Files received were as follows:

[REDACTED]

Call Detail Records from 12/01/18 – 4/09/19  
(VoLTE and Incoming Outgoing Files)

Verizon Case [REDACTED]  
Specia

City of Fort Myers IT Dept  
2200 2<sup>nd</sup> St  
Fort Myers, FL

Call Detail Records from 12/03/18 – 04/05/19  
(VoLTE and Incoming Outgoing Files)

Verizon Case [REDACTED]

Steven Mores  
719 Joel Blvd  
Lehigh Acres, FL 33936

Call Detail Records from 12/01/18 – 05/10/19 (UTC)  
T-Mobile case [REDACTED]

Verizon indicates that number owned by Comcast communications  
Walter Michell

[REDACTED]



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[REDACTED]  
 Call Detail Records from 12/01/19 – 04/18/19  
 (VoLTE and Incoming Outgoing Files)  
 Verizon Case [REDACTED]

[REDACTED]  
 Rebecca L Prince

[REDACTED]  
 Call Detail Records from 12/01/18 – 4/18/19 (UTC)  
 AT&T Case [REDACTED]

[REDACTED]  
 Jay Rodriguez

[REDACTED]  
 Call Detail Records from 12/01/18 – 4/18/19  
 (VoLTE and Incoming Outgoing Files)  
 Verizon Case [REDACTED]

[REDACTED]  
 [REDACTED]

[REDACTED]  
 City of Fort Myers ITS Dept  
 2200 2<sup>nd</sup> St Fort Myers, FL  
 Call Detail Records from 12/3/18 – 4/18/19  
 (VoLTE and Incoming Outgoing Files)  
 Verizon Case [REDACTED]

[REDACTED]  
 Angela Montalvo

[REDACTED]  
 Call Detail Records from 12/01/18 – 4/18/19  
 (VoLTE and Incoming Outgoing Files)  
 Verizon Case [REDACTED]

239-887-7468



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Maid you Look Cleaning Services LLC  
 917 SW 29<sup>th</sup> St  
 Cape Coral, FL 33914  
 Call Detail Records from 12/01/18 – 4/18/19 (UTC)  
 - Mobile Case [REDACTED]

SCIA Andriano created spreadsheets containing the contacts between the above-mentioned number and provided them to SA Bores on July 3, 2019. The spreadsheets were attached electronically as FDLE related item INV-67. These spreadsheets are also provided herein.

**[REDACTED] Phone [REDACTED]**

Provider Date	Provider Time	Provider Time Zone	Date	Time	Duration	Direction	Call Type	Contact ID	Contact Name
2/11/2019	8:12:40	UTC-05:00	2/11/2019	8:12:40	0:18:25	Outgoing	Voice	[REDACTED]	MAY RODRIGUEZ
2/11/2019	17:11:37	UTC-05:00	2/11/2019	17:11:37	0:20:43	Outgoing	Voice	[REDACTED]	REBECCA L PRINCE
2/14/2019	17:28:11	UTC-05:00	2/14/2019	17:28:11	0:10:51	Outgoing	Voice	[REDACTED]	REBECCA L PRINCE
3/5/2019	16:10:33	UTC+00:00	3/5/2019	11:10:33	0:00:05	Incoming	Voice	[REDACTED]	CITY OF FORT MYERS ITS DEPT
3/5/2019	16:10:33	UTC+00:00	3/5/2019	11:10:33	0:00:05	Incoming	Voice	[REDACTED]	CITY OF FORT MYERS ITS DEPT
3/14/2019	14:59:17	UTC-04:00	3/14/2019	14:59:17	0:00:01	Outgoing	Voice	[REDACTED]	[REDACTED]
3/14/2019	15:05:59	UTC-04:00	3/14/2019	15:05:59	0:08:17	Incoming	Voice	[REDACTED]	[REDACTED]
3/26/2019	16:42:04	UTC-04:00	3/26/2019	16:42:04	0:04:35	Outgoing	Voice	[REDACTED]	[REDACTED]
3/27/2019	20:15:04	UTC+00:00	3/27/2019	16:15:04	0:00:07	Incoming	Voice	[REDACTED]	[REDACTED]
3/27/2019	20:15:04	UTC+00:00	3/27/2019	16:15:04	0:00:07	Incoming	Voice	[REDACTED]	[REDACTED]
3/27/2019	16:51:08	UTC-04:00	3/27/2019	16:51:08	0:01:13	Incoming	Voice	[REDACTED]	[REDACTED]
4/1/2019	12:07:47	UTC+00:00	4/1/2019	8:07:47	0:00:17	Incoming	Voice	[REDACTED]	[REDACTED]
4/1/2019	12:07:47	UTC+00:00	4/1/2019	8:07:47	0:00:17	Incoming	Voice	[REDACTED]	[REDACTED]
4/1/2019	8:57:15	UTC-04:00	4/1/2019	8:57:15	0:01:06	Outgoing	Voice	[REDACTED]	[REDACTED]
4/7/2019	1:05:11	UTC-04:00	4/7/2019	1:05:11	0:11:29	Incoming	Voice	[REDACTED]	WALTER MITCHELL
4/7/2019	1:24:21	UTC-04:00	4/7/2019	1:24:21	0:05:25	Outgoing	Voice	[REDACTED]	WALTER MITCHELL
4/16/2019	7:08:15	UTC-04:00	4/16/2019	7:08:15	0:01:43	Incoming	Voice	[REDACTED]	[REDACTED]
4/17/2019	13:05:25	UTC-04:00	4/17/2019	13:05:25	0:00:54	Outgoing	Voice	[REDACTED]	[REDACTED]
4/17/2019	13:06:25	UTC-04:00	4/17/2019	13:06:25	0:00:18	Outgoing	Voice	[REDACTED]	[REDACTED]
4/18/2019	14:42:15	UTC+00:00	4/18/2019	10:42:15	0:00:07	Incoming	Voice	[REDACTED]	[REDACTED]
4/18/2019	14:42:15	UTC+00:00	4/18/2019	10:42:15	0:00:07	Incoming	Voice	[REDACTED]	[REDACTED]
4/18/2019	11:06:07	UTC-04:00	4/18/2019	11:06:07	0:00:02	Outgoing	Voice	[REDACTED]	[REDACTED]

**O'Neil Kerr's Phone [REDACTED]**

There were 268 phone calls and/or text messages between Mr. Kerr's phone and Angela Montalvo's (Donald Weather's girlfriend) phone between the dates of February 10, 2019 and April 19, 2019. (See FDLE's INV – 67 for the spreadsheet)

**Walter Mitchell's Phone [REDACTED]**

Target	Target Name	Provider Date	Provider Time	Provider Time Zone	Date	Time	Duration	Direction	Call Type	Contact ID	Contact Name
[REDACTED]	WALTER MITCHELL	3/15/2019	0:19:55	UTC+00:00	3/14/2019	20:19:55	0:16:16	Outgoing	Voice	[REDACTED]	[REDACTED]
[REDACTED]	WALTER MITCHELL	4/7/2019	1:05:10	UTC-04:00	4/7/2019	1:05:10	0:11:29	Outgoing	Voice	[REDACTED]	[REDACTED]
[REDACTED]	WALTER MITCHELL	4/7/2019	1:24:20	UTC-04:00	4/7/2019	1:24:20	0:05:26	Incoming	Voice	[REDACTED]	[REDACTED]
[REDACTED]	WALTER MITCHELL	4/12/2019	11:40:27	UTC-04:00	4/12/2019	11:40:27	0:00:04	Outgoing	Voice	[REDACTED]	WALTER MITCHELL

**Shawn Havenner's Phone [REDACTED]**

Donal  
FDLE



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Target	Target Name	Provider Date	Provider Time	Provider Time Zone	Date	Time	Duration	Direction	Call Type	Contact ID	Contact Name
[REDACTED]	SHAWN HAVENNER	2/21/2019	22:09:58	UTC-05:00	2/21/2019	22:09:58	0:00:00	Outgoing	Voice	[REDACTED]	SHAWN HAVENNER
[REDACTED]	SHAWN HAVENNER	2/23/2019	2:41:39	UTC-05:00	2/23/2019	2:41:39	0:00:29	Outgoing	Voice	[REDACTED]	SHAWN HAVENNER
[REDACTED]	SHAWN HAVENNER	3/16/2019	20:41:50	UTC-04:00	3/16/2019	20:41:50	0:00:29	Outgoing	Voice	[REDACTED]	SHAWN HAVENNER
[REDACTED]	SHAWN HAVENNER	3/26/2019	20:09:07	UTC-04:00	3/26/2019	20:09:07	0:00:02	Outgoing	Voice	[REDACTED]	SHAWN HAVENNER
[REDACTED]	SHAWN HAVENNER	3/27/2019	3:10:48	UTC-04:00	3/27/2019	3:10:48	0:00:11	Outgoing	Voice	[REDACTED]	SHAWN HAVENNER
[REDACTED]	SHAWN HAVENNER	3/31/2019	15:45:40	UTC-04:00	3/31/2019	15:45:40	0:00:05	Outgoing	Voice	[REDACTED]	SHAWN HAVENNER

### Rebecca Prince's Phone [REDACTED]

Target	Target Name	Provider Date	Provider Time	Provider Time Zone	Date	Time	Duration	Direction	Call Type	Contact ID	Contact Name
[REDACTED]	REBECCA L PRINCE	2/11/2019	15:56:38	UTC+00:00	2/11/2019	10:56:38	0:00:00	Incoming	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/11/2019	15:56:40	UTC+00:00	2/11/2019	10:56:40	0:00:03	Incoming	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/11/2019	16:00:56	UTC+00:00	2/11/2019	11:00:56	0:00:02	Outgoing	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/11/2019	16:01:38	UTC+00:00	2/11/2019	11:01:38	0:11:34	Incoming	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/11/2019	20:37:28	UTC+00:00	2/11/2019	15:37:28	0:06:10	Outgoing	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/11/2019	20:44:04	UTC+00:00	2/11/2019	15:44:04	0:17:21	Incoming	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/11/2019	20:44:04	UTC+00:00	2/11/2019	15:44:04	0:17:21	Incoming	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/11/2019	22:11:36	UTC+00:00	2/11/2019	17:11:36	0:20:43	Incoming	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/12/2019	19:39:59	UTC+00:00	2/12/2019	14:39:59	0:00:00	Incoming	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/12/2019	19:40:00	UTC+00:00	2/12/2019	14:40:00	0:00:03	Incoming	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/12/2019	19:48:57	UTC+00:00	2/12/2019	14:48:57	0:06:13	Outgoing	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/13/2019	21:08:45	UTC+00:00	2/13/2019	16:08:45	0:13:34	Incoming	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/14/2019	19:54:57	UTC+00:00	2/14/2019	14:54:57	0:08:36	Outgoing	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/14/2019	22:28:11	UTC+00:00	2/14/2019	17:28:11	0:10:51	Incoming	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/21/2019	15:16:12	UTC+00:00	2/21/2019	10:16:12	0:46:51	Outgoing	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	2/21/2019	17:43:23	UTC+00:00	2/21/2019	12:43:23	0:00:00	Incoming	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	3/1/2019	13:12:36	UTC+00:00	3/1/2019	8:12:36	0:03:35	Outgoing	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	3/5/2019	14:30:27	UTC+00:00	3/5/2019	9:30:27	0:26:57	Outgoing	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	3/6/2019	18:17:51	UTC+00:00	3/6/2019	10:17:51	0:10:39	Incoming	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	3/11/2019	19:43:48	UTC+00:00	3/11/2019	15:43:48	0:08:17	Outgoing	Voice	[REDACTED]	JAY RODRIGUEZ
[REDACTED]	REBECCA L PRINCE	4/5/2019	15:42:28	UTC+00:00	4/5/2019	11:42:28	0:10:47	Outgoing	Voice	[REDACTED]	JAY RODRIGUEZ

### Jay Rodriguez's Phone [REDACTED]

Target	Target Name	Provider Date	Provider Time	Provider Time Zone	Date	Time	Duration	Direction	Call Type	Contact ID	Contact Name
[REDACTED]	JAY RODRIGUEZ	2/11/2019	8:12:40	UTC-05:00	2/11/2019	8:12:40	0:13:25	Incoming	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	2/11/2019	10:56:41	UTC-05:00	2/11/2019	10:56:41	0:00:02	Outgoing	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	2/11/2019	16:00:56	UTC+00:00	2/11/2019	11:00:56	0:00:02	Incoming	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	2/11/2019	16:00:56	UTC+00:00	2/11/2019	11:00:56	0:00:02	Incoming	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	2/11/2019	11:01:39	UTC-08:00	2/11/2019	11:01:39	0:11:34	Outgoing	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	2/11/2019	15:37:29	UTC-05:00	2/11/2019	15:37:29	0:06:10	Incoming	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	2/11/2019	15:44:05	UTC-05:00	2/11/2019	15:44:05	0:17:20	Outgoing	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	2/12/2019	14:40:01	UTC-05:00	2/12/2019	14:40:01	0:00:09	Outgoing	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	2/12/2019	14:48:57	UTC-05:00	2/12/2019	14:48:57	0:06:14	Incoming	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	2/13/2019	16:08:45	UTC-05:00	2/13/2019	16:08:45	0:13:34	Outgoing	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	2/14/2019	14:54:58	UTC-05:00	2/14/2019	14:54:58	0:08:36	Incoming	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	2/21/2019	10:16:13	UTC-05:00	2/21/2019	10:16:13	0:46:51	Incoming	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	3/1/2019	8:12:35	UTC-05:00	3/1/2019	8:12:35	0:03:36	Incoming	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	3/5/2019	9:30:27	UTC-05:00	3/5/2019	9:30:27	0:26:57	Incoming	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	3/6/2019	10:17:51	UTC-05:00	3/6/2019	10:17:51	0:10:39	Outgoing	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	3/11/2019	15:43:49	UTC-04:00	3/11/2019	15:43:49	0:08:17	Incoming	Voice	[REDACTED]	REBECCA L PRINCE
[REDACTED]	JAY RODRIGUEZ	4/5/2019	11:42:28	UTC-04:00	4/5/2019	11:42:28	0:10:47	Incoming	Voice	[REDACTED]	REBECCA L PRINCE

14557 2021-03-22  
14557 2021-03-27  
14557 2021-03-27  
14557 2021-03-27  
14557 2021-03-27  
14557 2021-03-27





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Facet	Target Name	Provider Date	Provider Time	Provider Time Zone	Date	Time	Duration	Direction	Call Type	Contact Name
		2/9/2019	13:31:03	UTC-05:00	2/9/2019	13:31:03	0:00:41	Outgoing	Voice	
		2/9/2019	13:31:45	UTC-05:00	2/9/2019	13:31:45	0:18:52	Incoming	Voice	
		2/9/2019	13:31:45	UTC-05:00	2/9/2019	13:31:45	0:18:52	Incoming	Voice	
		2/11/2019	20:57:59	UTC-05:00	2/11/2019	20:57:59	0:04:07	Outgoing	Voice	
		2/12/2019	15:32:12	UTC-05:00	2/12/2019	15:32:12	0:00:29	Outgoing	Voice	
		2/12/2019	19:31:15	UTC-05:00	2/12/2019	19:31:15	0:05:08	Outgoing	Voice	
		2/13/2019	14:24:11	UTC-05:00	2/13/2019	14:24:11	0:00:09	Outgoing	Voice	
		2/13/2019	17:35:08	UTC-05:00	2/13/2019	17:35:08	0:00:41	Outgoing	Voice	
		2/13/2019	17:39:15	UTC-05:00	2/13/2019	17:39:15	0:00:08	Incoming	Voice	
		2/13/2019	17:39:15	UTC-05:00	2/13/2019	17:39:15	0:00:08	Incoming	Voice	
		2/13/2019	17:39:31	UTC-05:00	2/13/2019	17:39:31	0:34:37	Incoming	Voice	
		2/13/2019	17:39:31	UTC-05:00	2/13/2019	17:39:31	0:34:37	Incoming	Voice	
		2/21/2019	8:17:47	UTC-05:00	2/21/2019	8:17:47	0:00:29	Outgoing	Voice	
		2/22/2019	9:44:32	UTC-05:00	2/22/2019	9:44:32	0:00:38	Outgoing	Voice	
		2/22/2019	11:21:06	UTC-05:00	2/22/2019	11:21:06	0:00:29	Incoming	Voice	
		2/22/2019	11:21:06	UTC-05:00	2/22/2019	11:21:06	0:00:29	Incoming	Voice	
		2/22/2019	13:28:16	UTC-05:00	2/22/2019	13:28:16	0:00:34	Outgoing	Voice	
		2/25/2019	11:56:45	UTC-05:00	2/25/2019	11:56:45	0:00:01	Outgoing	Voice	
		3/5/2019	14:01:41	UTC-06:00	3/5/2019	15:01:41	0:00:00	Incoming	Text	
		3/5/2019	14:05:40	UTC-06:00	3/5/2019	15:05:40	0:00:00	Outgoing	Text	
		3/6/2019	6:53:52	UTC-05:00	3/6/2019	6:53:52	0:00:29	Outgoing	Voice	
		3/6/2019	13:27:06	UTC-06:00	3/6/2019	14:27:06	0:00:00	Incoming	Text	
		3/6/2019	13:27:38	UTC-06:00	3/6/2019	14:27:38	0:00:00	Outgoing	Text	
		3/6/2019	13:27:57	UTC-06:00	3/6/2019	14:27:57	0:00:00	Incoming	Text	
		3/6/2019	14:16:55	UTC-06:00	3/6/2019	15:16:55	0:00:00	Incoming	Text	
		3/6/2019	14:24:14	UTC-06:00	3/6/2019	15:24:14	0:00:00	Outgoing	Text	
		3/6/2019	14:24:34	UTC-06:00	3/6/2019	15:24:34	0:00:00	Incoming	Text	
		3/6/2019	14:27:58	UTC-06:00	3/6/2019	15:27:58	0:00:00	Outgoing	Text	
		3/7/2019	7:20:43	UTC-06:00	3/7/2019	8:20:43	0:00:00	Incoming	Text	
		3/7/2019	7:21:07	UTC-06:00	3/7/2019	8:21:07	0:00:00	Outgoing	Text	
		3/7/2019	7:21:13	UTC-06:00	3/7/2019	8:21:13	0:00:00	Incoming	Text	
		3/7/2019	9:19:22	UTC-06:00	3/7/2019	10:19:22	0:00:00	Incoming	Text	
		3/12/2019	11:23:34	UTC-05:00	3/12/2019	12:23:34	0:00:00	Incoming	Text	
		3/12/2019	17:35:15	UTC-04:00	3/12/2019	17:35:15	0:00:28	Outgoing	Voice	
		3/13/2019	12:23:41	UTC-04:00	3/13/2019	12:23:41	0:00:01	Outgoing	Voice	
		3/14/2019	14:58:49	UTC-04:00	3/14/2019	14:58:49	0:00:30	Incoming	Voice	
		3/14/2019	15:05:51	UTC-04:00	3/14/2019	15:05:51	0:03:24	Outgoing	Voice	
		3/14/2019	20:19:46	UTC-04:00	3/14/2019	20:19:46	0:16:25	Incoming	Voice	WALTER MITCHELL
		3/14/2019	20:19:47	UTC-04:00	3/14/2019	20:19:47	0:16:24	Incoming	Voice	WALTER MITCHELL
		3/23/2019	18:08:31	UTC-05:00	3/23/2019	19:08:31	0:00:00	Outgoing	Text	
		3/23/2019	18:08:31	UTC-05:00	3/23/2019	19:08:31	0:00:00	Outgoing	Text	
		3/24/2019	7:19:21	UTC-04:00	3/24/2019	7:19:21	0:10:56	Outgoing	Voice	
		3/24/2019	10:13:50	UTC-04:00	3/24/2019	10:13:50	0:02:26	Outgoing	Voice	
		3/25/2019	12:50:51	UTC-04:00	3/25/2019	12:50:51	0:00:25	Outgoing	Voice	
		3/25/2019	17:02:10	UTC-04:00	3/25/2019	17:02:10	0:00:03	Outgoing	Voice	
		3/26/2019	16:41:53	UTC-04:00	3/26/2019	16:41:53	0:04:45	Incoming	Voice	
		3/27/2019	10:38:23	UTC-04:00	3/27/2019	10:38:23	0:00:06	Outgoing	Voice	
		3/27/2019	15:14:32	UTC-04:00	3/27/2019	15:14:32	0:00:38	Outgoing	Voice	
		3/27/2019	15:50:42	UTC-04:00	3/27/2019	15:50:42	0:01:39	Outgoing	Voice	
		3/27/2019	15:54:17	UTC-04:00	3/27/2019	15:54:17	0:02:08	Outgoing	Voice	
		3/27/2019	15:32:18	UTC-05:00	3/27/2019	16:32:18	0:00:00	Incoming	Text	
		3/27/2019	15:32:51	UTC-05:00	3/27/2019	16:32:51	0:00:00	Outgoing	Text	WALTER MITCHELL
		3/27/2019	15:32:56	UTC-05:00	3/27/2019	16:32:56	0:00:00	Outgoing	Text	WALTER MITCHELL
		3/27/2019	15:33:41	UTC-05:00	3/27/2019	16:33:41	0:00:00	Incoming	Text	WALTER MITCHELL
		3/27/2019	15:34:16	UTC-05:00	3/27/2019	16:34:16	0:00:00	Outgoing	Text	WALTER MITCHELL
		3/27/2019	16:52:26	UTC-04:00	3/27/2019	16:52:26	0:00:02	Outgoing	Voice	
		3/27/2019	16:21:40	UTC-05:00	3/27/2019	17:21:40	0:00:00	Incoming	Text	
		3/29/2019	9:59:23	UTC-04:00	3/29/2019	9:59:23	0:05:02	Incoming	Voice	WALTER MITCHELL
		3/29/2019	9:26:40	UTC-05:00	3/29/2019	10:26:40	0:00:00	Incoming	Text	
		3/29/2019	9:27:21	UTC-05:00	3/29/2019	10:27:21	0:00:00	Outgoing	Text	CITY OF FORT MYERS ITS DEPT
		3/29/2019	10:27:26	UTC-04:00	3/29/2019	10:27:26	0:00:37	Incoming	Voice	CITY OF FORT MYERS ITS DEPT
		4/1/2019	7:07:39	UTC-04:00	4/1/2019	7:07:39	0:00:24	Outgoing	Voice	CITY OF FORT MYERS ITS DEPT
		4/1/2019	7:10:42	UTC-05:00	4/1/2019	8:10:42	0:00:00	Incoming	Text	
		4/1/2019	7:11:07	UTC-05:00	4/1/2019	8:11:07	0:00:00	Outgoing	Text	



# Fort Myers Police Department Internal Affairs Investigation



<b>Internal Affairs Number:</b>	<b>IA 2018-011</b>
<b>Date of Incident:</b>	<b>March 23, 2013</b>
<b>Date Complaint Received:</b>	<b>December 7, 2018</b>
<b>Date of Report:</b>	<b>March 22, 2021</b>

[REDACTED]

	4/1/2019	8:56:56	UTC-04:00		4/1/2019	8:56:56	0:01:25	Incoming	Voice	
	4/2/2019	7:12:40	UTC-05:00		4/2/2019	8:12:40	0:00:00	Incoming	Text	
	4/2/2019	7:53:57	UTC-05:00		4/2/2019	8:53:57	0:00:00	Outgoing	Text	
	4/2/2019	15:34:56	UTC-04:00		4/2/2019	15:34:56	0:00:02	Outgoing	Voice	
	4/2/2019	16:29:10	UTC-04:00		4/2/2019	16:29:10	0:00:00	Outgoing	Voice	
	4/2/2019	16:38:28	UTC-05:00		4/2/2019	17:38:28	0:00:00	Incoming	Text	
	4/2/2019	16:38:47	UTC-05:00		4/2/2019	17:38:47	0:00:00	Outgoing	Text	
	4/2/2019	16:38:52	UTC-05:00		4/2/2019	17:38:52	0:00:00	Outgoing	Text	
	4/2/2019	16:39:05	UTC-05:00		4/2/2019	17:39:05	0:00:00	Incoming	Text	
	4/2/2019	16:40:33	UTC-05:00		4/2/2019	17:40:33	0:00:00	Outgoing	Text	
	4/2/2019	16:40:51	UTC-05:00		4/2/2019	17:40:51	0:00:00	Incoming	Text	
	4/2/2019	16:41:16	UTC-05:00		4/2/2019	17:41:16	0:00:00	Outgoing	Text	
	4/2/2019	16:41:27	UTC-05:00		4/2/2019	17:41:27	0:00:00	Incoming	Text	
	4/2/2019	16:41:34	UTC-05:00		4/2/2019	17:41:34	0:00:00	Outgoing	Text	
	4/2/2019	16:41:48	UTC-05:00		4/2/2019	17:41:49	0:00:00	Incoming	Text	
	4/3/2019	7:21:21	UTC-05:00		4/3/2019	8:21:21	0:00:00	Incoming	Text	
	4/3/2019	7:30:51	UTC-05:00		4/3/2019	8:30:51	0:00:00	Outgoing	Text	
	4/3/2019	7:31:04	UTC-05:00		4/3/2019	8:31:04	0:00:00	Incoming	Text	
	4/3/2019	8:26:54	UTC-05:00		4/3/2019	9:26:54	0:00:00	Outgoing	Text	
	4/3/2019	8:27:02	UTC-05:00		4/3/2019	9:27:02	0:00:00	Incoming	Text	
	4/3/2019	8:27:15	UTC-05:00		4/3/2019	9:27:15	0:00:00	Outgoing	Text	
	4/3/2019	12:21:30	UTC-05:00		4/3/2019	13:21:30	0:00:00	Outgoing	Text	
	4/3/2019	12:24:17	UTC-05:00		4/3/2019	13:24:17	0:00:00	Incoming	Text	
	4/4/2019	9:14:19	UTC-04:00		4/4/2019	9:14:19	0:09:12	Outgoing	Voice	CITY OF FORT MYERS ITS DEPT
	4/10/2019	10:57:29	UTC-04:00		4/10/2019	10:57:29	0:00:45	Outgoing	Voice	
	4/10/2019	16:51:44	UTC-04:00		4/10/2019	16:51:44	0:00:00	Outgoing	Voice	
	4/12/2019	14:52:50	UTC-04:00		4/12/2019	14:52:50	0:00:38	Outgoing	Voice	
	4/12/2019	15:26:21	UTC-04:00		4/12/2019	15:26:21	0:00:34	Outgoing	Voice	
	4/12/2019	15:39:45	UTC-04:00		4/12/2019	15:39:45	0:00:29	Outgoing	Voice	
	4/15/2019	18:43:30	UTC-04:00		4/15/2019	18:43:30	0:04:22	Outgoing	Voice	
	4/16/2019	6:08:12	UTC-04:00		4/16/2019	6:08:12	0:01:45	Outgoing	Voice	
	4/16/2019	6:59:14	UTC-05:00		4/16/2019	6:59:14	0:00:00	Incoming	Text	
	4/16/2019	6:06:58	UTC-05:00		4/16/2019	7:06:58	0:00:00	Outgoing	Text	
	4/16/2019	6:07:33	UTC-05:00		4/16/2019	7:07:33	0:00:00	Incoming	Text	
	4/16/2019	10:11:27	UTC-04:00		4/16/2019	10:11:27	0:00:01	Outgoing	Voice	
	4/17/2019	9:32:28	UTC-04:00		4/17/2019	9:32:28	0:01:34	Outgoing	Voice	
	4/18/2019	8:39:19	UTC-05:00		4/18/2019	9:39:19	0:00:00	Incoming	Text	CITY OF FORT MYERS ITS DEPT
	4/18/2019	9:41:56	UTC-04:00		4/18/2019	9:41:56	0:00:25	Outgoing	Voice	
	4/18/2019	9:42:15	UTC-05:00		4/18/2019	10:42:15	0:00:00	Incoming	Text	
	4/18/2019	9:42:33	UTC-05:00		4/18/2019	10:42:33	0:00:00	Incoming	Text	
	4/18/2019	11:05:40	UTC-04:00		4/18/2019	11:05:40	0:00:25	Outgoing	Voice	
	4/18/2019	11:15:30	UTC-05:00		4/18/2019	12:15:30	0:00:00	Incoming	Text	
	4/18/2019	11:15:31	UTC-05:00		4/18/2019	12:15:31	0:00:00	Incoming	Text	
	4/18/2019	12:05:19	UTC-05:00		4/18/2019	13:05:19	0:00:00	Incoming	Text	
	4/18/2019	17:09:17	UTC-04:00		4/18/2019	17:09:17	0:00:02	Outgoing	Voice	

City of Fort Myers ITS Department phone [REDACTED]

Target	Target Name	Provider Date	Provider Time	Provider Time Zone	Date	Time	Duration	Direction	Cell Type	MO	Contact Name
	CITY OF FORT MYERS ITS DEPT	2/12/2019	10:37:04	UTC-05:00	2/12/2019	10:37:04	0:00:02	Outgoing	Voice		
	CITY OF FORT MYERS ITS DEPT	3/5/2019	11:10:33	UTC-05:00	3/5/2019	11:10:33	0:00:05	Outgoing	Voice		
	CITY OF FORT MYERS ITS DEPT	3/29/2019	10:27:33	UTC-04:00	3/29/2019	10:27:33	0:00:30	Outgoing	Voice		
	CITY OF FORT MYERS ITS DEPT	4/4/2019	10:14:17	UTC-04:00	4/4/2019	10:14:17	0:03:08	Incoming	Voice		
	CITY OF FORT MYERS ITS DEPT	4/17/2019	10:32:35	UTC-04:00	4/17/2019	10:32:35	0:01:27	Incoming	Voice		







## Fort Myers Police Department Internal Affairs Investigation



<b>Internal Affairs Number:</b>	<b>IA 2018-011</b>
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### **Maid you Look Cleaning Services phone (239) 877-7468 (Continued from Previous Page)**

(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/14/2019	22:28:43	UTC+00:00	3/14/2019	18:28:48	0:00:04	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/14/2019	22:28:52	UTC+00:00	3/14/2019	18:28:52	0:00:04	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/15/2019	23:08:54	UTC+00:00	3/15/2019	19:08:54	0:07:25	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/15/2019	23:49:51	UTC+00:00	3/15/2019	19:49:51	0:00:36	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/24/2019	14:42:26	UTC+00:00	3/24/2019	10:42:26	0:00:04	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/24/2019	14:43:27	UTC+00:00	3/24/2019	10:43:27	0:04:30	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/25/2019	0:08:39	UTC+00:00	3/25/2019	20:03:33	0:15:34	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/28/2019	12:41:08	UTC+00:00	3/28/2019	8:41:08	0:00:04	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/28/2019	12:41:39	UTC+00:00	3/28/2019	8:41:39	0:00:04	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/28/2019	13:20:49	UTC+00:00	3/28/2019	9:20:49	0:00:40	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/28/2019	11:26:25	UTC+00:00	3/28/2019	7:26:35	0:00:42	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/29/2019	11:26:30	UTC+00:00	3/29/2019	7:26:50	0:31:44	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	3/30/2019	17:19:33	UTC+00:00	3/30/2019	13:19:33	0:04:27	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/4/2019	12:10:29	UTC+00:00	4/4/2019	8:10:29	0:24:12	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/4/2019	14:07:09	UTC+00:00	4/4/2019	10:07:09	0:00:05	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/4/2019	14:07:22	UTC+00:00	4/4/2019	10:07:22	0:00:05	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/4/2019	15:34:09	UTC+00:00	4/4/2019	11:34:09	0:22:44	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/4/2019	22:56:20	UTC+00:00	4/4/2019	18:56:20	0:00:00	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/5/2019	0:46:48	UTC+00:00	4/4/2019	20:46:48	0:00:00	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/5/2019	1:23:20	UTC+00:00	4/4/2019	21:23:20	0:03:06	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/6/2019	15:33:25	UTC+00:00	4/6/2019	11:33:25	0:03:09	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/6/2019	15:33:57	UTC+00:00	4/6/2019	11:33:57	0:03:09	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/6/2019	15:48:43	UTC+00:00	4/6/2019	11:48:43	0:00:00	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/6/2019	15:49:59	UTC+00:00	4/6/2019	11:49:59	0:02:32	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/8/2019	19:30:15	UTC+00:00	4/8/2019	15:30:15	0:00:11	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/8/2019	19:50:47	UTC+00:00	4/8/2019	15:50:47	0:00:11	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/8/2019	19:52:25	UTC+00:00	4/8/2019	15:52:25	0:00:08	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/8/2019	20:46:02	UTC+00:00	4/8/2019	16:46:02	0:00:07	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/8/2019	20:46:34	UTC+00:00	4/8/2019	16:46:34	0:00:07	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/8/2019	20:47:25	UTC+00:00	4/8/2019	16:47:25	0:08:00	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/8/2019	21:02:35	UTC+00:00	4/8/2019	17:02:35	0:01:20	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/9/2019	17:38:27	UTC+00:00	4/9/2019	13:38:27	0:02:12	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/9/2019	17:48:43	UTC+00:00	4/9/2019	13:48:43	0:01:10	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/9/2019	21:29:58	UTC+00:00	4/9/2019	17:29:58	0:00:00	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/9/2019	21:58:16	UTC+00:00	4/9/2019	17:58:16	0:11:23	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/9/2019	22:06:54	UTC+00:00	4/9/2019	18:06:54	0:00:00	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/10/2019	11:37:44	UTC+00:00	4/10/2019	7:37:44	0:00:00	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/10/2019	11:50:45	UTC+00:00	4/10/2019	7:50:45	0:00:08	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/10/2019	12:05:48	UTC+00:00	4/10/2019	8:05:48	0:00:13	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/10/2019	12:05:55	UTC+00:00	4/10/2019	8:05:55	0:00:13	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/10/2019	12:06:08	UTC+00:00	4/10/2019	8:06:08	0:05:31	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/10/2019	12:11:47	UTC+00:00	4/10/2019	8:11:47	0:00:19	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/10/2019	12:12:21	UTC+00:00	4/10/2019	8:12:21	0:00:11	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/10/2019	12:36:19	UTC+00:00	4/10/2019	8:36:19	0:00:09	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/10/2019	12:41:22	UTC+00:00	4/10/2019	8:41:22	0:00:11	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/10/2019	12:41:41	UTC+00:00	4/10/2019	8:41:41	0:11:33	Outgoing	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/12/2019	12:06:22	UTC+00:00	4/12/2019	8:06:22	0:00:00	Incoming	Voice	ANGELA J MONTALVO
(239) 877-7468	MAID YOU LOOK CLEANING SERVICES	4/15/2019	12:00:25	UTC+00:00	4/15/2019	8:00:25	0:17:48	Incoming	Voice	ANGELA J MONTALVO

1-800-368-8000  
 239-877-7468  
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 239-877-7468  
 239-877-7468  
 239-877-7468



## Fort Myers Police Department Internal Affairs Investigation



<b>Internal Affairs Number:</b>	<b>IA 2018-011</b>
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<b>Date of Report:</b>	<b>March 22, 2021</b>

### Frequency for Target Numbers

Target	Contact ID	Percent	Count	Name	Min Date	Max Date
(239) 281-0100		48.10%	268		2/10/2019	4/19/2019
		100.00%	268	ANGELA J MONTALVO	2/10/2019	4/19/2019
		19.60%	109		2/9/2019	4/18/2019
		46.80%	51		3/6/2019	4/18/2019
		22.00%	24		2/9/2019	4/15/2019
		19.30%	21		2/12/2019	4/18/2019
		7.30%	8	WALTER MITCHELL	3/14/2019	3/27/2019
		4.60%	5	CITY OF FORT MYERS ITS DEPT	3/29/2019	4/17/2019
(239) 887-7468		17.40%	97	MAID YOU LOOK CLEANING SERVICES	2/10/2019	4/15/2019
		100.00%	97	ANGELA J MONTALVO	2/10/2019	4/15/2019
		3.90%	22		2/11/2019	4/18/2019
		59.10%	13		3/14/2019	4/18/2019
		9.10%	2		4/17/2019	4/17/2019
		9.10%	2	WALTER MITCHELL	4/7/2019	4/7/2019
		9.10%	2	CITY OF FORT MYERS ITS DEPT	3/5/2019	3/5/2019
		9.10%	2	REBECCA L PRINCE	2/11/2019	2/14/2019
		4.50%	1	JAY RODRIGUEZ	2/11/2019	2/11/2019
		3.80%	21	REBECCA L PRINCE	2/11/2019	4/5/2019
		90.50%	19	JAY RODRIGUEZ	2/11/2019	4/5/2019
		9.50%	2		2/11/2019	2/14/2019
		3.10%	17	JAY RODRIGUEZ	2/11/2019	4/5/2019
		94.10%	16	REBECCA L PRINCE	2/11/2019	4/5/2019
		5.90%	1		2/11/2019	2/11/2019
		1.40%	8	ANGELA J MONTALVO	2/11/2019	4/4/2019
		75.00%	6		2/11/2019	2/26/2019
		25.00%	2	MAID YOU LOOK CLEANING SERVICES	2/19/2019	4/4/2019
		1.10%	6	SHAWN HAVENNER	2/21/2019	3/31/2019
		100.00%	6	SHAWN HAVENNER	2/21/2019	3/31/2019
		0.90%	5	CITY OF FORT MYERS ITS DEPT	2/12/2019	4/17/2019
		60.00%	3		3/29/2019	4/17/2019
		20.00%	1		3/5/2019	3/5/2019
		20.00%	1		2/12/2019	2/12/2019
		0.70%	4	WALTER MITCHELL	3/14/2019	4/12/2019
(239) 35		50.00%	2		4/7/2019	4/7/2019
		25.00%	1	WALTER MITCHELL	4/12/2019	4/12/2019
		25.00%	1		3/14/2019	3/14/2019



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On June 13, 2019, SA Bores received a phone call from Rachel Zysk of the Suarez Law Firm. Zysk is Richard Notaro's attorney. She advised that Notaro does not wish to speak with law enforcement and he had no knowledge of the matter involving Rodriguez. Zysk advised that agents may contact her or her assistant, Pam Miller, if they have a specific question for Notaro.

On June 14, 2019, SA Bores and SAS Wagner obtained an audio recorded sworn statement from Officer [REDACTED]. The following represents a synopsis of the information obtained during the interview (for a complete record refer to the audio recording of this interview):

*[REDACTED] currently works (at) the FMPD and hold the position of acting sergeant for the Special Enforcement Unit and K-9 unit. [REDACTED] is also a member of U.S. Marshals Fugitive Task Force. The Special enforcement Unit works mid to long term investigations focusing on drugs and guns and assists narcotics with uniform support. [REDACTED] has worked for FMPD since 2002 and was a member of the Special Investigations Group (SIG) for about nine months to a year in approximately 2008. From 2010 to 2018, [REDACTED] was assigned full time to the U.S. Marshals Task Force.*

*SA Bores asked [REDACTED] if [REDACTED] was aware of the operation at New Asian Massage in 2013. [REDACTED] was not familiar with the massage parlor operation that was conducted at New Asian Massage. [REDACTED] was recently made aware that there was a video of the operation but had not watched it. At the time of the operation, [REDACTED] had no knowledge of the video because [REDACTED] was too busy at that time working with the U.S. Marshal's Task Force. [REDACTED] stated that [REDACTED]'s good friends with Rodriguez and they go fishing together often. [REDACTED] had heard rumors spread by Anthony Thomas that bad things are coming to certain people. [REDACTED] was recently interviewed by Capt. Newhouse during the Internal Affairs investigation into the allegations against Rodriguez. During that interview, [REDACTED] was made aware that Kerr had accused [REDACTED] of knowing about a video involving Rodriguez having sex on duty. [REDACTED] stated that [REDACTED] did not know about any of it. [REDACTED] also did not know Kerr and had not talked to Kerr.*

*Rodriguez never spoke with [REDACTED] about the massage parlor operation or video. [REDACTED] stated that Rodriguez never talked about work when they would go fishing together. [REDACTED] had called Rodriguez after the release of the video to check up on him. [REDACTED] did not ask Rodriguez anything about the video. Rodriguez never spoke with [REDACTED] about having any kind of sexual relations while on duty.*

(See FDLE's INV-62) for the audio of this interview)

On June 14, 2019, SA Bores retrieved the two Western Digital hard drives and Synology NAS device from the FDLE evidence vault and transferred them to SA Chris Tissot for computer forensics. (See FDLE's INV-57 and INV-58 for related documents)



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On June 17, 2019, SA Peter Kennedy removed FDLE Evidence Item #12, “Western Digital (SIG Video Primary) Hard Drive”, from the FDLE Fort Myers Regional Operation Center (FMROC) Cyber Lab temporary evidence locker. SA Kennedy photographed the item prior to and during his examination of it. Details regarding SA Kennedy’s examination of this item and the recovery of a notable video file are detailed in the digital forensic report that is maintained digitally as a related item (See FDLE’s INV-65). Upon completion of his exam, SA Kennedy returned Evidence Item #12 to the temporary evidence locker. During his examination, SA Kennedy located the video of the undercover operation at New Asian Massage, which occurred on March 14, 2013, involving Jay Rodriguez as the undercover officer. The main content of SA Kennedy’s digital forensic report was included below:

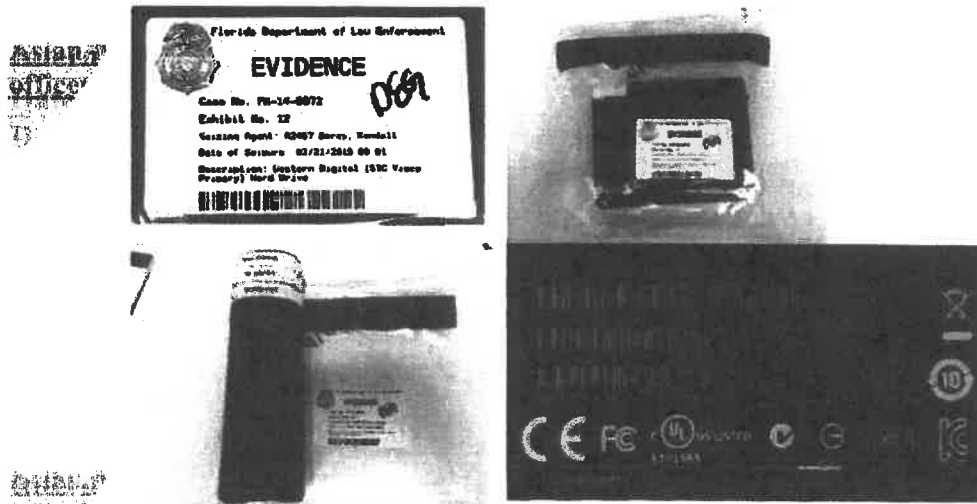
### Digital Evidence Forensic Report for Evidence Item #12

#### EVIDENCE ITEM EXAMINED

This Digital Forensics Report specifically details the examination of the following Evidence Item:

- Evidence Item #12 – “Western Digital (SIG Video Primary) Hard Drive

As Pictured below:





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Internal Affairs Investigation**



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Digital Evidence Forensic Report for Evidence Item #12

**SOFTWARE UTILIZED**

- Access Data FTK Imager [Version 3.1.3.2]
- X-Ways [Version 19.6]

All software utilized in this examination is fully licensed and registered to the Florida Department of Law Enforcement or its agents.

Digital Evidence Forensic Report for Evidence Item #12

**SOFTWARE UTILIZED**  
**FORENSIC EXAMINATION OF EVIDENCE ITEM #12**

Evidence Item #12 - A black Western Digital "My Book Live" external network hard drive with "SIG VIDEO", "W DRIVE", and "PRIMARY" on the exterior.

**FORENSIC IMAGING**

On June 17, 2018 (error/ should be 2019), SA Kennedy removed Evidence Item #12 from the FMROC Cyber Lab temporary evidence locker. Evidence Item # 12 was packaged and sealed in a clear plastic bag and SA Kennedy had to cut open the package to access the contents. SA Kennedy confirmed the contents of Evidence Item #12 matched the listed description. SA Kennedy observe the following identifiable information on the exterior of the housing:

**SOFTWARE UTILIZED**  
**FOR**



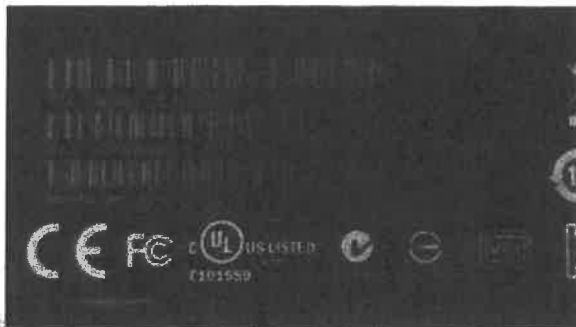


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**Model:** My Book Live  
**Serial Number:** WCAWZ2490269  
**MAC Address:** 00:90:A9:BC:11:27  
**User Applied Labels:** "SIG VIDEO", "W DRIVE", and "PRIMARY"



AS Kennedy disassembled Evidence Item #12 and removed the hard drive contained within. The following are the details of the hard drive, as displayed on the exterior:

**Make:** Western Digital  
**Model:** WD30EZRS – 11J99B1  
**Serial Number:** WCAWZ2490269  
**Size:** "3.0TB"

### Digital Evidence Forensic Report for Evidence Item #12



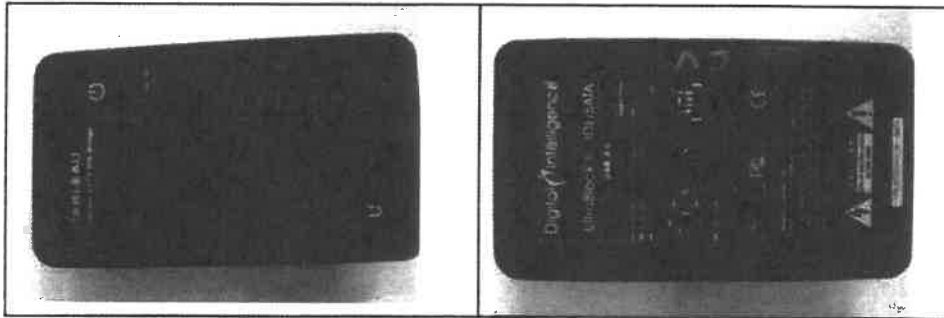


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SS Kennedy connected the hard drive located in Evidence Item #12 to the source port of a Tableau Forensic SATA/IDE Bridge write-blocker [model: T35u, serial # 653591EA], as pictured below:



SA Kennedy validated that the write-blocker was functioning prior to connecting the hard drive from Evidence Item #12.

SA Kennedy began his exam by examining the hard drive directly using the forensic software, X-Ways Forensics, version 19.6.

On June 18, 2019, SA Kennedy conducted a physical level forensic image of the evidence item using the following software: Access Data FTK Imager, version 3.1.3.2. The Forensic image was completed successfully (Successful) and the image hashes were verified. Below is a summary of the log generated by the Access Data FTK Imager Software:

---

Created By AccessData® FTK® Imager 3.1.3.2  
 Case Information:  
 Acquired using: ADI3.1.3.2  
 Case Number: FM-14-0072  
 Digital Evidence Forensic Report for Evidence Item #12

Evidence Number: Exhibit Number 12  
 Unique description: Western Digital "My Book Live" Hard Drive - "Sig Video W Drive Primary"  
 Examiner: SA Peter Kennedy  
 Notes:

---

Information for H:\FM-14-0072\EI#12 Image\Evidence Item #12:

Physical Evidentiary Item (Source) Information:  
 [Device Info]  
 Source Type: Physical  
 [Drive Geometry]  
 Cylinders: 364,801  
 Tracks per Cylinder: 255



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Sectors per Track: 63  
 Bytes per Sector: 512  
 Sector Count: 5,860,533,168  
 [Physical Drive Information]  
 Drive Model: WDC WD30 EZRS-11J SCSI Disk Device  
 Drive Serial Number: WD-WCAWZ2490269  
 Drive Interface Type: SCSI  
 Removable drive: False  
 Source data size: 2861588 MB  
 Sector count: 1565565872

**ATTENTION:**

The following sector(s) on the source drive could not be read:  
 -1622489568 through 1565565887  
 The contents of these sectors were replaced with zeros in the image.

[Computed Hashes]

MD5 checksum: 4f5b28014b714b8d1ffaf01fcf61ffc4  
 SHA1 checksum: 1b93eb005ad9879ca2ec299e1b2fe46652f15aed

**Image Information:**

Acquisition started: Tue Jun 18 16:00:38 2019  
 Acquisition finished: Wed Jun 19 19:46:49 2019  
 Segment list:  
 F:\FM-14-0072\EI#12 Image\Evidence Item #12.E01  
 [... Complete List Omitted Due to Length...]  
 H:\FM-14-0072\EI#12 Image\Evidence Item #12.EZU

**Image Verification Results:**

Verification started: Wed Jun 19 19:51:02 2019  
 Verification finished: Thu Jun 20 05:24:14 2019  
 MD5 checksum: 4f5b28014b714b8d1ffaf01fcf61ffc4 : verified  
 SHA1 checksum: 1b93eb005ad9879ca2ec299e1b2fe46652f15aed : verified

**Digital Evidence Forensic Report for Evidence Item #12**

It should be noted that a number of sectors appear to not have been able to be read. This does not appear to have affected the evidence that was located.

Once the imaging process finished, SA Kennedy reassembled Evidence Item #12, returned it to its packaging, resealed the packaging, and placed the package back into the FMROC Cyber Lab temporary evidence locker.

**FORENSIC TOOL UTILIZATION**

Following the imaging, SA Kennedy examined the contents of Evidence Item #12's forensic image using X-Ways forensic software, version 19.6.





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### NOTABLE FILES RECOVERED

During SA Kennedy's examination of the hard drive of Evidence Item #12, SA Kennedy located one video file of note. The following are the details of this video file:

**File Name:** V-0004  
**File Type:** AVI Video File  
**SHA-1 Hash Value:** 03FD6DFE37FF0A9B65D5FFF68CA3876E8AB34FE3  
**Content Description:** This file appears to depict the recoding of the alleged incident that precipitated this investigation. The time stamp in the lower right corner of the video begins at "2013.3.14 17:38:18" and ends at "2013.3.14 17:51:58".

This video appears to have been made from a surreptitious recording device. The following are the time stamps that were provided by the file system:

**Created Time:** 03/15/2013 07:31:33.1 [UTC - 5]  
**Modified Time:** 03/14/2013 16:52:04.0 [UTC - 5]  
**Record Changed:** 03/15/2013 07:32:36.6 [UTC - 5]  
**Accessed:** 03/15/2013 07:31:33.1 [UTC - 5]

There was no metadata of note contained within the video file.

This video file was located at the following file path of the fourth partition of the hard drive located in Evidence Item #12:

[root]/Shares/public/SigVideo/Operations/03-14-13 - Asian Massage

There were no other files located within the same directory path as this video file. SA Kennedy did not locate any other files that were accessed or created on the hard drive around the same time as this video file.

A DVD containing a recovered copy of this video will be entered into evidence.

### Digital Evidence Forensic Report for Evidence Item #12

#### FILE SYSTEM AND DRIVE GEOMETRY

Item #1

#### FILE SYSTEM

The hard drive located within Evidence Item #12 contained four partitions, the fourth partition of which encompassed the majority of the physical space of the hard disk. This partition appears to have been the partition that was used for storage of files. The following are the details of this partition:

**File System:** EXT4  
**Total Capacity:** 2,995,968,278,528 Bytes [approx.. 2.7 T]



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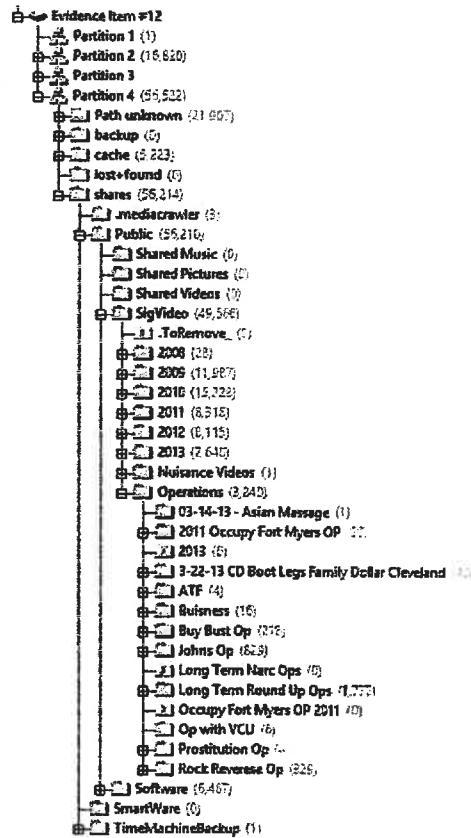


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Bytes/Sector: 512  
 Bytes/Cluster: 65,536  
 Total Clusters: 45,714,848  
 Approximate Free Space: 53%

### DRIVE GEOMETRY

Below is the folder structure of the hard drive located within Evidence Item #12, as pertains particularly to the notable video file that was recovered.



On June 26, 2019, SA Kennedy removed Evidence Item #13, "Wester Digital (SIG Video Back-up) Hard Drive", from the FMROC Cyber lab temporary evidence locker. SA Kennedy photographed the item prior to and during his examination of it. He disassembled the evidence item and documented the hard drive contained within. The details of the hard driver are as follows:

**Make:** Western Digital  
**Model:** WDBACG0030  
**Serial Number:** WMC1T1181321  
**Size:** "3.0TB"

SA Kennedy connect the hard drive located within Evidence Item #13 to a forensic examination computer via a write-blocking device. Using the forensic examination software X-Ways Forensics



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[Version 19.6], SA Kennedy directly examined the hard drive located within Evidence Item #13. The contents of the hard drive appeared to contain a backup of Evidence Item #12, based on the similar folder structure and contents. SA Kennedy was able to locate the same notable video file in a similar file path location which was recovered from Evidence Item #12; however, the file system time stamps were different than those observed for the same file located on the hard drive from Evidence Item #12. It is unknown what the cause of the time stamp changes may have been, as a number of factors can result in the change of time stamps, such as the backing up of the files. The following are the time stamps for the notable video file on Evidence Item #13:

**Created:** 4/10/2013 at 01:47:19.4 [UTC - 5]

**Modified:** 3/14/2013 at 16:52:04.0 [UTC - 5]

**Accessed:** 4/10/2013 at 01:48:46.4 [UTC - 5]

**Record Changed:** 4/10/2013 at 01:48:55.0 [UTC - 5]

[Version

Given that Evidence Item #13 appeared to be a backup of the same contents located in Evidence Item #12 and no additional evidence was located, no forensic image file was created of the hard drive located within evidence item #13 at that time. Upon completion of his exam, SA Kennedy reassemble Evidence Item #13 and returned it to the FMROC Cyber Lab temporary evidence locker.

On June 16, 2019, SE Kennedy removed Evidence Item #14, "Synology NAS Device w/ power cord", from the FMROC Cyber Lab Temporary Evidence Storage. SA Kennedy photographed Evidence Item #14 prior to and following his examination of it. Evidence Item #14 contained four Western Digital WD30EFRX 3.0TB hard drives in an unknown RAID setup. The details of Evidence Item #14 are as follows:

**Make:** Synology  
**Model:** DS412+ [4 Bay NAS DiskStation]  
**Serial Number [NAS]:** D3LIN02353  
**Serial Number [HD1]:** WCC1T1467777  
**Serial Number [HD2]:** WCC1T1469161  
**Serial Number [HD3]:** WCC1T1477414  
**Serial Number [HD4]:** WCC1T1472626

Given the unknown dynamic of Evidence Item #14's RAID setup, SA Kennedy did not disassemble the NAS and connected it to a forensic computer through a write-blocking device. However, once connected to a forensic computer through a write-blocking device, SA Kennedy was unsuccessful at getting Evidence Item #14 to power on. SA Kennedy ceased his exam at that point, re-sealed Evidence Item #14 in its packaging, and returned it to the FMROC Cyber Lab temporary evidence locker.

A DVD containing a recovered copy of the video file recovered from Evidence Item #12 was submitted to the FMROC Evidence Vault. Digital images taken of Evidence Item #13 and maintained digitally as FDLE related item #63.



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On June 25, 2019, SA Bores obtained a DVD from City of Fort Myers IT Director Calkins containing the emails of current and former members of FMPD between the date range of March 6, 2013 to March 21, 2013. Emails pertaining to the massage parlor operation on March 14, 2013 were maintained electronically in FDLE related items as INV-59. An examination of these emails revealed the following:

- **March 5, 2013, at 7:03 a.m.** – Lt. Rebecca Prince sent an email to Lt. Jay Rodriguez, Ofc. David Conticelli, Ofc. Sean Fitzpatrick, Ofc. [REDACTED] and copied Captain Jim Mulligan with the subject line of *"Massage op"*. This email contained the following: *"The "massage op" at 1791 Boy scout Dr. is scheduled for March 14<sup>th</sup> at 4:00pm. We will brief at the station and go out from there. If any of you have an conflicts with that date or time please let me know". (sic)*
- **March 12, 2013, at 12:54 p.m.** – Lt. Rebecca Prince sent an email to Sgt. Rick Notaro with the subject line of *"Equipment"*. This email contained the following: *"Rick, can I utilize some of your monitoring equipment on Thursday at 4-8? Preferably the phones please. Thanks"*
- 21-20  
elect  
• **March 13, 2013, 10:56 a.m.** – Lt. Rebecca Prince sent an email to Sgt. Rick Notaro with the subject line of *"MONITORING EQUIPMENT"*. This email contained the following: *"Just checking on the equipment request for tomorrow. Thanks"*
- 21-20  
elect  
• **March 13, 2013, at 2:54 p.m.** – Captain Jim Mulligan sent an email to Captain Melvin "Duke" Perry with the subject line of *"Lt. Princes op"*. This email contained the following: *"Lt. Prince was told by Sgt. Notaro that he would help on her operation based on the conversation. Between you and I. I was under the impression Lt. Prince would continue with her op and SIG would provide the necessary equipment. The time to work together was in November. Now that Sgt. Notaro faces possible embarrassment or scrutiny for not addressing the complaint when originally asked he wants to be involved. This could have been resolved in one afternoon months ago. Lt. Prince has addressed the issue and came up with a plan to address the issue since she is responsible for the district. Please let me know if SIG is providing the equipment or taking the complaint. Jimmy"*
- **March 14, 2013, at 10:24 a.m.** – Lt. Prince sent an email to Sgt. Rick Notaro with the subject line of *"Op"*. This email contained the following: *"Just wondering who is assisting tonight?"*
- **March 14, 2013, at 8:55 p.m.** – Lt. Rodriguez sent an email to Rebecca Prince with the subject line of *"narrative"*. This email contained the attachment listed on the following pages and the following language: *"Let me know if you get it ok."*



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On Thursday March 14, 2013, Lieutenant Jay Rodriguez of the Fort Myers Police Department, was working in an undercover capacity within the city of Fort Myers, Lee County, Florida. On this date, officers were investigating a complaint about possible prostitution activity at the New Asian Massage located at 1791 Boy Scout Drive, Unit 3. The Fort Myers Police Department had received information that the business may be using the massage business as a way to facilitate prostitution.

Date C  
Date

On this date, at approximately 1740 hours, Lieutenant Rodriguez entered the business as a customer. Upon entering the business, Lieutenant Rodriguez encountered an Asian [redacted] sitting on a white couch to the left of the front door. The [redacted] stood up and greeted Lieutenant Rodriguez. Lieutenant Rodriguez asked the [redacted] if anyone was available for a massage session. The [redacted] motioned over to Lieutenant Rodriguez to follow [redacted] into the first room on the left hand side of the hallway.

Once inside the room, the [redacted] closed the door and asked Lieutenant Rodriguez if he wanted an hour session. [redacted] then informed Lieutenant Rodriguez that the cost would be seventy (70) dollars. Lieutenant Rodriguez retrieved seventy dollars in US currency from his left front pocket (Three twenty dollar bills and two five dollar bills) and handed them to the [redacted]. The [redacted] left the room and returned shortly after. Prior to leaving, the [redacted] instructed Lieutenant Rodriguez to remove all his clothing. Lieutenant Rodriguez removed his shirt and shorts but did not remove his underwear.

Date C  
Date

Once the [redacted] returned, [redacted] instructed Lieutenant Rodriguez to lie on the massage bed in the room. Once on the bed, the [redacted] identified [redacted] as [redacted] and began to rub Lieutenant Rodriguez's back, arms and legs. Less than a minute from beginning the massage, the [redacted] reached around and grabbed Lieutenant Rodriguez's genitals. Lieutenant Rodriguez reacted to the motion and the [redacted] asked, "Do you like that?" Lieutenant Rodriguez told the [redacted] he was interested and questioned about a price.

At this time, the [redacted] moved over to the front of the table and began to whisper in Lieutenant Rodriguez's ear. The [redacted] asked, "What do you want?" Lieutenant asked the [redacted] what [redacted] would do. The [redacted] responded, "How much you want to pay?" Lieutenant Rodriguez told the [redacted] he would pay [redacted] fifty dollars. The [redacted] responded, "One hundred and fifty for blowjob and one hundred and twenty for hand job."

Lieutenant Rodriguez agreed to the hand job to which the [redacted] responded, "Pay first." Lieutenant Rodriguez again reached in to his left front pocket and retrieved one hundred and twenty dollars in US currency (Six twenty dollar bills). The [redacted] took the money and left the room again. Lieutenant Rodriguez stood up off the table and waited for the [redacted] to return. Once the [redacted] returned, Lieutenant Rodriguez confirmed the money provided was for manual stimulation (A hand job). The [redacted] confirmed and once again instructed Lieutenant Rodriguez to lie on the bed.

Once on the bed, the [redacted] walked over to Lieutenant Rodriguez and tried to remove his underwear. At that time, Lieutenant Rodriguez stopped the [redacted] and asked how late





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██████████ would be working. The ██████████ indicated that ██████████ was working until 2100 hours. Lieutenant Rodriguez told the ██████████ that he had to leave but would return later. The ██████████ provided Lieutenant Rodriguez with a business card for the New Asian Massage and wrote ██████████ name, ██████████ on the back of the card. Lieutenant Rodriguez exited the business and returned to the vehicle.

Lieutenant Rodriguez provided a detailed description of the ██████████ to the uniform support officers that were in the area. The officers walked into the business and detained the ██████████ that matched the description provided by Lieutenant Rodriguez. The ██████████ was escorted outside and was positively identified as ██████████ the ██████████ that solicited the manual stimulation for one hundred and twenty dollars.



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- **March 14, 2013, at 9:13 p.m.** – Lt. Prince sent an email to Lt. Rodriguez the subject line of *“Re: narrative”*. This email contained the following: *“Got it”*.
- **March 15, 2013, at 11:30 a.m.** - Captain Mulligan sent an email to Rebecca Prince containing the following: *“Nothing on the Chief’s report on this. Is it media worthy?”*
- **March 15, 2013, at 11:49 a.m.** - Lt. Prince sent an email to Captain Mulligan containing the following: *“Yes prob.. Sorry we didn’t get out till almost midnight. Do you want me to have Conticelli type something up?”*
- **March 15, 2013, at 11:50 a.m.** - Captain Mulligan sent an email to Lt. Prince containing the following: *“Yes, that would be great”*.
- **March 18, 2013, at 5:33 p.m.** – Lt. Prince sent and email to Sgt. Rick Notaro with the subject line of *“Massage parlors”*. She copied Captain Perry, Captain Mulligan, Officer Conticelli, and Officer Fitzpatrick. The email contained the following: *“Rick, I received two more complaints of prostitution in massage parlors in my district. The first is at 1957 Grove Avenue. The second is 4120 Cleveland Avenue. If you guys want to work these myself or Officer Conticelli will provide you the specific information. Thanks.”* (sic)
- **March 19, 2013, at 8:42 a.m.** – Captain Perry sent an email to Sgt. Notaro and copied Lt. Prince and Captain Mulligan. This email had the subject line *“FW: Massage parlors”* and contained the email from March 18, 2013. This email contained the following: *“Sergeant Notaro, Please address ASAP to resolve the complaints”*

On July 19, 2019, SA Bores contacted the Universal Booking System (UBS) helpdesk and spoke with CJIS Quality Specialist Bryan Platten. SA Bores inquired about who accessed the UBS FMPD arrest report 2013-02675. Mr. Platten explained the system would only show him who last made changes to the report and who approved the report. He also explained that there were three entries for FMPD report number 2013-02675 and stated that it could have been editing by the author.

Platten advised that Officer ID 850-0479 authored and approved the arrest report in UBS. Platten identified officer ID 850-0479 as Officer Sean Havenner. He also stated Havenner must have had supervisor rights to be able to approve arrest reports in UBS.

SA Bores asked Platten about the ability to include other officers in an arrest report under “Officer(s) Reporting”. Platten explained an officer is able to include names of other officers who contributed to the arrest: however, those officers are not notified that they are listed as reporting officers and are not required to sign a supplemental report.

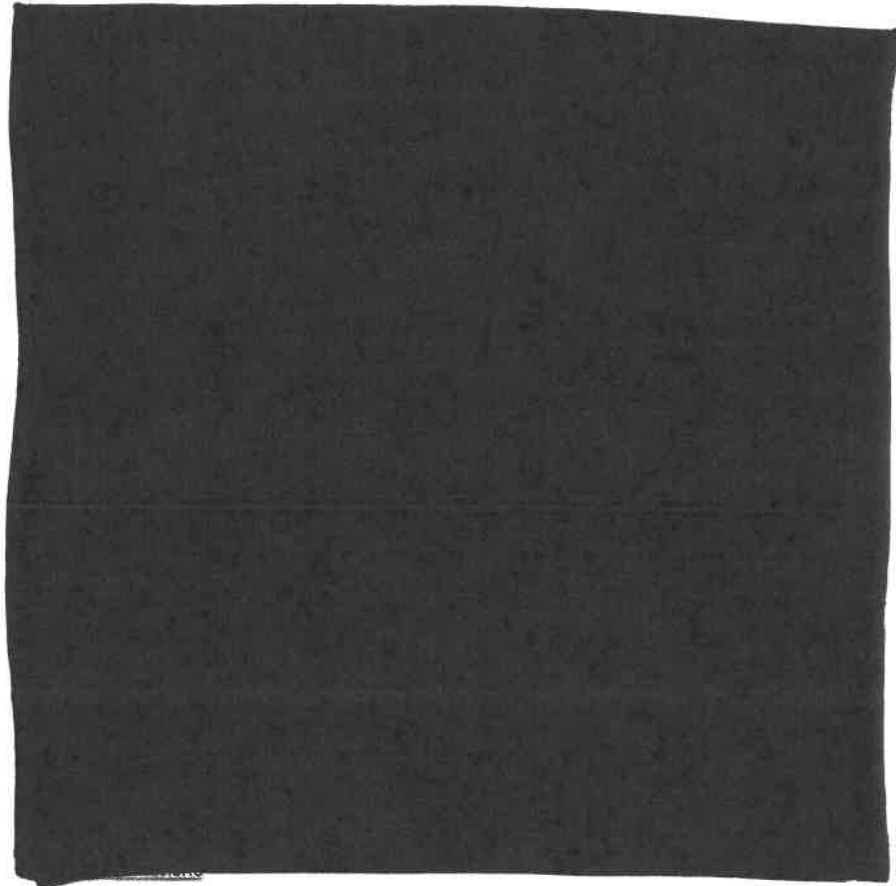
Platten sent an email to SA Bores containing a screenshot of what he was able to view in UBS regarding FMPD report number 2013-02675. The email was attached as FDLE related item INV-68 and inserted below:



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On August 16, 2019, SA Bores received redacted versions of FMPD Internal Affairs investigations 2017-017 and 2018-011 from FDLE Assistant General Counsel Jeff Dambly. Deputy Chief Jeffrey Myers provided copies of these reports to Attorney Dambly at his request. (Note: See FDLE's INV-81 for these documents)

On August 21, 2019, SA Bores received an email from Director Calkins explaining that the FMPD has always used a standard format for first initial and last name for logging into their unique user accounts. Jay Rodriguez's username is "jrodriguez" which is unique to him along with his password, which only the user knows. (Note: See FDLE's INV-83 for this item)



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On August 21, 2019, SA Bores received an email from FMPD Deputy Chief Jeffrey Meyers, containing General Orders in effect March of 2013 and Rodriguez's corresponding electronic signature. (Note: General Order 22.1, titled Special Investigations Group (SIG) and General Order 22.2 Titled Confidential Sources, along with Rodriguez's corresponding electronic signature are maintained in FDLE related items as INV-84)

On August 23, 2019, SA Bores received an un-redacted copy of Capt. Rodriguez's sworn Internal Affairs for IA's 2017-017 and 2018-011(initial). In reviewing each, SA Bores noted the following:

*On February 6, 2018, FMPD Lieutenant Brian O'Reilly obtained a sworn, audio recorded statement from Rodriguez as part of the official internal affairs investigation. Prior to being placed under oath, Lieutenant O'Reilly provided Rodriguez with his Law Enforcement Officer Bill of Rights and Garrity Warnings. In his sworn statement, Rodriguez was asked, "Have you ever received oral sex from a female informant or prostitute?" Rodriguez replied, "No." Rodriguez was also asked, "Have you ever been recorded receiving oral sex from a female informant or prostitute?" Rodriguez replied, "Absolutely not".*

*On January 8, 2019, FMPD Captain William Newhouse obtained a sworn, audio recorded statement from Rodriguez as part of the official internal affairs investigation. Prior to being placed under oath, Captain Newhouse provided Rodriguez with his Law Enforcement Officer Bill of Rights and Garrity Warnings, both of which were signed by Rodriguez. In his sworn statement, Rodriguez was asked, "were you ever involved in sex while on duty?" Rodriguez replied, "No." Rodriguez was also asked, "Have you ever engaged in sexual activity on duty with a sex worker or prostitute?" Rodriguez replied, "No."*

(See FDLE's related items INV-82)

On Thursday, September 5, 2019, at 11:30 a.m., Captain Newhouse attended a meeting with Chief Diggs (in the Chief's office). This meeting included SA Bores, SAS Wagner and SAC Pollard with the Florida Department of Law Enforcement. Assistant State Attorney (Twelfth Judicial Circuit) Andrew Van Sickle and his supervisor was present as well. Deputy Chiefs Randy Pepitone and Jeff Meyers were also in attendance. ASA Van Sickle announced that his office was planning to file criminal charges against Captain Rodriguez based upon the investigation conducted by SA Bores. The criminal charges included:

- Official Misconduct – Felony – F.S. 838.022(1)(a)
- Perjury in Official Proceeding – Felony – F.S. 837.02(1)
- Prostitution – Misdemeanor – F.S. 796.07(2)(f)



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On Monday, September 9, 2019, FDLE SA Bores obtained an arrest warrant for Jay Rodriguez for the charges listed above. Judge Joseph Fuller approved the arrest warrant. The Affidavit for the arrest warrant was included on the next several pages:

Intern  
Date  
D-

Intern  
Date  
D-



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**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY**

STATE OF FLORIDA

CASE NO.:

vs.

FDLE CASE NO: FM-14-0072

NAME: JAY JESUS RODRIGUEZ

RACE: White

SEX: Male

DOB: [REDACTED]

FL DL: [REDACTED]

SSN: [REDACTED]

LKA: [REDACTED]

CHARGE: Official Misconduct, F.S. 838.022(1)(a), Third Degree Felony

COUNTS: 1

CHARGE: Perjury in Official Proceedings, F.S. 837.02(1), Third Degree Felony

COUNTS: 1

CHARGE: Prostitution, F.S. 796.07(2)(f), First Degree Misdemeanor

COUNTS: 1

**AFFIDAVIT FOR ARREST WARRANT**

BEFORE ME, personally appeared Special Agent Kendall Bores (Affiant) of the Florida Department of Law Enforcement who, being first sworn, deposes and says: Your Affiant is a sworn law enforcement officer of the State of Florida, and as such is empowered to conduct investigations of and make arrests for violations of the criminal laws of the State of Florida, and believes that the laws of the State of Florida have been violated, specifically those laws enumerated in Florida State Statute (F.S.) 838.022(1)(a), pertaining to Official Misconduct, penalized as a Third Degree Felony; F.S. 837.02(1), pertaining to Perjury in Official Proceedings, penalized as a Third Degree Felony; and F.S. 796.07(2)(f), pertaining to Prostitution, penalized as a First Degree Misdemeanor, and that the person violating these laws is JAY RODRIGUEZ.

The reasons for your Affiant's belief that these laws have been violated and that JAY RODRIGUEZ is the person who violated these laws is as follows:

On February 12, 2019, the Fort Myers Police Department (FMPD) referred an allegation of official misconduct to the Florida Department of Law Enforcement (FDLE) for further



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alleged that Rodriguez had participated in sexual acts while on duty on March 14, 2013, while conducting an undercover operation involving prostitution at a massage parlor (New Asian Massage) which resulted in the arrest of [REDACTED]. A surveillance video with audio of the operation surfaced on February 10, 2019, during the course of an FMPD internal investigation of Rodriguez. The video was provided by former FMPD employee O'Neil Kerr via Vimeo, a video sharing website. The video showed evidence that Rodriguez solicited and engaged in sexual acts.

Date of

On December 7, 2018, Kerr submitted a complaint via email to City of Fort Myers Director of Human Resources Ellen Ciyatt and other city officials alleging that Rodriguez had engaged in sex while on duty during his time as a Special Investigations Group (SIG) member. He later emailed Ciyatt stating that Rodriguez engaged in sex while on duty with a sex worker.

On December 10, 2018, the FMPD opened an Internal Affairs investigation into the matter. On January 8, 2019, FMPD Captain William Newhouse obtained a sworn, audio recorded statement from Rodriguez as part of the official internal affairs investigation. Prior to being placed under oath, Captain Newhouse provided Rodriguez with his Law Enforcement Officer Bill of Rights and Garrity Warnings, both of which were signed by Rodriguez. In his sworn statement, Rodriguez was asked, "were you ever involved in sex while on duty?" Rodriguez replied, "No." Rodriguez was also asked, "Have you ever engaged in sexual activity on duty with a sex worker or prostitute?" Rodriguez replied, "No."

Between January 12, 2019, and February 4, 2019, Kerr continued to send emails to Ciyatt with additional information and ultimately provided her with the case number relating to the operation at the New Asian Massage parlor and a location of where to find the video involving Rodriguez on the FMPD server.

Date of

On February 8, 2019, Kerr sent an email to Ciyatt providing her with two hyperlinks to a video sharing website (Vimeo) along with a password and stated that the unedited videos were accessible via the hyperlinks. The video provided by Kerr showed evidence that Rodriguez solicited and engaged in sexual acts with an [REDACTED] massage therapist while on duty and acting in an undercover capacity. The video was shown on local media and was shared on social media shortly thereafter.

On February 11, 2019, the FMPD placed Rodriguez on administrative leave. At the time of this report, Rodriguez is still on administrative leave. On February 12, 2019, the FMPD turned over to FDLE the video along with other records relating to the New Asian Massage operation.

The FMPD Operational Plan referencing "Massage Parlor Operation" to be executed on March 14, 2013, at 1791 Boy Scout Drive, proposed that the then-Lieutenant (Lt.) Rodriguez would enter the business as a civilian and ask for a massage. He would either get a legitimate massage or give a predetermined take down signal instructing officers to enter the business and secure all occupants. "Lt. Rodriguez will then stop the illegal act prior to fruition and exit the business." The following personnel were listed on the operational plan:

Date of

- Officer David Conticelli assigned to "marked patrol"
- Officer Sean Havenner assigned to "marked patrol"
- Officer [REDACTED] assigned to "unmarked/monitor/breacher"
- Detective [REDACTED] assigned to "unmarked/monitor/breacher"



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- Lieutenant Rebecca Prince assigned to "marked patrol"
- Lieutenant Jay Rodriguez assigned to "undercover"

The FMPD arrest report number 2013-02675 detailed the arrest of [REDACTED] Chen Ya and [REDACTED] and was sworn to by former FMPD Officer Sean Havener. [REDACTED] alleged to be the [REDACTED] in the video, [REDACTED]

Ya and [REDACTED] had two different narratives for FMPD report number 2013-02675, however, the details surrounding Rodriguez's involvement while inside the massage parlor were identical and are as follows:

*On Thursday March 14, 2013, Lieutenant Jay Rodriguez of the Fort Myers Police department was working in an undercover capacity within the city of Fort Myers, Lee County, Florida. On this date, officers were investigating a complaint about possible prostitution activity at the New Asian Massage located at 1791 Boy Scout Drive, Unit 3. The Fort Myers Police Department had received information that the business may be using the massage business as a way to facilitate prostitution.*

*On this date, at approximately 1740 hours, Lieutenant Rodriguez entered the business as a customer. Upon entering the business, Lieutenant Rodriguez encountered an [REDACTED] sitting on a couch to the left of the front door. The [REDACTED] stood up and greeted Lieutenant Rodriguez. Lieutenant Rodriguez asked the [REDACTED] if anyone was available for a massage session. The [REDACTED] motioned over to Lieutenant Rodriguez to follow [REDACTED] into the first room on the left hand side of the hallway.*

*Once inside the room, the [REDACTED] closed the door and asked Lieutenant Rodriguez if he wanted an hour session. [REDACTED] then informed Lieutenant Rodriguez that the cost would be seventy (70) dollars. Lieutenant Rodriguez retrieved seventy dollars in US currency from his left front pocket (Three twenty dollar bills and two five dollar bills of prerecorded FMPD funds) and handed them to the [REDACTED]. The [REDACTED] left the room and returned shortly after. Prior to leaving, the [REDACTED] instructed Lieutenant Rodriguez to remove all his clothing. Lieutenant Rodriguez removed his shirt and shorts but did not remove his underwear.*

*Once the [REDACTED] returned, [REDACTED] instructed Lieutenant Rodriguez to lie on the massage bed in the room. Once on the bed, the [REDACTED] identified [REDACTED] and began to rub Lieutenant Rodriguez's back, arms and legs. Less than a minute from beginning the massage, the [REDACTED] reached around and grabbed Lieutenant Rodriguez's genitals. Lieutenant Rodriguez reacted to the motion and the [REDACTED] asked, "Do you like that?" Lieutenant Rodriguez told the [REDACTED] that he was interested and questioned about the price.*

*At that time, the [REDACTED] moved over to the front of the table and began to whisper in Lieutenant Rodriguez's ear. The [REDACTED] asked, "What do you want?" Lieutenant asked the [REDACTED] what [REDACTED] would do. The [REDACTED] responded, "How much you want to pay?" Lieutenant Rodriguez told the [REDACTED] he would pay [REDACTED] fifty dollars. The [REDACTED]*





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responded. "One hundred and fifty for blowjob and one hundred and twenty for a hand job."

Lieutenant Rodriguez agreed to the hand job to which the [redacted] responded, "Pay first." Lieutenant Rodriguez again reached into his left front pocket and retrieved one hundred and twenty dollars in US currency (Six twenty dollar bills). The [redacted] took the money and left the room again. Lieutenant Rodriguez stood up off the table and waited for the [redacted] to return. Once the [redacted] returned, Lieutenant Rodriguez confirmed the money provided was for manual stimulation (A hand job) The [redacted] confirmed and once again instructed Lieutenant Rodriguez to lie on the bed.

Once on the bed, the [redacted] walked over to Lieutenant Rodriguez and tried to remove his underwear. At that time, Lieutenant Rodriguez stopped the [redacted] and asked how late [redacted] would be working. The [redacted] indicated that [redacted] was working until 2100 hours. Lieutenant Rodriguez told the [redacted] that he had to leave but would return later. The [redacted] provided Lieutenant Rodriguez with a business card for the New Asian Massage and wrote [redacted] on the back of the card. Lieutenant Rodriguez exited the business and returned to the vehicle.

Lieutenant Rodriguez provided a detailed description of the [redacted] to the uniform support officers that were in the area. Lieutenant Rebecca Prince, Officer David Conticelli and Officer Sean Havenner walked into the business and detained the [redacted] that matched the description provided by Lieutenant Rodriguez. The [redacted] was escorted outside by Lieutenant Prince and was positively identified as [redacted] that solicited the manual stimulation for one hundred and twenty dollars.

There was no mention of a recording of the operation in the arrest report.

The State Attorney's Office (SAO) ultimately did not charge either defendant with the crimes they were arrested for. The SAO sent an email to Rodriguez on April 9, 2013, requesting a case report for both defendants. The email was forwarded to FMPD Staff Assistant Jill Newhouse who responded to the SAO stating that the department does not do case reports for misdemeanors.

The FMPD provided FDLE with a flash drive containing the video provided by Kerr via Vimeo. There were two (2) different video files, the first containing a four-second (00:04) video and the second containing a fourteen minute and one second (14:01) video. The first video depicted a timestamp of March 14, 2013, at 17:38:20, and showed a white male, later identified as Rodriguez, looking down into the camera. It appeared that the first video was a clip excerpted from the second video. According to the timestamp, the second video began at 17:38:18 and depicted Rodriguez walking into New Asian Massage and being greeted by an [redacted]. Rodriguez then asked for a "night session" and was escorted into another room. Once inside the room, Rodriguez asked the [redacted] for an hour massage to which [redacted] told him it would cost seventy dollars (\$70.00). He handed [redacted] money and [redacted] left the room.

Rodriguez repositioned the camera a couple times settling at a location that captured the door and only the foot of the massage bed. When the [redacted] returned, [redacted] asked if he liked it hard and he replied, "yeah, please," and laid down on the massage bed. It appeared the [redacted] began giving him a massage. At 17:42:02 the [redacted] appeared to remove Rodriguez's



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underwear and toss them on the floor; [redacted] then told him he had a nice body. It appeared the [redacted] continued giving him a massage.

At 17:45:45 Rodriguez asked the [redacted] what else [redacted] can do with the lotion. A few moments later Rodriguez told the [redacted] that [redacted] can take [redacted] clothes off. [redacted] responded by asking, "What do you want?" Rodriguez then asked for a "hand job or a blowjob" and how much it will cost. The [redacted] responded, "You tell me". Rodriguez then offered [redacted] fifty dollars (\$50.00) to which the [redacted] said, "no". The [redacted] told Rodriguez it will cost one hundred twenty dollars (\$120.00). He confirmed the amount, gave [redacted] money, and [redacted] left the room. At 17:48:31 Rodriguez is seen standing fully nude in front of the camera and appeared to be sending a text message.

The [redacted] returned to the room and Rodriguez asked for a "hand job" to which the [redacted] agreed. Rodriguez returned to the bed and the [redacted] appeared to be retrieving lotion and then walked back toward him. Rodriguez stated, "Oh, that's good. Yeah, like that." A short time later Rodriguez stated, "Are you going to make me come? Make me come hard aren't you?" The [redacted] replied in a soft voice, "Yeah." Rodriguez stated, "Hard, hard, yeah real hard." Rodriguez then told [redacted] when he was about to ejaculate by stating, "I'm going to come, you ready?" followed by moaning noises. The [redacted] is then seen on the camera in only black underwear bottoms. The [redacted] asked Rodriguez if he wanted a hot towel to clean off; he declined. Rodriguez then retrieved the camera and the video was concluded at 17:52:05.

Special Agent (SA) Kendall Bores and Special Agent Supervisor (SAS) Grant Wagner obtained a sworn, audio recorded statement from FMPD Sergeant (Sgt.) David Conticelli. In March 2013, Sgt. Conticelli was a community policing officer for the district that New Asian Massage was located in. He had received complaints that prostitution may have been taking place at the massage parlor. He notified the FMPD Special Investigative Group (SIG) about the complaints, but he did not get a response from them. His supervisor, Lt. Rebecca Prince, organized an operation utilizing Rodriguez as the undercover officer. Sgt. Conticelli was working the operation at the massage parlor on March 14, 2013. He was not aware that there was video monitoring being used during the operation, he only assumed there was an audio monitor. Sgt. Conticelli had recently viewed the video of the operation and remembered the [redacted] in the video as being the [redacted] from the operation on March 14, 2013. He also recognized the male in the video to be Rodriguez.

SA Bores and SAS Wagner obtained a sworn, audio recorded statement from FMPD Sgt. [redacted]. Sgt. [redacted] was assigned to monitor the operation on March 14, 2013, but was unaware that any recording devices were being used. [redacted] recalled Rodriguez being the undercover officer and entering the business wearing shorts and flip-flops. He exited the business, met with Lt. Prince, and she relayed the information to the uniformed patrol to make the arrest. [redacted] viewed the video at work when a colleague showed it to [redacted] about a week and a half prior to this interview. [redacted] believed that the video [redacted] viewed was from the operation on March 14, 2013. [redacted] stated that there was no doubt in [redacted] mind that the male in the video was Rodriguez.

SA Bores and SA Gary Negrinelli obtained a sworn, audio recorded statement from FMPD Lt. [redacted]. [redacted] assisted in the operation on March 14, 2013. [redacted] was assigned to monitor the operation and attempted to use an open line but the monitoring equipment malfunctioned. [redacted] did not recall providing Rodriguez with the recording device, nor what device was used. Lt. [redacted] viewed the video regarding this incident a couple of weeks before this



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interview and was able to identify the man in the video as Rodriguez and believed that the video took place during the operation on March 14, 2013. The City of Fort Myers IT Department requested that [REDACTED] give them any old SIG drives, so [REDACTED] provided them with a Synology device (an electronic storage system) and two old backup drives.

SA Bores and SA Negrinelli obtained a sworn, audio recorded statement from former FMPD Law Enforcement Officer Sean Havenner. Havenner participated in the operation on March 14, 2013, and confirmed that the signature on the signed arrest report was his own. Havenner did not recall the other officers telling him what happened during the operation but he assumed that is how he got the information to write in the report. At the time of writing the report, he had not seen any video or listened to any audio from the operation. Havenner stated, to the best of his knowledge, everything in the arrest report was accurate at the time of writing it. SA Bores showed Havenner the beginning of the video. Havenner identified the man in the video as Rodriguez and believed it took place during the operation on March 14, 2013.

SA Bores and SAS Wagner obtained a sworn, audio recorded statement from Rebecca Prince. Prince was the coordinator and supervisor for the operation on March 14, 2013, but did not recall many details of the operation. She did not know a video monitor was being used and had never seen the video. Prince admitted to talking with Rodriguez after the release of the video but stated that they never talked about the video or the case. Rodriguez did apologize to Prince for getting her involved.

SA Bores met with City of Fort Myers Network Engineer Barbara Wills who provided SA Bores with two (2) Western Digital hard drives and a Synology NAS device. Those hard drives were provided to City of Fort Myers Information Technology Services (ITS) Director Richard Calkins on February 27, 2019, by Lt. [REDACTED]. On April 3, 2019, SA Bores obtained a sworn, audio recorded statement from Director Calkins who stated that during the FMPD Internal Affairs investigation into Rodriguez, he and Wills attempted to locate the video in question on the current FMPD servers but were unsuccessful. They did not search the Synology NAS device or the Western Digital hard drives.

Assistant State Attorney (ASA) Andrew Van Sickle, SA Bores, and SAS Wagner obtained a sworn, audio recorded statement from O'Neil Kerr under proffer subpoena. After Kerr filed an official complaint against Rodriguez, he was contacted by former FMPD Detective (Det.) Donald Weathers who provided him additional information about the operation. On February 8, 2019, Kerr received the video on a secure digital (SD) card in his mailbox at his current residence. After viewing the video, he posted the video to Vimeo and YouTube, and sent the email with the hyperlink to the video to city officials. Kerr ultimately threw the SD card away, after allowing a local reporter to copy the contents.

SA Bores and SAS Grant Wagner obtained a sworn, audio recorded statement from former FMPD SIG Det. Donald Weathers. Weathers claimed that a couple of days after the operation took place, Jason Greene (a former SIG detective) called Weathers into his office and told him about the massage parlor operation. Greene then showed Weathers and Wolfgang Daniel (another former SIG detective) the video on his (Greene's) computer. Greene had accessed this video from the SIG T drive. Weathers claimed that Greene was concerned about the video and told him that he (Greene) and Daniel were involved in that massage parlor operation. Weathers was confident that it was Jay Rodriguez in the video. Weathers stated that he made a copy of the video shortly after he was made aware of the video (in 2013). Weathers was contacted by former FMPD Officer O'Neil Kerr in December of 2018. Kerr wanted to do a public record



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request for the video so Weathers told him the exact location of where to find the video on the T drive. In February of 2019, Weathers put the SD card containing the video in Kerr's mailbox at Kerr's residence.

SA Bores and SAS Wagner obtained a sworn, audio recorded statement from FMPD Det. Wolfgang Daniel. Det. Daniel did not participate in the operation on March 14, 2013. After the release of the video in 2019, Det. Daniel viewed the beginning of the video and was able to identify Rodriguez. Det. Daniel stated that he did not equip Rodriguez with the recording device for the massage parlor operation on March 14, 2013, and claimed that he did not watch the video in question before its release in 2019.

SA Bores and SAS Wagner obtained a sworn, audio recorded statement from FMPD Officer (Ofc.) Jason Greene. Ofc. Greene claimed that he had only seen clips of the video in question on the news and had not seen the video before its release in 2019. Ofc. Greene stated that he did not work the operation on March 14, 2013, and he did not provide Rodriguez with the recording device for the operation at New Asian Massage.

SA Bores reviewed emails sent to/received by FMPD members and found the following: On March 14, 2013, at 8:55 PM, Rodriguez sent an email to Prince with the subject "narrative." The contents of the email stated, "Let me know if you get it ok," with an attached document titled "Message." The attached document was a detailed account of Rodriguez's involvement in the undercover operation. The details in the document are nearly identical to the narrative of FMPD arrest report number 2013-02675 and are as follows:

*On Thursday March 14, 2013, Lieutenant Jay Rodriguez of the Fort Myers Police department was working in an undercover capacity within the city of Fort Myers, Lee County, Florida. On this date, officers were investigating a complaint about possible prostitution activity at the New Asian Massage located at 1791 Boy Scout Drive, Unit 3. The Fort Myers Police Department had received information that the business may be using the massage business as a way to facilitate prostitution.*

*On this date, at approximately 1740 hours, Lieutenant Rodriguez entered the business as a customer. Upon entering the business, Lieutenant Rodriguez encountered an [redacted] sitting on a white couch to the left of the front door. The [redacted] stood up and greeted Lieutenant Rodriguez. Lieutenant Rodriguez asked the [redacted] if anyone was available for a massage session. The [redacted] motioned over to Lieutenant Rodriguez to follow [redacted] into the first room on the left hand side of the hallway.*

*Once inside the room, the [redacted] closed the door and asked Lieutenant Rodriguez if he wanted an hour session. [redacted] then informed Lieutenant Rodriguez that the cost would be seventy (70) dollars. Lieutenant Rodriguez retrieved seventy dollars in US currency from his left front pocket (Three twenty dollar bills and two five dollar bills) and handed them to the [redacted]. The [redacted] left the room and returned shortly after. Prior to leaving, the [redacted] instructed Lieutenant Rodriguez to remove all his clothing. Lieutenant Rodriguez removed his shirt and shorts but did not remove his underwear.*

*Once the [redacted] returned, [redacted] instructed Lieutenant Rodriguez to lie on the massage bed in the room. Once on the bed, the [redacted] identified [redacted] and began to rub Lieutenant Rodriguez's back, arms and legs. Less than a minute from beginning the massage, the [redacted] reached around and grabbed Lieutenant Rodriguez's genitals.*



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Lieutenant Rodriguez reacted to the motion and the [redacted] asked, "Do you like that?" Lieutenant Rodriguez told the [redacted] that he was interested and questioned about the price.

At this time, the [redacted] moved over to the front of the table and began to whisper in Lieutenant Rodriguez's ear. The [redacted] asked, "What do you want?" Lieutenant asked the [redacted] what [redacted] would do. The [redacted] responded, "How much you want to pay?" Lieutenant Rodriguez told the [redacted] he would pay [redacted] fifty dollars. The [redacted] responded, "One hundred and fifty for blowjob and one hundred and twenty for hand job."

Lieutenant Rodriguez agreed to the hand job to which the [redacted] responded, "Pay first." Lieutenant Rodriguez again reached into his left front pocket and retrieved one hundred and twenty dollars in US currency (Six twenty dollar bills). The [redacted] took the money and left the room again. Lieutenant Rodriguez stood up off the table and waited for the [redacted] to return. Once the [redacted] returned, Lieutenant Rodriguez confirmed the money provided was for manual stimulation (A hand job). The [redacted] confirmed and once again instructed Lieutenant Rodriguez to lie on the bed.

Once on the bed, the [redacted] walked over to Lieutenant Rodriguez and tried to remove his underwear. At that time, Lieutenant Rodriguez stopped the [redacted] and asked how late [redacted] would be working. The [redacted] indicated that [redacted] was working until 2100 hours. Lieutenant Rodriguez told the [redacted] that he had to leave but would return later. The [redacted] provided Lieutenant Rodriguez with a business card for the New Asian Massage and wrote [redacted] on the back of the card. Lieutenant Rodriguez exited the business and returned to the vehicle.

Lieutenant Rodriguez provided a detailed description of the [redacted] to the uniform support officers that were in the area. The officers walked into the business and detained the [redacted] that matched the description provided by Lieutenant Rodriguez. The [redacted] was escorted outside and was positively identified [redacted] the [redacted] that solicited the manual stimulation for one hundred and twenty dollars.

On March 14, 2013, at 9:13 PM, Prince replied to Rodriguez's email, "Got it".

Director Calkins advised that all FMPD employees' are assigned unique user accounts for gaining access to city computers. The employee creates a password, which only the user knows.

A search warrant was executed on Rodriguez's agency issued desktop, laptop, and iPad, City of Fort Myers Synology network-attached storage (NAS) device, and two Western Digital hard drives.

SA Peter Kennedy forensically examined the Western Digital hard drive labeled "SIG Video Primary" and located one video file of note. SA Bores viewed this video and confirmed that it is the same video that was provided by Kerr. It is believed that this Western Digital hard drive was being utilized by the SIG as their video server during 2013, and that this video is the initial download of the video in question.



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### CONCLUSION

On March 14, 2013, Rodriguez participated as an undercover officer during a massage parlor operation that took place at New Asian Massage located at 1791 Boy Scout Drive #3, Fort Myers, Florida. The Fort Myers Police Department Operational Plan proposed that Rodriguez would either get a legitimate massage or give a predetermined take down signal instructing officers to enter the business and secure all occupants. The Operational Plan also stated, "Lt. Rodriguez will then stop the illegal act prior to fruition and exit the business."

During the operation, video was taken on a covert recording device that captured Rodriguez soliciting manual stimulation and purchasing the sexual activity using prerecorded FMPD funds. Rodriguez is seen fully nude in the recording. Due to the positioning of the camera the sexual activity is not visually captured on the recording but the audio from the recording indicated that the solicited sexual act was carried out. Rodriguez stated, "Are you going to make me come? Make me come hard." Rodriguez told the [REDACTED] when he was about to ejaculate, followed by moaning noises. The [REDACTED] is then seen on the recording in only black underwear bottoms and asked Rodriguez if he wanted a hot towel to clean off.

Following the operation, Rodriguez emailed Lt. Prince with an attached document titled "Message", which Lt. Prince confirmed that she received. The attached document was a detailed account of Rodriguez's involvement in the undercover operation on March 14, 2013. The details in the document are nearly identical to the narrative of FMPD arrest report number 2013-02675, and are materially inconsistent with the video recording.

Special Agent Kendall Bores finds probable cause to believe that Captain Jay Rodriguez, committed official misconduct, a violation of F.S. 838.022(1)(a), when he knowingly and intentionally obtained a benefit for himself by utilizing FMPD funds to solicit and engage in sexual acts during an undercover operation on March 14, 2013. Rodriguez authored a falsified account of his actions during the operation, which was relied upon by the arresting officer to affect the arrests of Chen Ya and [REDACTED].

SA Bores also finds probable cause to believe that Captain Rodriguez committed perjury in official proceedings, a violation of F.S. 837.02(1), when he made a false statement under oath during an official FMPD internal affairs investigation on January 8, 2019, stating that he had never engaged in sex while on duty.

SA Bores also finds probable cause to believe that Rodriguez solicited prostitution, a violation of F.S. 796.07(2)(f).

According to the FDLE Automated Training Management System (ATMS), Rodriguez is still a full-time public servant with the Fort Myers Police Department with no break in service.

 #1339  
 Kendall Bores, Special Agent  
 Florida Department of Law Enforcement



## Fort Myers Police Department Internal Affairs Investigation

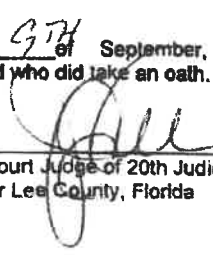


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**STATE OF FLORIDA  
COUNTY OF LEE**

The foregoing instrument was acknowledged before me this 9<sup>TH</sup> of September, 2019 by Special Agent Kendall Bores who identified herself to me and who did take an oath.

Date  
Date

  
\_\_\_\_\_  
Circuit Court Judge of 20th Judicial Circuit  
in and for Lee County, Florida

Date  
Date



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On Monday, September 9, 2019 the arrest warrant was issued for Rodriguez on the charges of F.S. 838.022(1)(a) Official Misconduct, F.S. 837.02(1) Perjury in Official Proceeding, and F.S. 796.07(2)(f) Prostitution.

On Monday, September 9, 2019, at 10:59 a.m., Captain Rodriguez sent an email to Deputy Chief Randall Pepitone and Arleen Stoebenau (The Chief's Administrative Assistant), containing a memo for his retirement. The memo indicated he was retiring from the agency, effective September 18, 2019. (Note: a copy of this email and memo were included in the case file)

On Tuesday, September 10, 2019, at approximately 10:30 a.m., Rodriguez surrendered himself to SA Bores at the FDLE office, located at 4700 Terminal Drive, Fort Myers, FL. SA Bores transported him to the Lee County Jail and booked him on the outstanding warrant. (Note: an electronic copy of the booking documents was maintained in FDLE's related items INV-87) Rodriguez was charged with the following crimes:

- Official Misconduct – Felony – F.S. 838.022(1)(a)
- Perjury in Official Proceeding – Felony – F.S. 837.02(1)
- Prostitution – Misdemeanor – F.S. 796.07

On Tuesday, September 10, 2019, Chief Diggs ordered that Captain Rodriguez be placed on unpaid administrative leave, pending the outcome of this internal affairs investigation, as provided for in Fort Myers Police Department General Order 7.1, Section XIV(A)10. Captain Rodriguez was notified of this unpaid leave status via email and certified mail. (Note: a copy of this notice was included in the case file)

The arrest of Captain Rodriguez and his voluntary retirement does not change the current tolling status of this Internal Affairs Investigation (IA 2018-011), as tolling continues during the pending prosecution. F.S. 112, 532(6)(A)2 proves the following, *"The running of the limitations period is tolled during the time that any criminal investigation or prosecution is pending in connection with the act, omission, or other allegation of misconduct"*.

On Wednesday, September 18, 2019, SA Boris met with Captain Newhouse and provided him with a complete copy of her criminal investigation. (Note: FDLE's criminal investigative report and related document was included in the case file) Captain Newhouse then began reviewing FDLE's criminal investigation and continued to do so over the next several weeks.

On Wednesday, September 19, 2019, Captain Newhouse had a discussion with Chief Diggs, notifying him of the possible need to add additional subject officers to this internal affairs investigation. For example, Captain Newhouse pointed out inconsistencies relating to the sworn testimony of former Detective Donald Weathers and Officer Jason Greene, as well as inconsistencies between the sworn testimony of Mr. Weathers and Detective Wolfgang Daniels. These inconsistencies included the following:





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### Former Detective Donald Weathers

- During his May 14, 2019 sworn statement with FDLE, Weathers testified that he viewed the video a couple of days after the operation took place in 2013.
- Weathers said he saw the video depicted Jay Rodriguez at the massage parlor in question. Weathers said Rodriguez and the [REDACTED] engaged in conversation and he eventually saw Rodriguez naked.
- Weathers testified that a couple of days after the operation took place, Detective Jason Greene called him into his office and told him about the massage parlor operation. Weathers testified that Detective Jason Greene showed him and Detective Wolfgang Daniel the video on Greene's computer. Weathers said that Greene accessed the video from the SIG T drive.

### Former

- Weathers said Detective Greene made assumptions as to what may have occurred off camera and said Detective Greene was concerned about the video.
- Weathers testified Detective Greene and Detective Daniel were involved in the massage parlor operation.
- Weathers testified he believed Greene or Daniel told him a covert [REDACTED] camera was used during the operation. Weathers knew Rodriguez had told Greene nothing was recorded on the device when he gave it back to Greene after the operation, but Weathers did not specify how he knew that information and did not want to misspeak.

### Detective Greene – (He is currently an Officer, but was a Detective in 2013)

- Greene provided a sworn statement to Captain Newhouse on January 31, 2019, stating he was not involved in the massage parlor operation in question.
- Greene told Captain Newhouse he had no knowledge of Captain Rodriguez engaging in sex while on duty with a sex worker.
- Greene testified to Captain Newhouse he had never seen a video of the undercover operation involving the massage parlor (New Asian Massage).
- Greene stated to Captain Newhouse he does not have any direct knowledge that the allegation relating to Jay Rodriguez engaging in sex with a sex worker or prostitute was true.

### Detective

- Greene provided a sworn statement to FDLE on May 8, 2019, testifying he did not work the operation on March 14, 2013, and did not provide Capt. Rodriguez with the recording device for



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the operation at New Asian Massage. Greene testified to FDLE he had not seen the video prior to its release in 2019.

### Detective Daniel

- On January 31, 2019, during a sworn statement, Captain Newhouse asked Detective Daniel if he ever witnessed Jay Rodriguez involved in sex while on duty and Detective Daniel responded that he had not.
- Daniel told Captain Newhouse that, as far as he could recall, the Special Investigations Group was not involved in the operation and that Lt. Prince and others handled the incident on their own.
- Captain Newhouse asked Detective Daniel if Mr. Kerr's accusation that "*SIG detectives working that OP, Jason Greene and Detective Wolfgang Daniel witnessed and recorded one Jay Rodriguez involved in sex while on duty*" was true. Detective Daniel responded, "*I have, I have no memory of that sir.*" He also said, "*I don't recall that.*"
- On April 30, 2019, Detective Daniel provided a sworn statement to FDLE. Daniel testified he did not work the operation at the New Asian Massage Parlor on March 14, 2013. Daniel testified he did not know about the video in question until it was released in 2019.

On Wednesday, September 25, 2019, Captain Newhouse received an anonymous letter addressed to "Professional Standard Bureau c/o City of Fort Myers Police Department". The letter was postmarked September 23, 2019. This letter was addressed to Chief Derrick Diggs, listing carbon copies (CC) to the following: PSB FMPD, FDLE, NewsPress, NBC 2, Fox 4, Mayor Randy Henderson, and City Manager Saeed Kazemi. The anonymous author requested that the following officers be investigated to "*ascertain the validity of their statements*" – [REDACTED] *Jason Greene, Wolfgang Daniel, David Conticelli*". The unknown author wrote, "*The statement provided to investigators at FDLE clearly show deception and collusion to the criminal act that occurred*". (Note: this letter was included in the case file)

On Wednesday, September 25, 2019, at 12:00 p.m., Captain Newhouse participated in a phone conference with Attorney John Potanovic and Assistant State Attorney (12<sup>th</sup> Judicial Circuit) Andre Van Sickle. Mr. Potanovic represents the City of Fort Myers in employment related matters and ASA Van Sickle is the prosecutor assigned to handle the Rodriguez case. Both attorneys agreed the tolling provisions outlined in F.S. 112.532(6)(a)2 are not only applicable to the allegations against Captain Rodriguez, but also apply to others that may be named as additional subject officers in the matter. Attorney Potanovic sent a follow-up email to Captain Newhouse documenting the abovementioned conversation. This email includes the following:

*"ascertain*  
*Detective Captain Newhouse –*  
*FDI*



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*This is to confirm our telephone conversation today, which included Andrew Van Sickle, Assistant State Attorney, 12<sup>th</sup> Judicial Circuit. Mr. Van Sickle is the prosecutor assigned to the Jay Rodriguez case. Of course, the Jay Rodriguez IA (IA 2018-011) has tolled since the time the criminal investigation commenced. It is my understanding that you have reviewed an FDLE report and listened to audio collected as part of the FDLE investigation and have determined there may be other officers, including but not necessarily limited to Jason Greene and Wolfgang Daniel, who may need to be added as "subject officers" in IA 2018-011 due to untruthfulness allegation or other misconduct.*

*FS 112.532(6)(a)(2.) provides that "The running of the limitations period is tolled during the time that any criminal investigation or prosecution is pending in connection with the act, omission, or other allegation of misconduct". In my opinion (and the opinion Mr. Van Sickle shared during our call) this language would serve to toll an investigation concerning Wolfgang Daniel and/or Jason Greene as subject officer added to IA 2018-011 as the allegations of misconduct (e.g. untruthfulness) are inextricably intertwined with and connected to the pending criminal prosecution of Jay Rodriguez. Per FS 112.532(6)(a) the tolling would start as of the date FMPD received notice of the allegations by a person authorized by FMPD to initiate an investigation of the misconduct. If you are authorized to initiate an investigation into alleged Daniel or Greene misconduct, then I believe the tolling began on the date you read the report or listened to the audio which gave rise to the allegation(s) of untruthfulness or other misconduct. If it is only the Chief who can initiate such an investigation, I believe the tolling began as of the date the Chief became aware of that information which may give rise to the allegation(s) of untruthfulness or other misconduct.*

*Please feel free to contact me if you have any further questions on this matter.*

Based upon the aforementioned discussion, the potential need to add additional subject officers to the original IA involving Jay Rodriguez does not change the current tolling status.

On Thursday, September 26, 2019, at 2:31 a.m., Anthony Thomas Jr. sent an email to Sheriff Marceno, while copying a long list of individuals to include Chief Diggs and ASA Andrew Van Sickle. Mr. Thomas requested that the Lee County Sheriff's Office initiate a criminal investigation of Jay Rodriguez for "violations of Florida Statute 817.49 (filing a false police report) and Florida Statute 918.13 (tampering with evidence)". Mr. Thomas additionally wrote, "The Fort Myers Police Department should have known that the complaint Mr. Jay Rodriguez filed was frivolous and without merit". Here, Mr. Thomas was referring to criminal complaint filed by Jay Rodriguez on February 11, 2019 (FMPD Report number 2019-01724), alleging that Mr. Thomas committed the crimes of extortion and sexual cyberharassment against him. (A copy of this email was included in the case file)



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On Wednesday, October 2, 2019, ASA Van Sickle responded to Mr. Thomas, notifying him that he should file an initial complaint regarding the alleged crime with the Fort Myers Police Department. (A copy of this email was included in the case file)

On Monday, October 14, 2019, Mr. Thomas sent Chief Diggs an email (containing the chain of emails above), requesting a criminal investigation into the described matter. (A copy of this email was included in the case file)

On Tuesday, October 15, 2019, Detective Ralph Louissaint was assigned to investigate Mr. Thomas' criminal allegations against Jay Rodriguez. Detective Louissaint subsequently completed FMPD report number 2019-11358, documenting the allegations. The narrative section of this report contained the following:

On *“On October 15, 2019 Detective Louissaint was assigned to investigate a complaint made by Anthony Thomas Jr (DOB 2/2/1983). Thomas has filed a complaint against Jay Rodriguez for violation of Florida State Statute (FSS) 817.49 – filing a false police report and FSS 918.13 – tampering with evidence. This stems from a previous Fort Myers Police Department case (report# 2019-01724).*

*Thomas has sent emails expressing his concern with FMPD investigating this case. Thomas preferred that Lee County Sheriff's Office investigate the case. Thomas' request was reviewed by Assistant State Attorney Van Winkle [sic] of the 12<sup>th</sup> Judicial Circuit. Van Winkle [sic] advised that the State is of the opinion that Thomas should file an initial complaint with FMPD. The allegation would initially be reviewed by FMPD for validity and internal procedural issues. The complaint would then be reviewed for conflict of interest reasons and if such conflict exists, the State Attorney in Lee County would refer the matter to the governor for assignment.*

*On October 15, 2019 at approximately 3:00pm Detective Louissaint called Thomas via landline to schedule an appointment to obtain a sworn statement. There was no answer and a voice message was left on Thomas' answering machine with Detective Louissaint's contact information”.*

On October 31, 2019, at 9:59 a.m., Detective Louissaint and Officer Kristin Capuzzi met with Mr. Thomas and his attorney, Peter Dennis, at Dennis' office (1533 Hendry Street, Suite 300). Mr. Thomas provided a sworn audio recorded statement in the matter. (Note: this sworn statement was included in the case file)

*Detective Louissaint paraphrased Mr. Thomas' statement below –*



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*Thomas feels that it is improper that Fort Myers Police Department is investigating his complaint and feels that it should have been referred to Florida Department of Law Enforcement (FDLE). Thomas said that Rodriguez admitted in his interview with Detective Langton that Rodriguez did not have any contact with Thomas via telephone, email, nor text message. Thomas believes that Rodriguez filed a false police report from an incident that took place on December 3, 2018 (FMPD report # 2019-01724). In this report Rodriguez accused Thomas of violating Florida State Statute 836.05 (extortion). Thomas said that none of the witnesses interviewed in FMPD report 2019-01724 corroborated Rodriguez's story and no witness heard Thomas say anything to Rodriguez about money. Thomas said Rodriguez filed the complaint two months after the incident happened the same day Rodriguez was being put on administrative leave. Thomas said if Rodriguez really felt the crime was committed he would have and should have immediately reported the criminal violation committed by Thomas. (See Supplemental Report #4 2019-011358)*

Detective Louissaint prepared a "Request for Case Review" packet and forwarded his investigation to the State Attorney's Office for review. The case was subsequently assigned to ASA Andrew Van Sickle (Twelfth Judicial Circuit). No criminal charges were filed as a result of this review.

On February 21, 2020, Captain Newhouse was promoted to the rank of Major and will be referred to as such throughout the remainder of this report.

On Monday, March 9, 2020, Florida Governor Ron Desantis declared a "State of Emergency" for the State of Florida regarding the COVID-19 pandemic (Executive Order Number 20-52). This declaration was extended by the Governor through Executive Orders 20-114, 20-166, 20-192, 20-213, 20-276, and 20-316. Additionally, the Governor extended the "State of Emergency" for 60 days, effective February 26, 2021 (Executive Order 21-45). (Copies of these Executive Orders were included in the case file). Florida Statute 112.532(6)a5 denotes, "*The running of the limitations period may be tolled for emergencies or natural disasters during the time period wherein the Governor has declared a state of emergency within the jurisdictional boundaries of the concerned agency*". Thereby, the 180-day limitation period for disciplinary actions result from this internal affairs investigation was tolled, effective March 9, 2020.

**On October 5, 2020, Jay Rodriguez voluntarily relinquished his Law Enforcement Certification with the State of Florida Criminal Justice Standards and Training Commission, via a notarized form. Additionally, he voluntarily elected to never re-apply for said certification status nor seek employment as a law enforcement officer. On January 14, 2021, the Florida Criminal Justice Standards and Training Commission "Accepted" this voluntary relinquishment and ordered Mr. Rodriguez to immediately surrender to the Commission his criminal justice certificate. (Copies of these documents were included in the case file).**

On Thursday, November 12, 2020, Assistance State Attorney Andrew Van Sickle Nolle Prosequi the criminal charges against Jay Rodriguez for Official Misconduct, Perjury, and Prostitution (19CF026315AL). (A copy of this document was included in the case file). ASA Van Sickle authored a



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memorandum documenting the reason for the Nolle Prosequi and this memo was included in the case file.

The conclusion of the criminal prosecution of Jay Rodriguez means that the limitation period specified in Florida Statute 112.532(6)a2 (for disciplinary actions) is no longer tolled (pending criminal prosecution), effective November 12, 2020. However, as mentioned above, the limitation period continues to be tolled by Executive Order of the Governor relating to the State of Emergency declaration relating to the COVID-19 pandemic, as specified in Florida Statute 112.532(6)a5.

On December 3, 2020, Major Newhouse notified Detective Wolfgang Daniel and Officer Jason Greene (via memorandum) that they were added as subject officers to this internal affairs investigation. They were added as subject officers because Major Newhouse discovered inconsistencies between the sworn testimony they previously provided and the sworn testimony of former Detective Donald Weathers relating to their prior knowledge of the existence of a video depicting and undercover operation on March 14, 2013. Additionally, Detective Daniel and Officer Greene were provided (via memorandum) the tolling status mentioned above. (Note: the memorandums were included in the case file) On December 4, 2020, Gulf Coast PBA President Matthew Sellers emailed Major Newhouse, notify him that he would be representing Detective Daniel and Officer Greene in the matter.

On Friday, December 4, 2020, Major Newhouse emailed SAS Grant Wager (FDLE) and requested to have the following FDLE personnel complete sworn statements for the internal affairs investigation:

- SA Kendal Bores – Criminal case agent
- SA Supervisor Grant Wagner – Criminal case supervisor/ assisted with interviews
- SA Gary Negrinelli – Assisted with interviews
- SA Chris Tissot – Computer forensics
- SA Peter Kennedy – Computer forensics/ located video
- SCIA Kelly Andriano – Phone records – subpoena duces tecum
- SA Daniel Chu – Assisted with interview
- DFC Christopher Vaden – Computer forensics

On Friday, December 4, 2020, Major Newhouse emailed ASA Andrew Van Sickle and requested a complete copy of his criminal case file (to include all depositions). On February 16, 2021, his assistant emailed copies of three (3) depositions to Major Newhouse. These included the depositions of Agent Bores, Donald Weather, and Mr. Kerr. They were included in the case file.

On Tuesday, December 8, 2020, SAS Wagner telephoned Major Newhouse and explained that FDLE employees would not provide sworn statements as requested. SAS Wagner later sent an email denoting, "Bill, per our phone conversation earlier, on behalf of those listed below of those listed below I am declining the offer to provide sworn statements in the IA investigation. We're hopeful that our reports will suffice". A copy of this email was included in the case file.



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Beginning on December 10, 2020, Major Newhouse conducted a series of follow-up (confirmatory) interviews with multiple witnesses in this internal affairs investigation. These transcribed interviews were included the case file. The following represents a very brief synopsis of each statement:

**Richard Calkins (12/20/2020)**

- Confirmed meeting with Major Newhouse and Barbra Wills on January 15, 2019, wherein Major Newhouse asked them to search for the video in questions using the search criterial provided by Mr. Kerr
- Confirmed they were unable to located said video utilizing Mr. Kerr's location directions
- Confirmed that on February 11, 2019, he captured the video links emailed by Mr. Kerr and provided them to Major Newhouse

interview were  
Testified that a few weeks after February 11, 2019 [REDACTED] provided him with three (3) external computer storage devices, at his request

- Confirmed the three (3) external computer storage devices were turned over to FDLE
- Confirmed he provided a truthful sworn statement to SA Bores on April 3, 2019

**Barbara Wills (12/10/2020)**

- Confirmed meeting with Major Newhouse and Richard Calkins on January 15, 2019, wherein Major Newhouse asked them to search for the video in questions using the search criterial provided by Mr. Kerr

- Confirmed they were unable to located said video utilizing Mr. Kerr's location directions
- Confirmed searching for any audio files relating to the New Asian Massage operation and confirmed she was unable to locate any
- Confirmed she turned over the three (3) external computer storage devices to FDLE
- Confirmed she provided SA Bores an email list of the FMPD employees who had access to the Financial drive, Special Investigation drive, and the Detective drive on the city computer server
- Confirmed she provide SA Bores with three (3) DVD containing all (current and former) FMPD employees emails between the date ranges of 2021 and 2019
- Confirmed she provided SA Wagner with a USB drive containing the information from Captain Rodriguez City of Fort Myers Z drive (in response to a search warrant)



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- Confirmed she provided a truthful sworn statement to SA Bores on April 16, 2019

**Juan Soto (12/10/2020)**

- Current Finance Manager for FMPD
- Began working for FMPD in April 2018
- Confirmed meeting with Major Newhouse on March 7, 2019 and being asked to locate SIG financial document for the first quarter of 2013 (Specifically March)
- Testified that these financial records are normally stored in binders within the Finance Office of FMPD and on the Finance computer drive
- Testified that the requested financial records were missing from the binders and the computer drive
- Testified that he had no idea what happened to the documents in question
- Testified that the office is not always secured and could have been accessed by an unauthorized person

**Holy Simone (12/10/2020)**

- Current Deputy Director of Finance (as of March 2019)
- Confirmed that SA Bores called her and asked about the missing SIG financial documents from 2013
- Testified that in 2013 it was not policy to send SIG financial document to the City of Fort Myers Financial Department

**Joann Daniels (12/11/2020)**

- Current Fiscal Assistant at FMPD (as of August 2013)
- Has access to the FMPD Finance computer drive (server)
- Testified that she had no idea what happened to the missing SIG financial records for March of 2013

**Khandyce Mosely (12/11/2020)**





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- Grant Writer at FMPD (as of March 2017)
- Has access to the FMPD Finance computer drive (server)
- Testified that she had no idea what happened to the missing SIG financial records for March of 2013

**Diann Kovilec (12/17/2020)**

- Current Fiscal Assistant at FMPD (as of June 2014)
- Has access to the FMPD Finance computer drive (server)
- Testified that she had no idea what happened to the missing SIG financial records for March of 2013

**Sharon Wright (12/21/2020)**

- Former Fiscal Manager at FMPD (was Manager in 2013)
- Major Newhouse telephoned her on December 21, 2020 and left her a voice mail
- She never returned the phone call

**Jenette Kruze (12/21/2020)**

- Former Fiscal Manager at FMPD (from March 2015 to August 2017)
- Testified that she had no idea what happened to the missing SIG financial records for March of 2013

**Arleen Stoebenau (12/21/2020)**

- Staff Assistant to Chief of Police (as of May 2017)
- Has access to the FMPD Finance computer drive (server), but was unaware she had this access
- Testified that she had no idea what happened to the missing SIG financial records for March of 2013

**Heide Brescher (12/21/2020)**



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- Project Manager for the Group Violence Intervention Program (as of February 2018)
- Has access to the FMPD Finance computer drive (server), but was unaware she had this access
- Testified that she had no idea what happened to the missing SIG financial records for March of 2013

**Inter**

**Deputy Chief Jeffrey Meyers (1/14/2021)**

- Confirmed he reviewed the first IA report for IA 2018-011 and determined that the allegation was unfounded, based upon the information contained in the case file
- Confirmed IA 2018-011 was re-opened or continued based upon new information received
- Confirmed he provided copies of anonymous letters sent to FMPD to FDLE
- Confirmed he provided FMPD General Orders in effect on March of 2013, containing Captain Rodriguez' electronic signature to FDLE at their request

**Inter**

**Dev**

- Confirmed he provide FMPD General Order 21.1 Special Investigations Group and General Order 22.2 Confidential Sources to FDLE at their request

**Ellen Clyatt (1/14/2021)**

- Human Resources Director (Retire on July 8, 2020)
- Confirmed she received a series of email complaints (the subject of this IA) from Mr. Kerr in December 2018 and January 2019
- Ensured these emails were forwarded to Chief Diggs and Major Newhouse
- Confirmed that Mr. Kerr sent her links to the video in question to her in an email
- Confirmed that she made sure the video link was forwarded to Chief Diggs and Major Newhouse for the IA investigation

**Detective James Langton (1/14/2021)**

- Confirmed he was the Detective assigned to conduct the criminal investigation regarding allegations from Jay Rodriguez against Anthony Thomas for alleged extortion and sexual cyber stalking



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- Confirmed he submitted the case file to the State Attorney's Office for consideration
- Confirmed the State Attorney's Office declined to prosecute the matter
- Provided a copy of the criminal case file to Major Newhouse

**Lt. Brian O'Reilly (1/26/2021)**

- Confirmed he conducted IA 2017-017, relating to anonymous complaint against Jay Rodriguez
- Confirmed that on March 6, 2019, at 2 p.m., he accompanied Major Newhouse to the SIG building to search for expenditure records
- Testified the SIG office was in disarray and there were documents and paperwork dumped/thrown in the center area of the room
- Testified he observed expenditure files in the trash and "thrown everywhere"
- Confirmed FDLE was notified of the conditions of the SIG office immediately

**[REDACTED] (1/26/2021)**

- Confirmed [REDACTED] provided truthful testimony to Major Newhouse during [REDACTED] sworn interview on February 1, 2019
- Confirmed [REDACTED] provided truthful testimony to FDLE during [REDACTED] sworn interview on March 1, 2019

**[REDACTED] (1/26/2021)**

- Confirmed [REDACTED] provided truthful testimony to Major Newhouse during [REDACTED] sworn interview on January 31, 2019
- Confirmed [REDACTED] provided truthful testimony to FDLE during [REDACTED] sworn interview on March 5, 2019
- Confirmed [REDACTED] witnessed the condition of the SIG building on March 6, 2019
- Testified that [REDACTED] did not know how the SIG office got in such poor condition

**Officer Sean Havenner (1/26/2021)**

- **Lt. P.** Confirmed he provided truthful testimony to FDLE during his sworn interview on March 5, 2019



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**Jill Newhouse (1/26/2021)**

Confirmed she provided truthful testimony to FDLE during her sworn interview on March 20, 2019

**Sgt. David Conticelli (1/27/2021)**

- Confirmed he provided truthful testimony to FDLE during his sworn interview on February 21, 2019

**[REDACTED] (1/27/2021)**

- Confirmed [REDACTED] provided truthful testimony to FDLE during [REDACTED] sworn interview on June 14, 2019
- Denied, as reported by Mr. Kerr, that [REDACTED] participated in a discussion with Detective Vincent Doyle, Walter Mitchell, and Detective Wolfgang Daniel in the squad bay about Jay Rodriguez engaged in sexual acts with a prostitute
- Testified that [REDACTED] knew nothing about the allegations prior to the video's release in the media

**Detective Ralph Louissaint (1/27/2021)**

- Confirmed that he was assigned to conduct the criminal investigation regarding FMPD report number 2019-11358, involving a complaint from Anthony Thomas against Jay Rodriguez for filing a false police report

**Captain James Mulligan (1/29/2021)**

- Former Captain at FMPD
- Declined to provide a sworn interview

**Chief Douglas Baker (1/29/2021)**

- Former Chief of Police
- Declined to provide a sworn interview

Capt



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**Angela Montalvo (2/1/2021)**

- Former FMPD Records Supervisor
- Girlfriend of Donald Weathers
- Attorney Tim Culhane (representing Donald Weathers) sent Major Newhouse an email, indicating Ms. Montalvo declined to provide a sworn interview for the IA

**Donald Weathers (2/1/2021)**

- Former Detective at FMPD
- Declined to provide a sworn interview for the IA, via his attorney Tim Culhane

**Dennis Eads (2/1/2021)**

- Former Captain and Former Interim Chief of Police at FMPD
- Testified he had never heard the accusations against Jay Rodriguez involving the massage parlor incident, prior to the videos release in the media
- Testified he never saw the video in question
- Testified that if he had previously heard the allegations against Jay Rodriguez, he would have ordered an immediate Internal Investigation

**Lt. Enrico Doro (2/1/2021)**

- Former Lieutenant at FMPD
- Confirmed he assisted [REDACTED] by providing [REDACTED] access to the safe in the SIG office to look for the back-up SIG video storage device
- Confirmed the back-up SIG video storage device was not in the safe
- Testified that when he took over custody of the SIG safe, it did not contain the storage device
- Denied that he had ever seen the video in question until after its release in the media

**Sgt. Mike Forbes (2/1/2021)**

- Former FMPD Sgt. and Detective (working in SIG in 2013)



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- On 2/1/2021, Major Newhouse spoke with an attorney representing Mr. Forbes
- The attorney said she would let Major Newhouse know if Mr. Forbes was willing to provide a sworn interview
- The attorney never got back with Major Newhouse

**Intern**

**Detective Brad Dickerson (2/2/2021)**

- Former Detective at FMPD
- Former SIG Detective (working in SIG in March 2013)
- Testified he had no knowledge of the allegation and had never seen the video of the incident, prior to its release in the media

**[REDACTED] (2/2/2021)**

- Completed the offense report for FMPD 2019-01724, relating to allegations from Jay Rodriguez against Anthony Thomas for extortion

**Detective**

- Obtained a written sworn statement from Jay Rodriguez for this criminal investigation

**Detective Vincent Doyle (2/2/2021)**

- Testified that Mr. Kerr did not tell the truth when claiming that he overheard a conversation between [REDACTED] Wolfgang Daniel, and himself; about Jay Rodriguez allegedly engaging in sex acts with a prostitute
- Testified the described conversation did not take place

**Officer Sean Fitzpatrick (2/3/2021)**

**Detective**

- Former FMPD Officer
- Confirmed he provided truthful testimony to FDLE on June 12, 2019

**Lt. Walter Mitchell (2/4/2021)**

- Former SIG Detective (working in SIG in March 2013)

**Officer**



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- Testified that Mr. Kerr did not tell the truth when claiming that he overheard a conversation between [REDACTED] Vincent Doyle, Wolfgang Daniel, and himself; about Jay Rodriguez allegedly engaging in sex acts with a prostitute
- Testified that he never heard any rumors of Jay Rodriguez engaged in sex with a prostitute

**Anthony Thomas**

- Declined to provide a sworn interview

**Lt. Rebecca Prince**

**Detective**

- Declined to provide a sworn interview

**O'Neill Kerr**

- Declined to provide a sworn interview

**Sgt. Candice Petaccio**

- Unable to contact for sworn interview

**Lt. Melvin Perry**

**Lt. Kerr**

**Detective**

- Declined to provide a sworn interview

**Sgt. Richard Notaro**

- Declined to provide a sworn interview

**Ya Chen**

- Unable to locate for a sworn interview

[REDACTED]

**Lt. Kerr**

**Detective**

- Unable to locate for a sworn interview

**Mei Hun Lu**

- Unable to locate for a sworn interview



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### Subject Interview – Sgt. Jason Greene

On February 25, 2021, at 4:57 p.m., Major Newhouse conducted a sworn audio recorded interview with Sgt. Jason Greene. Matthew Sellers was present, acting as Sgt. Greene’s union representative. Prior to questioning, Major Newhouse provided Sgt. Greene with Garrity warnings and a copy of the Law Enforcement Officers’ Bill of Rights. Additionally, Sgt. Greene was provided with ample time to review all documents and statements related to the Internal Affairs Investigation.

Sgt. Greene asserted that he previously provided a sworn statement in reference to this matter on January 31, 2019, and that his testimony was completely truthful. Additionally, Sgt. Greene said he provided truthful testimony to FDLE Special Agent Bores on May 8, 2019. Sgt. Greene testified to the following:

- He denied participating in the March 14, 2013 undercover operation at the new Asian Massage parlor, located at 1791 Boy Scout Drive
- He denied providing the recording equipment to Jay Rodriguez for this operation
- He denied knowing who provided the recording equipment to Jay Rodriguez for this operation
- He denied receiving back the recording equipment from Jay Rodriguez after the operation
- He denied knowing who may have received the recording equipment after the operation
- He denied downloading or uploading any video from this operation to any computers or other devices
- He denied knowing who may have been responsible for downloading or uploading any video from this operation
- He denied (as reported by Donald Weathers) that a couple of days after the operation took place he allegedly called Weathers into his office and told him about the massage parlor operation
- He denied (as reported by Donald Weathers) that he showed the video of the operation to Weathers and Detective Wolfgang Daniel on his computer
- He denied having a conversation with Donald Weathers relating to the content of the video





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- He denied (as reported by Donald Weathers) that Detective Daniels and himself told Donald Weathers that they both were involved in the massage parlor operation
- He denied (as reported by Donald Weathers) that he told Weathers a covert [REDACTED] camera was used during the operation
- He denied (as reported by Donald Weathers) that Rodriguez told him nothing was recorded on the device when he allegedly returned it
- He testified that he had never seen the video of the operation in questions prior to its release in 2019 in the media
- He denied violating FMPD policy by providing untruthful sworn testimony to Major Newhouse on January 31, 2019
- He denied violating FMPD policy by providing untruthful sworn testimony to FDLE on May 8, 2019

### Subject Interview – Detective Wolfgang Daniel

On February 26, 2021, at 2:42 p.m., Major Newhouse conducted a sworn audio recorded interview with Detective Wolfgang Daniel. Matthew Sellers was present, acting as Detective Daniel's union representative. Prior to questioning, Major Newhouse provided Detective Daniel with Garrity warnings and a copy of the Law Enforcement Officers' Bill of Rights. Additionally, Detective Daniel was provided with ample time to review all documents and statements related to the Internal Affairs Investigation.

Detective Daniel asserted that he previously provided a sworn statement in reference to this matter on January 31, 2019, and that his testimony was completely truthful. Additionally, Detective Daniel said he provided truthful testimony to FDLE Special Agent Bores on April 30, 2019. Detective Daniel testified to the following:

- He denied participating in the March 14, 2013 undercover operation at the new Asian Massage parlor, located at 1791 Boy Scout Drive
- He denied providing the recording equipment to Jay Rodriguez for this operation
- He denied knowing who provided the recording equipment to Jay Rodriguez for this operation
- He denied receiving back the recording equipment from Jay Rodriguez after the operation
- He denied knowing who may have received the recording equipment after the operation



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- He denied downloading or uploading any video from this operation to any computers or other devices
- He denied knowing who may have been responsible for downloading or uploading any video from this operation
- He denied (as reported by Donald Weathers) that a couple of days after the operation took place he was present when Sgt. Greene allegedly called Weathers into his office and told him about the massage parlor operation

**Date of**

• He denied (as reported by Donald Weathers) that Sgt. Greene showed the video of the operation to Weathers and himself on his computer

- He denied having a conversation with Donald Weathers relating to the content of the video
- He denied (as reported by Donald Weathers) that Sgt. Greene and himself told Donald Weathers that they both were involved in the massage parlor operation
- He denied (as reported by Donald Weathers) that he told Weathers a covert [REDACTED] camera was used during the operation
- He denied (as reported by Donald Weathers) that Rodriguez told Sgt. Greene nothing was recorded on the device when he allegedly returned it
- He testified that he had never seen the video of the operation in questions prior to its release in 2019 in the media
- He denied violating FMPD policy by providing untruthful sworn testimony to Major Newhouse on January 31, 2019
- He denied violating FMPD policy by providing untruthful sworn testimony to FDLE on May 8, 2019
- He denied (as reported by Mr. Kerr) that he was involved in a discussion with Detective Doyle, [REDACTED] and Lt. Mitchell, wherein Mr. Kerr overheard them discussing Captain Rodriguez engaging in sexual acts with a prostitute during an operation

On Friday, February 26, 2021, Major Newhouse sent an email to Jay Rodriguez, requesting that he participate in a sworn interview for this investigation. Additionally, Major Newhouse provided Mr. Rodriguez with a list of the specific allegations against him. Mr. Rodriguez never responded to the email. The email is contained within the case file.



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On Tuesday, March 9, 2021, Major Newhouse sent a certified letter to Jay Rodriguez, requesting he participate in a sworn interview for this investigation. This letter included a list of the specific allegations against him. The letter was delivered to Mr. Rodriguez on March 15, 2021, at 2:18 p.m. Mr. Rodriguez failed to respond to the request for an interview within the 5-business day timeframe outlined in the letter. A copy of the letter was included in the case file.

On Friday, March 12, 2021, SA Bores (Now "Kendall") met with Major Newhouse at the Fort Myers Police Department. She turned over a series of evidence she collected during her criminal investigation. This evidence included the following items:

- Apple iPad with case/keyboard (Capt. Rodriguez' assigned item – returned to inventory)
- Dell computer tower (Capt. Rodriguez' assigned item – returned to inventory)
- Western Digital (SIG Video Primary) hard drive (Returned to [REDACTED])
- Western Digital (SIG Video Back-up) hard drive (Returned to [REDACTED])
- Synology NAS Device with power cord (Returned [REDACTED])
- Western Digital hard drive w/cord containing surveillance video from SIG office (Placed in IA file)
- 2012-2013 Financial Requests & Expenditure Reports (Placed in IA file)
- 2013 Financial Requests & Expenditure Reports (Placed in IA file)
- 2012 briefs & complaints (Placed in IA file)
- 2013 briefs & complaints (Placed in IA file)
- Panasonic laptop with charging cable (Capt. Rodriguez' assigned item – returned to inventory)

On Thursday, March 18, 2021, Major Newhouse telephoned Matt Sellers and made him aware of the items returned by FDLE and retrained within the IA case file. Major Newhouse let Mr. Sellers know that Acting Sgt. Greene and Detective Daniel could examine the items if they chose to. However, Major Newhouse explained he had no additional questions for Greene or Daniel.

On Friday, March 19, 2021, at 1:30 p.m., Major Newhouse met with Detective Daniel and provided him an opportunity to review the additional documents provided from FDLE (listed above). Detective Daniel reviewed the documents. Major Newhouse asked no additional questions of Detective Daniel. Detective Daniel elected not to amend his prior subject employee interview.

On Friday, March 19, 2021, at 4:00 p.m., Major Newhouse met with Acting Sgt. Greene and provided him an opportunity to review the additional documents provided from FDLE (listed above). Acting Sgt. Greene reviewed the documents. Major Newhouse asked no additional questions of Acting Sgt. Greene. Detective Daniel elected not to amend his prior subject employee interview.



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Under the penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

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

Date of

Date

William R. Newhouse 181  
Major William R. Newhouse

3/22/2021  
Date

Date of

Date