

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL DISTRICT
IN AND FOR CHARLOTTE COUNTY, FLORIDA

NATHAN LEE, Individually and as Personal
Representative of the Estate of Denise Amber Lee,

Plaintiff,

-against-

BILL CAMERON, as Sheriff of Charlotte County,

Defendant.

Case No.:

Civil Division

COMPLAINT

Plaintiff Nathan Lee, Individually and as Personal Representative of the Estate of Denise Amber Lee ("Plaintiff"), by and through his undersigned attorneys, as and for his Complaint against defendant Bill Cameron, in his official capacity as Sheriff of Charlotte County (the "Sheriff" or "Defendant"), alleges as follows:

NATURE OF THE ACTION

1. This is an action for wrongful death pursuant to Fla. Stat. §§ 768.16 *et seq.* and a survival action for negligence pursuant to Fla. Stat. § 46.021.

2. This action concerns acts of negligence by Defendant and his officers, agents and employees, which actions and omissions caused significant damages to Denise Amber Lee, deceased, her Estate and her other beneficiaries.

3. Plaintiff has satisfied all conditions precedent to filing this action as required by Fla. Stat. § 728.28.

PARTIES

4. Plaintiff Nathan Lee, an individual, brings this action as the Personal Representative of the Estate of Denise Amber Lee and on behalf of Mrs. Lee's Estate and her other beneficiaries.

5. Defendant Bill Cameron is the Sheriff of Charlotte County and has offices located at 7474 Utilities Road, Punta Gorda, Florida 33982. Plaintiff brings this action against Cameron in his official capacity as Sheriff of Charlotte County.

JURISDICTION AND VENUE

6. This is an action for damages that exceed \$15,000 exclusive of taxable attorneys' fees and costs.

7. Venue is proper in this Court pursuant to Fla. Stat. § 47.011 because the Sheriff is located and headquartered in this County and because the facts giving rise to the alleged liability occurred in this County.

COMPLIANCE WITH FLA. STAT. § 768.28

8. Plaintiff has satisfied all conditions precedent to filing this action.

9. On or about April 15, 2008, Plaintiff sent a written Notice of Claim pursuant to Fla. Stat. § 768.28 to Sherriff John Davenport (whose office is now filled by Sheriff Cameron). A true and correct copy of the Notice of Claim dated April 15, 2008 is attached hereto as Exhibit A and incorporated herein by reference

10. On or about March 11, 2009, Plaintiff sent a written Notice of Claim to the Department of Financial Services pursuant to Fla. Stat. § 768.28. A true and correct copy of the Notice of Claim dated March 11, 2009 is attached hereto as Exhibit B and incorporated herein by reference

11. On or about March 11, 2009, Plaintiff provided the Sheriff and the Florida Department of Financial Services additional personal information pursuant to Fla. Stat. § 768.28. This information included the date of birth, place of birth and social security number for both Mr. and Mrs. Lee. This letter advised that that there are no known prior adjudicated unpaid

claims owed by Mr. or Mrs. Lee to the State of Florida or any of its agencies, officers or subdivisions.

12. Over six months have passed since Plaintiff sent the Notices of Claim. Thus, the Sheriff and the Department of Financial Services are statutorily deemed to have denied Plaintiff's claim.

FACTS

13. In the early afternoon of January 17, 2008, twenty-one year old Denise Amber Lee was at home in North Port, Florida, in Sarasota County, with her two young children when she was abducted by a stranger, Michael King.

14. Mrs. Lee's husband, plaintiff Nathan Lee, arrived home at or about 3:30 p.m. and realized immediately that Mrs. Lee was gone. Mr. Lee called his wife's father, Rick Goff, a sergeant in the neighboring Charlotte County Sheriff's Office (the "CCSO") and Sergeant Goff came over to help. CCSO immediately initiated a search for Mrs. Lee. At the same time, the North Port Police Department initiated its own search for Mrs. Lee and a suspicious green Camaro that a neighbor had seen parked in the Lees' driveway around the time she disappeared.

15. These searches were unfortunately plagued by poor law enforcement communication in a way that proximately caused Mrs. Lee's death. Among other things, it appears that BOLO ("be on the lookout") notices for Mrs. Lee and the Camaro that were issued by North Port Police Department were overlooked by neighboring CCSO dispatchers, and were not timely aired to CCSO deputies.

16. CCSO also mishandled a crucial 911 call that could have led police directly to Mrs. Lee and her abductor. Upon information and belief, at least five 911 calls were placed that day concerning the abduction of Mrs. Lee, including one from Mrs. Lee herself. One caller, Ms. Jane Kowalski, spoke to a CCSO call taker and was able to pinpoint the exact location of Mr.

King, the Camaro, and Mrs. Lee in real time. That call, however, was never dispatched. CCSO officers were not told of Ms. Kowalski's call and missed their opportunity to locate and apprehend Mr. King. The North Port Police Department did not learn of Ms. Kowalski's call until several days after Mrs. Lee's disappearance.

17. Mr. King murdered Mrs. Lee shortly after he was sighted by Ms. Kowalski. Mr. King was convicted of kidnapping, raping and murdering Mrs. Lee and a jury has recommended that he receive the death penalty.

18. CCSO conducted an internal affairs investigation into the failure to dispatch Ms. Kowalski's call and concluded that the incident was not handled properly, and that two CCSO dispatchers violated CCSO policies and procedures.

CCSO's Failure to Timely Air the BOLOs

19. At or about 4:59 p.m. on January 17, 2008, the North Port Police Department issued a BOLO for Mrs. Lee. That BOLO indicated that a dark green Camaro, late 1990s to early 2000s model, driven by a white male with light brown hair of about 30 to 40 years of age, was seen at the Lee residence at about 2:30 p.m., the time that Mrs. Lee went missing. North Port sent this BOLO again at or about 5:58 p.m. True and correct copies of these BOLOs are attached hereto as Exhibits C and D and incorporated herein by reference.

20. Upon information and belief, though the CCSO received both BOLOs by teletype, no one was monitoring the teletype machine and thus these urgent messages were not timely aired to CCSO deputies, so they were not informed in a timely manner of the information concerning the suspect and his vehicle make and model.

CCSO's Failure to Dispatch in Response to Ms. Kowalski's Call

A. Ms. Kowalski's 911 Call

21. At or about 6:30 p.m. on January 17, 2008, Ms. Kowalski, who was driving south on Route 41, pulled up to a stoplight and spotted a person in distress in the back of a Camaro.

22. Ms. Kowalski immediately called 911. Upon information and belief, because she was driving through Charlotte County at the time, Ms. Kowalski's 911 call (the "Kowalski Call") was routed to CCSO. A true and correct audio file of the Kowalski Call is attached hereto as Exhibit E and incorporated herein by reference.

23. The Kowalski Call was received by a CCSO employee, call taker Mildred Stepp ("Call Taker Stepp").

24. The Kowalski Call lasted approximately nine minutes. Without prompting from Call Taker Stepp, Ms. Kowalski first provided her exact location as she was driving, indicating that she was on Route 41 going south, and had just crossed Chamberlain. She then described that a man had just pulled up next to her at a stoplight with what she thought was a child "banging on the window" and "screaming," which was "not a happy scream, like a 'Get me out of here!' scream."

25. Ms. Kowalski provided a description of the car, noting that it was a blue Camaro "like in the '90s or early 2000s or something."

26. Ms. Kowalski described the driver as a "white male sort of light color hair sort of plump." She indicated that the Camaro was directly behind her.

27. Critically, Ms. Kowalski then proceeded to report the Camaro's exact location for several miles. At one point, she told Call Taker Stepp that she and the Camaro's driver had just passed Jenks Drive, and that they were going about thirty-five miles per hour. Later in the call, Ms. Kowalski reported that the Camaro had turned left on Toledo Blade Boulevard.

28. Ms. Kowalski lost sight of the Camaro when it turned left off Route 41 onto Toledo Blade Boulevard. During the remainder of the call, Call Taker Stepp repeated at least six times the information that Ms. Kowalski had provided regarding Mr. King's location. Call Taker Stepp said repeatedly that the Camaro had turned left, or "west," onto Toledo Blade Boulevard. Call Taker Stepp was in fact mistaken that the Camaro was headed west after it turned left. A car proceeding southbound on Route 41 would have been proceeding east after making a left turn.

29. Ms. Kowalski asked Call Taker Stepp for someone to follow up with her. Following Call Taker Stepp's instructions, Ms. Kowalski pulled over into a parking lot and waited on the line to see if the 911 center needed anything more from her. Approximately nine minutes into the call, Call Taker Stepp thanked Ms. Kowalski and told her that they would call her back if they need anything else.

B. CCSO's Failure to Dispatch Ms. Kowalski's Call

30. Upon information and belief, the CCSO 911 call center (the "Call Center") was staffed on the afternoon of January 17, 2008 with several call takers and dispatchers. Upon information and belief, it is the policy and procedure of CCSO that call takers are responsible for entering information from incoming calls into a CAD, or computer-aided dispatch system. Upon information and belief, it is the policy and procedure of CCSO that dispatchers are responsible for relaying the information received by call takers to law enforcement, and are responsible for dispatching police.

31. Upon information and belief, at the beginning of the Kowalski Call, Call Taker Stepp realized that Ms. Kowalski had spotted the abductor the CCSO was searching for and his victim, Sergeant Goff's daughter Denise Amber Lee.

32. Call Taker Stepp stood up in the Call Center and relayed the information she was learning from the Kowalski Call (including the location of the Camaro) verbally to the dispatchers on duty.

33. Call Taker Stepp told the dispatchers that the information "had to get out."

34. Call Taker Stepp did not enter any of the information she was learning from the Kowalski Call into the CAD during the pendency of the Kowalski Call.

35. During the pendency of the Kowalski Call, Call Taker Stepp wrote down information regarding the Kowalski Call on a piece of paper and left it near the dispatchers' desks.

36. A few minutes after the Kowalski Call was terminated, at or about 6:42 p.m., Call Taker Stepp finally entered information from the Kowalski Call into the CAD.

37. Rather than creating a new file, which would have created a new call for service, Call Taker Stepp added the information from the Kowalski Call to the bottom of the open call concerning the abduction of Mrs. Lee.

38. On the evening of January 17, 2008, CCSO employees, including but not limited to 911 dispatcher Susan Kirby Kallestad ("Dispatcher Kallestad") and 911 dispatcher Elizabeth Martinez ("Dispatcher Martinez") were aware of the Kowalski Call and the information Call Taker Stepp had received.

39. Dispatchers in the Call Center, including but not limited to Dispatcher Kallestad, spoke with Call Taker Stepp while she was on the line with Ms. Kowalski, and provided Call Taker Stepp with instructions for Ms. Kowalski to follow.

40. CCSO dispatchers never aired the information received by Call Taker Stepp from the Kowalski Call.

41. CCSO dispatchers never dispatched anyone in response to the Kowalski Call.

C. Mr. King Murders Mrs. Lee and is Apprehended by Police

42. Ms. Kowalski lost sight of Mr. King at or about 6:33 p.m. when he turned left off of Route 41 onto Toledo Blade Boulevard. Upon information and belief, Mr. King continued on Toledo Blade Boulevard for several miles and then turned onto a road that was under construction, which is to connect Toledo Blade Boulevard to Panacea Boulevard. Upon information and belief, Mr. King stopped his car and parked it on the side of that road.

43. At some point during her abduction, Mrs. Lee planted physical evidence inside of Mr. King's car, including her own hair and a ring that her husband, Mr. Lee, would recognize.

44. These actions evidence that Mrs. Lee was aware of the prospect of her own imminent death, and the need to connect Mr. King to the crime after she could no longer testify against him.

45. As described by lead prosecutor Lon Arend in his closing remarks to the jury during the penalty phase of Mr. King's trial, Mr. King ultimately took Mrs. Lee "to a wooded area where she was standing naked, held a gun to her head where she could see it and pulled the trigger, and then buried her four feet down." Mr. King was apprehended at or about 9:15 p.m. by a Florida Highway Patrol trooper as Mr. King attempted to get on Interstate 75, approximately a mile away from where he had buried Mrs. Lee's body.

D. CCSO's Internal Affairs Investigation Concludes That the Kowalski Call was Mishandled

46. Upon information and belief, on January 19, 2008, two days after Mrs. Lee was abducted, and while police, volunteers and her family were still searching for her, Dispatcher Kallestad realized that she had "screwed up" and that the information from the Kowalski Call "needed to have gone out."

47. On or about January 20, 2008, John Davenport, who was the Sheriff of Charlotte County at the time, directed an Internal Affairs investigation (the "Internal Affairs Investigation") be conducted concerning the Kowalski Call.

48. As part of the Internal Affairs Investigation, sworn statements were obtained from at least sixteen witnesses, including Call Taker Stepp, Dispatcher Kallestad, Dispatcher Martinez and other CCSO personnel present in the Call Center on the evening of January 17, 2008.

49. The Internal Affairs Investigation concluded with a report dated February 13, 2008 (the "Internal Affairs Report") which found that Dispatcher Kallestad and Dispatcher Martinez had committed violations of their duties by failing to dispatch any units to Toledo Blade Boulevard and Route 41 in response to the Kowalski Call. A true and correct copy of the Internal Affairs Report, which was redacted by the Sheriff's office, is attached hereto as Exhibit F and incorporated herein by reference.

50. In particular, the Internal Affairs Report found Dispatcher Kallestad to have violated the Response to Calls for Service (3.50 F.4.b.11) by "failing to send any of the responding units to the North Port call to Toledo Blade and 41." She was also found to have violated the Official Procedures or Directives (Endangering persons or property) (3.50 F.4.b.2) by "failing to contact North Port Police Department per Sgt. Davis' instruction."

51. The Internal Affairs Report found that Dispatcher Martinez committed a "Violation to Response to Calls for Service (3.50 F.4.b.11) by failing to send a D-2 unit to the area of Toledo Blade and 41."

52. Upon information and belief, in response to the conclusions and findings contained within the Internal Affairs Investigation Report, Dispatcher Kallestad wrote to Sheriff Davenport on March 28, 2008 to state that she was "very concerned about the internal

investigation failing to address the inappropriate handling of the 911 call made by Jane Kowalski and answered by Millie Stepp, including her delay in posting vital information.” Ms. Kallestad continued:

Stepp spent a full nine minutes on the telephone with Kowalski without entering any notes at all into the computer-aided-dispatch system which is the nucleus of Charlotte County Sheriff Office dispatch operations. All calls for service must be entered in a timely fashion into that system that allows the dispatchers to assign deputies, fire, or EMS. Absolutely nothing was posted in that system for a full twelve minutes. That is an unacceptable amount of time for almost any type of service call. It is absolutely inexcusable that twelve minutes elapsed in a call of this critical nature.

The phone call with Kowalski was terminated after nine minutes. Three additional minutes elapsed before Stepp placed any notation in the computer. This simply would and should not be allowed in any emergency call for service or call of activity in progress. If Stepp did, in fact, realize the importance of this call, she has utterly no excuse to delay the critical information from being entered immediately. The citizens’ lives depend on rapid responses to fires, medicals, or other critical calls required deputy response.

* * *

The results of the Internal Affairs investigation have forever linked both my name and that of Liz Martinez to this case as the dispatchers who mishandled Jane Kowalski’s 911 call. The failure of Millie Stepp to properly handle the phone call must be addressed. In my opinion, Millie Stepp let down the Communications Center, Charlotte County, and most importantly, the Lee and Goff families.

A true and correct copy of Dispatcher Kallestad’s March 24, 2008 letter is attached hereto as Exhibit G.

E. CCSO’s Failures Were a Proximate Cause of Mrs. Lee’s Death

53. CCSO’s failures in handling the search for Mrs. Lee contributed to and were a proximate cause of her pain and suffering and eventual death.

54. Among other things, at the time of the issuance of the first and second BOLOs by the North Port Police Department, through and including the pendency of the Kowalski Call and

thereafter, there were numerous law enforcement officers positioned along or near Mr. King's route who would have responded and apprehended Mr. King. According to the Internal Affairs Report, there were at least two police cars in the area of Toledo Blade Boulevard at or around 6:30 p.m.

FIRST CAUSE OF ACTION
(Wrongful Death Action Pursuant to Fla. Stat. § 768.16 *et seq.*)

55. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs 1 through 54 of the Complaint as if fully set forth herein.

56. At all times relevant hereto, Defendant was and is vicariously liable for the acts of all of his officers, employees and agents acting within the course and scope of their employment, including but not limited to, Call Taker Stepp, Dispatcher Kallestad, Dispatcher Martinez and all others who were working with or for the Sheriff's Office on January 17, 2008.

57. These officers, employees and agents were at all relevant times acting within the course and scope of their employment. At all relevant times, these individuals were knowingly engaged in an occupation where their professionalism and conduct were all that separated life and death for the persons on whose behalf 911 calls were placed, including Mrs. Lee.

58. The Sheriff's officers, employees and agents, including, but not limited to, Call Taker Stepp, Dispatcher Kallestad and Dispatcher Martinez, affirmatively and specifically undertook the duty to provide services to a specific individual (Mrs. Lee), including, but not limited to, initiating a search for Mrs. Lee, answering Ms. Kowalski's 911 call requesting a safety check, keeping Ms. Kowalski on the phone for over nine minutes, asking Ms. Kowalski questions about her location and what she saw, asking Ms. Kowalski to pull over and wait on the line and asking Ms. Kowalski to make herself available by phone in case the Sheriff's Office needed her for additional information. CCSO's actions with respect to the Kowalski Call

induced Ms. Kowalski to justifiably rely on the Sheriff and his officers, employees and agents, who had undertaken a position of authority. These actions caused Ms. Kowalski to forebear from taking other action to help Mrs. Lee, thereby increasing the risk of harm faced by Mrs. Lee.

59. Having undertaken this duty, the Sheriff and his officers, employees and agents, including, but not limited to, Call Taker Stepp, Dispatcher Kallestad and Dispatcher Martinez, owed a corresponding obligation to conduct the search for Mrs. Lee and to respond to the Kowalski Call with the degree of care and skill necessary under the circumstances and in accordance with the standards of their profession, including, but not limited to, the Sheriff's own policies and procedures.

60. The Sheriff and his officers, employees and agents, including, but not limited to, Call Taker Stepp, Dispatcher Kallestad and Dispatcher Martinez, breached their duties of care by incorrectly performing or failing to perform numerous operational, non-discretionary acts. These acts included, among other things:

- (a) Failing to timely air the BOLOs received from the North Port Police Department to CCSO deputies;
- (b) Failing to properly communicate the information received from the Kowalski Call to dispatchers and deputies on duty;
- (c) Failing to timely log the Kowalski Call into the CAD system for twelve minutes after that call was initiated by Ms. Kowalski;
- (d) Failing to dispatch the information from the Kowalski Call to law enforcement units; and
- (e) Failing to properly train and supervise and negligently retaining the employees of the Call Center.

61. The Sheriff's office has acknowledged that Dispatchers Martinez and Kallestad violated the Sheriff's internal policies and procedures and disciplined Dispatchers Martinez and Kallestad based upon those breaches of policies and procedures.

62. As a result of the ongoing search for Mrs. Lee, deputies and other law enforcement personnel were in the area and would have been able to stop Mr. King's car if the BOLOs had been timely aired or if the Kowalski Call had been dispatched.

63. As a direct and proximate result of the negligence of the Sheriff and his officers, employees and agents, including, but not limited to, Call Taker Stepp, Dispatchers and Martinez, Mrs. Lee died on the evening of January 17, 2008.

64. Consequently, Mrs. Lee's Estate and her beneficiaries have suffered damages pursuant to the Florida Wrongful Death Act, Fla. Stat. § 768.16 *et seq.* (including § 768.21), including, but not limited to, future lost support and services, loss of companionship and for mental pain and suffering, lost parental companionship, instruction and guidance, and for lost earnings in an amount to be determined at trial.

65. As required by Fla. Stat. § 768.21, Plaintiff alleges the names and relationship of all potential beneficiaries of this wrongful death claim to the decedent:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
Nathan Lee	Personal Representative	May 7, 1984
Nathan Lee	Husband	May 7, 1984
Noah Lee	Minor Son	January 8, 2006
Adam Lee	Minor Son	July 8, 2007
Richard Goff	Father	June 7, 1961
Susan Bates	Mother	July 31, 1965

SECOND CAUSE OF ACTION
(Negligence: Survival Action Pursuant to Fla. Stat. § 46.021)

66. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs 1 through 65 of the Complaint as if fully set forth herein.

67. At all times relevant hereto, and pursuant to Fla. Stat. § 768.28(9)(a), Defendant was and is vicariously liable for the acts of all of his officers, employees and agents acting within the course and scope of their employment, including, but not limited to, Call Taker Stepp, Dispatcher Kallestad, Dispatcher Martinez and all others who were working with or for the Sheriff's Office on January 17, 2008.

68. These officers, employees and agents were at all relevant times acting within the course and scope of their employment. At all relevant times, these individuals were knowingly engaged in an occupation where their professionalism and conduct were all that separated life and death for the persons on whose behalf 911 calls were placed, including Mrs. Lee.

69. The Sheriff's officers, employees and agents, including, but not limited to, Call Taker Stepp, Dispatcher Kallestad and Dispatcher Martinez, affirmatively and specifically undertook the duty to provide services to a specific individual (Mrs. Lee), including, but not limited to, initiating a search for Mrs. Lee, answering Ms. Kowalski's 911 call requesting a safety check, keeping Ms. Kowalski on the phone for over nine minutes, asking Ms. Kowalski questions about her location and what she saw, asking Ms. Kowalski to pull over and wait on the line and asking Ms. Kowalski to make herself available by phone in case the Sheriff's Office needed her for additional information. CCSO's actions with respect to the Kowalski Call induced Ms. Kowalski to justifiably rely on the Sheriff and his officers, employees and agents, who had undertaken a position of authority. These actions caused Ms. Kowalski to forebear from taking other action to help Mrs. Lee, thereby increasing the risk of harm faced by Mrs. Lee.

70. Having undertaken this duty, the Sheriff and his officers, employees and agents, including, but not limited to, Call Taker Stepp, Dispatcher Kallestad and Dispatcher Martinez, owed a corresponding obligation to conduct the search for Mrs. Lee and to respond to the Kowalski Call with the degree of care and skill necessary under the circumstances and in accordance with the standards of their profession, including, but not limited to, the Sheriff's own policies and procedures.

71. The Sheriff and his officers, employees and agents, including, but not limited to, Call Taker Stepp, Dispatcher Kallestad and Dispatcher Martinez, breached their duties of care by incorrectly performing or failing to perform numerous operational, non-discretionary acts. These acts included, among other things:

- (a) Failing to timely air the BOLOs received from the North Port Police Department to CCSO deputies;
- (b) Failing to properly communicate the information received from the Kowalski Call to dispatchers and deputies on duty;
- (c) Failing to timely log the Kowalski Call into the CAD system for twelve minutes after that call was initiated by Ms. Kowalski;
- (d) Failing to dispatch the information from the Kowalski Call to law enforcement units; and
- (e) Failing to properly train and supervise and negligently retaining the employees of the Call Center.

72. The Sheriff's office has acknowledged that Dispatchers Martinez and Kallestad violated the Sheriff's internal policies and procedures and has disciplined Dispatchers Martinez and Kallestad based upon those breaches of policies and procedures.

73. As a result of the ongoing search for Mrs. Lee, Sheriff's deputies and other law enforcement personnel were in the area and would have been able to stop Mr. King's car if the BOLOs had been timely aired or if the Kowalski Call had been dispatched.

74. As a direct and proximate result of the negligence of the Sheriff and his officers, employees and agents, including, but not limited to, Call Taker Stepp, Dispatcher Kallestad and Dispatcher Martinez, Mrs. Lee suffered legally cognizable non-death resulting injuries. *See* Fla. Stat. § 46.021; Smith v. Lusk, 356 So. 2d 1309 (2d DCA 1978); Williams v. Bay Hosp., Inc., 471 So. 2d 626 (1st DCA 1985). These injuries include Mrs. Lee's imminent fear of death and her conscious pain and suffering. For these injuries, Plaintiff, on behalf of Mrs. Lee, and by this survival action, seeks damages in an amount to be determined at trial.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of Mrs. Lee's Estate and her other beneficiaries, demands judgment against Defendant, awarding Plaintiff:

- (i) Damages pursuant to Fla. Stat. § 768.16 *et seq.* (including all amounts recoverable under § 768.21) for the wrongful death of decedent, in an amount to be determined at trial;
- (ii) Damages for Defendant's negligence pursuant to Fla. Stat. § 46.021 in an amount to be determined at trial;
- (iii) Costs and attorneys' fees; and
- (iv) Such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury.

Dated: Punta Gorda, Florida
October 14, 2009

WOTITZKY, WOTITZKY, ROSS & MCKINLEY

By: _____
Warren R. Ross

Attorneys for Plaintiff
223 Taylor Street
Punta Gorda, Florida 33950
Phone: (941) 639-2171
Fax: (941) 639-2197
Florida Bar No.: 0382086

FRANKFURT KURNIT KLEIN & SELZ P.C.
Patrick J. Boyle (Admitted *Pro Hac Vice*)
Jessie F. Beeber (Admitted *Pro Hac Vice*)
Amelia K. Seewann (Admitted *Pro Hac Vice*)
488 Madison Avenue
New York, New York 10022
Phone: (212) 980-0120
Fax: (212) 593-9175

EXHIBIT F



**PROFESSIONAL STANDARDS
INTERNAL AFFAIRS INVESTIGATION
CASE NUMBER
08-01-003**

MEMBER(S): Dispatcher Susan Kallestad
Dispatcher Elizabeth Martinez

COMPLAINANT: Charlotte County Sheriff's Office

**DATE INVESTIGATION
INITIATED** 01/20/2008

DATE OF REPORT: 13 February 2008

INVESTIGATOR: Captain Donna H. Roguska

ALLEGATION(S): Violation to Response to Calls for
Service (3.50 F.4.b.11)
Violation of Official Procedures or
Directives (Endangering persons or
property) (3.50 F.4.b.2)

Most of the redactions in this appendix refer to Jane Kowalski, the 911 caller.

On 20 January 2008, Charlotte County Sheriff's Office (CCSO) Sheriff John Davenport directed that an internal affairs investigation be conducted reference the 17 January 2008, "911" call from [REDACTED]. The investigation was conducted by the CCSO Internal Affairs Section and assisted by Florida Department of Law Enforcement Resident Agent in Charge, Yolanda Carbia.

The following is an in depth review of the circumstances surrounding the reception of a 911 call from a [REDACTED] to the Charlotte County Sheriff's Office Dispatch Center on the evening of 17 January 2008, and the subsequent handling of that call by personnel of the Communications Section. I have obtained all recordings, CAD reports, other miscellaneous documents and statements relating to this investigation and all are included in this report.

The 911 call made by [REDACTED] was in reference to a blue Camaro with a child, aged 5 to 10, in the back seat banging on the window and screaming. [REDACTED] gives a brief description of the driver and then advises that the vehicle has turned onto Toledo Blade, headed for Interstate 75.

On 21 January 2008, a sworn Garrity statement was obtained from CCSO Dispatcher Susan Kallestad in reference to the 911 call received on 17 January 2008. Dispatcher Kallestad has been with the CCSO for the past eighteen months and has been assigned to the Communications Section. Dispatcher Kallestad also worked for Apple Valley, Minnesota for 10 years in dispatch as well as a police officer and investigator for six years in the City of Plymouth, Minnesota. Dispatcher Kallestad advised that at the time the call came in, it appeared on both dispatch channel one and dispatch channel two screens. Even though in most circumstances units responding would be working off of dispatch channel two, units were also on dispatch channel one. She advises that around 6:30 p.m., CCSO Call Taker Mildred Stepp realizes the importance of this call and stands up to say that the information needs to get out on the radio. Dispatcher Kallestad states that Call Taker Stepp brings over to the dispatch area a piece of paper with the information about the call on it. She advises that CCSO Communications Supervisor Laurie Piatt is trying to patch the radios and Dispatcher Kallestad does not believe that she can use her radio. Dispatcher Kallestad states that she told CCSO Dispatcher Elizabeth Martinez that this information has to get out. Dispatcher Kallestad advises that while Call Taker Stepp is on the phone with the caller, she is also talking to her and Dispatcher Martinez with updated information. Dispatcher Kallestad states that around 6:40 p.m. Call Taker Stepp posts the information into the call on the dispatch computer. Shift change begins with the night shift dispatchers around the same time. Dispatcher Kallestad states that CCSO Dispatcher Kattie Beasley was assigned to take over the Mid County (dispatch two) radio.

Dispatcher Kallestad says that she told Dispatcher Beasley that this information needs to get out. Dispatcher Kallestad never goes back to Beasley to verify if the information went out, but states she heard Dispatcher Beasley say later that she assigned "it". Dispatcher Kallestad does not know if she assigned the 911 call information or something else. Dispatcher Kallestad states that CCSO Dispatcher Brandie Schaefer was her relief on Dispatch one and she never passed the information on to her. Dispatcher Kallestad does remember putting out a BOLO about the green Camaro during this time frame but does not remember who directed her to do so.

Subsequent investigation (radio traffic) revealed that Dispatcher Kallestad was contacted by Sgt Floyd Davis to put out an on air BOLO to all units in reference to a green Camaro in the area of Toledo Blade/Biscayne, to the North Port/County Line. Dispatcher Kallestad did put that BOLO out at 6:35 p.m. as indicated by the radio recording.

On 21 January 2008, a sworn Garrity statement was obtained from CCSO Dispatcher Elizabeth Martinez in reference to the 911 call received on 17 January 2008. Dispatcher Martinez has been with the CCSO for the past two years and has been assigned to the Communications Section. Dispatcher Martinez, who was working dispatch channel two (Mid-County) that day, advised that she was aware that a call came into Call Taker Stepp. To the best of Dispatcher Martinez' knowledge a call for service was not entered. She stated that Call Taker Stepp was conversing with Dispatcher Kallestad about the call because the units responding to North Port were mostly on dispatch channel one. Dispatcher Martinez states that she was busy on the radio and phone and thinks that Dispatcher Kallestad may have told her to get the information out. Dispatcher Martinez did not recall that, but in talking about the call over the weekend, Dispatcher Kallestad told Dispatcher Martinez that she told her to get the information out. Dispatcher Martinez stated that dispatch had given out two BOLO's from North Port about the missing adult prior to this phone call but did not recall the specific times. Dispatcher Martinez states that Dispatcher Kallestad told Call Taker Stepp to put in a call for service. Dispatcher Martinez states that Call Taker Stepp did not walk over with the information but posted it in the narrative of the North Port call. Dispatcher Martinez further advises that the Nextel wireless phone was going constantly during the period of this call, as well as the landline recorded and unrecorded phones. Dispatcher Martinez says that Deputy Doyle left the jail at some point and went to Toledo Blade and Tamiami Trail to stage. The CAD report shows that Deputy Doyle arrived on scene at 8:44 p.m.

Dispatcher Martinez states that the teletype operator went home at 3:30 p.m., so she was going back and forth to the teletype computer to get the BOLO's from the teletype. Dispatcher Martinez received the teletype about the missing adult and aired the information over all channels. Dispatcher Martinez states that Dispatcher Kallestad passed on the information to Dispatcher Kattie Beasley about the 911 call at shift change.

On 21 January 2008, a sworn statement was obtained from CCSO Supervisor Laurie Supervisor Piatt in reference to the 911 call received on 17 January 2008. Supervisor Piatt states that she was aware that Call Taker Stepp was taking a call from [REDACTED]. She did not completely pay attention to the specifics of the call as she was consumed with dealing with North Port Police and Sarasota County Sheriff's Office in patching the radios, answering the Nextel, trying to call ACIM (A Child is Missing Organization) and assisting command staff with additional resource needs. . Supervisor Piatt advises that the Region 6 BOLO from North Port Police came in at 4:59 p.m. and it was aired thirty one minutes later. She states that the 911 phone call from [REDACTED] came in after this initial BOLO and six minutes into the call another BOLO for a green Camaro went out for the area of Toledo Blade from 41 to the county line. Supervisor Piatt states that Call Taker Stepp was writing the information down at the time of the call. Supervisor Piatt further advises that information such as this would be entered into the existing call and you would notify the dispatcher of

the information so they can put it out over the radio. Supervisor Piatt confirms that the information that was provided by the 911 caller would indicate that it should be logged into the open call for service due to the chain of events and that it might be the vehicle. Supervisor Piatt advises that Call Taker Stepp's years of service indicated to her that this information should have gone into the North Port call, which it did, at the conclusion of the telephone call; however, she did give the information to the Dispatcher to get the information out prior to the entry.

On 21 January 2008, a sworn statement was obtained from CCSO Call Taker Lorraine McAleer in reference to the 911 call received on 17 January 2008. McAleer took the original call for service (Agency Assist- S/59) request from North Port Police for a K-9 to respond to North Port in reference to a missing adult which had been reported to their agency. Call Taker McAleer advised Supervisor Laurie Piatt about the call out so that she could make the call to the blood hound unit. McAleer advises that the Communications Center was busy.

On 21 January 2008, a sworn statement was obtained from CCSO Call Taker Trainee Gayelynn Whidden in reference to the 911 call received on 17 January 2008. Trainee Whidden was in training on this day and was observing CCSO Call Taker McAleer during the time that the Agency Assist call for service in North Port was entered. She states that the phones were very busy and they had to place administrative calls on hold in order to get the 911 calls out. She further states that it was very busy for the communications personnel and chaotic for her. She had no knowledge about the 911 call that CCSO Call Taker Call Taker Stepp took.

On 22 January 2008, a sworn Garrity statement was obtained from CCSO Call Taker Mildred Call Taker Stepp with Bill Hastings, FOP representative, in attendance, in reference to the 911 call received on 17 January 2008. Call Taker Stepp advised that she was working dayshift on 17 January 2008 and has been employed by the Charlotte County Sheriff's Office in communications for fifteen years. Call Taker Stepp was aware that North Port Police was working a missing adult case, which was Sgt Rick Goff's daughter, and that all units were looking for a green Camaro. Call Taker Stepp states that she received a 911 call from [REDACTED] describing a dark Camaro with a child in the back seat. Call Taker Stepp stated that this information caused red flags to go up for her that this might be related to North Port's call. Call Taker Stepp immediately stood up and told CCSO Dispatchers Martinez and Kallestad about the call and advises that Dispatcher Martinez gave her a distracted acknowledgement. Dispatcher Kallestad then began conversing with Call Taker Stepp about the contents of the call and Call Taker Stepp witnessed Dispatcher Kallestad speaking with Dispatcher Martinez and assumed that Dispatcher Kallestad was relaying the information. At some point, Call Taker Stepp states that Dispatcher Martinez acknowledges her in reference to the caller information. According to Call Taker Stepp, she does not leave her console to relay information to Dispatcher Kallestad; rather she continues to give the information verbally across the aisle between radio consoles.

Call Taker Stepp advises that she told CCSO Supervisor Laurie Supervisor Piatt about this call but does not believe she acknowledged her as she was busy with the radios and the Nextel. Call Taker Stepp advises that she continues to give Dispatcher Kallestad the updates on the call because Dispatcher

Martinez is behind Dispatcher Kallestad and Call Taker Stepp cannot see her. Call Taker Stepp believes that the dispatchers are getting the information out to the road units as this is important and Dispatcher Kallestad continues to acknowledge her updates. Call Taker Stepp asks Dispatcher Kallestad if "he", meaning the Sgt, wants to speak with the caller as the caller has pulled over. Dispatcher Kallestad advises Call Taker Stepp to take the name and phone number of the caller. Call Taker Stepp enters the information into the North Port call at the conclusion of the call.

On 22 January 2008, a sworn statement was obtained from CCSO Dispatcher Kattie Beasley in reference to the 911 call received on 17 January 2008. Dispatcher Beasley is assigned to the night shift on this date and attends roll call at 6:30 p.m. and is informed about the missing adult, who is Sgt Rick Goff's daughter. Dispatcher Beasley takes over the dispatch two (Mid- County) radio. Dispatcher Beasley states that Dispatcher Kallestad came over to her at approximately 6:55 p.m. with a scrap piece of paper that had writing on it and it was about a green Camaro. Dispatcher Kallestad tells Dispatcher Beasley that this information needs to get out on the air. Dispatcher Martinez tells Dispatcher Kallestad that the information has to go out on the other channel and Dispatcher Kallestad takes the paper back. Dispatcher Beasley does not know what happened next as she was running the Mid County radio channel.

On 22 January 2008, I contacted Del Sherman, CCSO MIS Director in order to obtain a log of Nextel direct connect transmissions from the Supervisor's phone in Communications as well as a log of incoming and outgoing calls on the unrecorded supervisor's line. Director Sherman advised that our system is not set up to get a log of calls from an unrecorded line. Director Sherman emailed me with information from Nextel stating that a log of direct connects is unavailable as that information is not recorded.

On 24 January 2008, a sworn statement was obtained from CCSO Sgt. Floyd Davis Jr. in reference to the 911 call received on 17 January 2008. Sgt Davis was instructed by CCSO Captain Jim Kenville to respond to 7912 Latour Ave, North Port, to assist Sgt Rick Goff with support because Sgt Goff's daughter was missing. Sgt Davis arrived on Latour Ave at approximately 5:15 p.m. and was on dispatch channel one. Sgt Davis states that information from Denise Lee's 911 call to Sarasota Sheriff's Dispatch lead North Port to believe that units need to BOLO the area of Toledo Blade/Biscayne from 41 to the North Port/County line. Sgt Davis told Central via Dispatch channel one to put out an on air BOLO to all units to BOLO the area of Toledo Blade/Biscayne from 41 to the North Port/County line. This was done at 6:33:13 p.m. and confirmed by recorded radio traffic.

Sgt Davis was asked via radio after his BOLO request and in response to his request (same radio transmission as Sgt Davis' request for a bolo) about a blue Camaro that someone [REDACTED] was following. He instructed the dispatcher on dispatch channel one (Dispatcher Kallestad) to contact North Port for further information as it was suppose to be green. The reason he instructed dispatch to do this is because he had very limited information from North Port Police. Davis was not informed of any further information regarding the 911 call.

On 24 January 2008, a sworn statement was obtained from CCSO Dispatcher Ann Zimmerman in reference to the 911 call received on 17 January 2008. Dispatcher Zimmerman was the oncoming acting supervisor for the night shift until Supervisor Brunhuber was to arrive on duty. Dispatcher Zimmerman received information about the missing adult and did not receive any information about the 911 call. Dispatcher Zimmerman states that it was very busy at shift change and Supervisor Piatt and Dispatchers Kallestad and Martinez stayed on duty several hours past their shift to assist with the activity in the communications center.

On 24 January 2008, a sworn statement was obtained from CCSO Dispatcher Brandie Schaefer in reference to the 911 call received on 17 January 2008. Dispatcher Schaefer was the oncoming night shift and she received information about the missing adult in North Port at roll call. Once Dispatcher Schaefer enters communications she takes over Dispatch channel one at the teletype station which is now patched to North Port Police. She was instructed by Supervisor Piatt to monitor this channel for our units' needs and that she was not to be dispatching units or transmitting unless it was in response to an officer's request. Fifteen to twenty minutes after shift change, Dispatcher Kallestad was concerned about an update received earlier on a 911 call. Dispatcher Schaefer tells Dispatcher Kallestad that she needs to get with the operators on channels two and three as they are responsible for putting out the BOLOS, as Dispatcher Schaefer is only suppose to be monitoring and not transmitting. Dispatcher Schaefer hears CCSO Dispatcher Beasley state, "it has already been taken care of; units went out there and searched that area and found nothing."

On 24 January 2008, a sworn statement was obtained from CCSO Dispatcher Elexis Gensimore in reference to the 911 call received on 17 January 2008. Dispatcher Gensimore was the oncoming night shift and she received information at roll call about the missing adult, who is Sgt Rick Goff's daughter. Gensimore takes over Dispatch channel three and conducts roll call on dispatch three once the units not involved in the North Port incident have been advised to switch over to Dispatch channel three. Dispatcher Gensimore states that Dispatcher Kallestad did not pass on any information to her in reference to the 911 call.

On 25 January 2008, a sworn statement was obtained from CCSO Sgt Jon Fullerton in reference to the 911 call received on 17 January 2008. Sgt Fullerton was the dayshift road patrol supervisor assigned to Mid County that day. Sgt Fullerton was contacted by CCSO Lt. Rick McDonald, Watch Commander, via Nextel, to get as many officers as he could to respond to the North Port Call. At the conclusion of his day tour he responds to the Latour Ave address. He is contacted by CCSO Captain Kenville at the scene and advised that an email will be coming to his lap top which is the 911 call from Denise Lee.

Sgt Fullerton was on Dispatch channel two. He hears a BOLO in reference to the green Camaro at Toledo Blade and 41 once he arrives on the scene of Latour Ave which was approximately 6:30 p.m., based on the fact that he was enroute from Mid County at 6:06 p.m. While he is on scene at Latour, CCSO Lt. Ronald Chandler, Jr tells him that the suspect's phone was believed to be pinging in the area of Toledo Blade and 41. Sgt. Fullerton sends CCSO Deputy Jubenville and CCSO Cpl Minns to that area. After further inquiry, it was found that CCSO Deputies Jubenville and Partington responded to Toledo

Blade and 41. Sgt Fullerton did not receive any information about the Blue Camaro in the 911 call that CCSO Call Taker Stepp took.

On 25 January 2008, a sworn statement was obtained from CCSO Deputy Jeffrey Jubenville in reference to the 911 call received on 17 January 2008. Deputy Jubenville was contacted by CCSO Deputy Partington via Nextel at 5:55 p.m. in reference to responding to North Port to look for a missing adult, who was Sgt Rick Goff's daughter. Deputy Jubenville had already gone home as he was the early car, so he put his uniform back on and left his house at approximately 6:30 p.m. to respond to North Port. He was operating on dispatch channel two. Deputy Jubenville did not receive any information in reference to the blue Camaro or the contents of the 911 call taken by CCSO Call Taker Stepp.

On 25 January 2008, a sworn statement was obtained from CCSO Deputy Les Partington in reference to the 911 call received on 17 January 2008. Deputy Partington advised that he was on dispatch channel one and scanning to dispatch channel two. At approximately 6:20 p.m., Deputy Partington arrived at Toledo Blade and Tropicare. CCSO Lt Ronald Chandler JR advised him to respond to Toledo Blade and 41. Deputy Partington stopped and fueled at the Shell station on Toledo Blade and arrived on scene of Toledo Blade and 41 at approximately 6:45 p.m. Deputy Partington did not receive any information in reference to the blue Camaro or the contents of the 911 call taken by CCSO Call Taker Stepp.

On 28 January 2008, Resident Agent in Charge, Yolanda Carbia, with Florida Department of Law Enforcement began to participate in this Internal Affairs investigation.

On 28 January 2008, a sworn statement was obtained from CCSO Lt Ronald Chandler Jr in reference to the 911 call received on 17 January 2008. Lt. Chandler spoke to CCSO Sgt Davis and CCSO Captain Jim Kenville in reference to responding to Latour Ave for Sgt Rick Goff, as his daughter was missing. Lt Chandler responded to Latour Ave, arrived at approximately 5:00 p.m., and assisted wherever he could. He had no relevant information in reference to the 911 call taken by CCSO Call Taker Stepp or the blue Camaro.

On 29 January 2008, a sworn statement was obtained from CCSO Supervisor Laurie Supervisor Piatt in reference to the 911 call received on 17 January 2008. Supervisor Piatt advised that often times when a call comes into communications information has to be written down so that some order can be construed in order to place the information into the CAD. There is no set policy as to a time frame to get the information into the CAD. Supervisor Piatt advises that when you have something in progress, you yell across the room so that the dispatcher is aware of what is going on or at least something is happening. Supervisor Piatt provided the same information about the 911 call as she did in her prior statement on 21 January 2008.

Supervisor Piatt goes on to say that she received a call from CCSO Dispatcher Kallestad on Saturday, 19 January 2008, at 4:30 a.m. Dispatcher Kallestad advised that she believed she failed to get some information out and needed to tell someone so they could follow up. Supervisor Piatt advises that she contacted Captain Roguska and informed her of the information. I (Captain Roguska) contacted CCSO Captain Jim Kenville via phone on this same morning and advised him of the information regarding the

911 call. He advised that he would pass on the information to the investigators at North Port Police so they could follow up with the caller.

On 30 January 2008, a sworn statement was obtained from CCSO Lt. Rick McDonald in reference to the 911 call received on 17 January 2008. Lt. McDonald was the oncoming night watch commander for the county on 17 January 2008. McDonald advised he was informed by the off going watch commander, Lt. Donna Ogden, that CCSO's K-9 unit was responding to Latour Ave, North Port in reference to a missing adult. McDonald advises that he heard a BOLO go out over the air about a green Camaro and also confirms that CCSO Sgt Davis put information over the air to stop all green Camaros. Lt. McDonald was not involved in the search for the missing adult as he was the watch commander for the county and was handling those assigned duties and assisting in obtaining resources when asked.

On 30 January 2008, a sworn statement was obtained from CCSO Dispatcher Brandie Schaefer in reference to the 911 call received on 17 January 2008. Dispatcher Schaefer advises the same information as she did in her first statement in regards to this call. She also advises that several units were out and stopped green Camaros at different locations, but she could not advise times. She did recall that one officer followed a vehicle from Toledo Blade and 41 to the Carousel Mall. The officer in question was confirmed by the CAD as CI-11 and that stop was conducted at 7:07:39 p.m.

On 30 January 2008, a sworn statement was obtained from CCSO Dispatcher Kattie Beasley in reference to the 911 call received on 17 January 2008. Dispatcher Beasley offered the same information as she did in her previous statement on 22 January 2008.

On 1 February 2008, I requested CCSO Supervisor Relinda Broom to pull an hourly Call Center Overview for calls received on 17 January 2008, for the period of 6:00 p.m. to 7:00 p.m. The report indicates that Communications received on their recorded lines approximately 95 calls and 50 outbound calls.

On 4 February 2008, a sworn Garrity statement was obtained from CCSO Dispatcher Elizabeth Martinez in reference to the 911 call received on 17 January 2008. Dispatcher Martinez states that she was aware that CCSO Call Taker Stepp had a call in reference to a blue Camaro with a child. Dispatcher Martinez further states that she sent out an on air BOLO when she got the teletype from the teletype computer. She stated that communications was having a normal day and then all of a sudden it turned to chaos. The remainder of this statement provided by Dispatcher Martinez provides the same information as the statement taken on 21 January 2008.

On 4 February 2008, a sworn Garrity statement was obtained from CCSO Dispatcher Kallestad in reference to the 911 call received on 17 January 2008. Dispatcher Kallestad provides the same information as in the first statement.

On 8 February 2008, a sworn statement was obtained from CCSO Dispatcher Kattie Beasley in reference to the 911 call received on 17 January 2008. Dispatcher Beasley was interviewed for the third time to clarify an issue regarding information that may have been passed on in reference to this call. Dispatcher Beasley reiterates that CCSO Dispatcher Kallestad brought over a piece of paper and attempted to give

her some information. Dispatcher Beasley was not paying attention as she was monitoring the deputies on her audio head set. At some point during this time period Dispatcher Beasley states that Dispatcher Martinez took the paper from Dispatcher Kallestad and said, "this needs to go over the other channel".

Dispatcher Beasley states that she told Dispatcher Schaefer that a unit had checked out at Toledo Blade and 41; however, she does not know for sure when she told Dispatcher Schaefer this information. Beasley believes that she had a(n) deputy(ies) check out there, but cannot remember who those deputies might have been. She did recall CI-11 (Det Chris Johnson) do a traffic stop on a Camaro. In the CAD report it is verified that this stop took place and it began at Toledo Blade and 41 and actually stopped in the area of the Herald newspaper parking lot. That vehicle was not the suspect vehicle.

A timeline of events during the course of the initial call for service and the 911 call is listed below.

Time Line: 17 January 2008

- 16:32:55: North Port PD request for K-9 search in reference to a missing adult
- 16:59:48: Region 6 BOLO received from North Port PD on teletype
- 18:07:34: CCSO Supervisor Laurie Supervisor Piatt calls North Port PD to set up a radio patch
- 18:16:51: Radio traffic begins to get heavy with units responding to North Port
- 18:18:14: CCSO Supervisor Piatt discontinues the North Port PD call as they are unable to assist in setting up the radio patch.
- 18:30:22: CCSO Call Taker Mildred Stepp receives 911 Call from [REDACTED]
- 18:31:15: CCSO Call Taker Stepp places caller on mute to relay information to Dispatcher Kallestad and Dispatcher Elizabeth Martinez.
- 18:33:13: CCSO Sgt Floyd Davis contacts Central via Dispatch one and advises that a BOLO needs to be issued for a dark green Camaro in the area of Toledo Blade, Biscayne, and 41 to the North Port/County Line. CCSO Dispatcher Kallestad advises that Central has a caller on the line with a blue Camaro following them. Sgt Davis advises the dispatcher to contact North Port for further information because they advised green not blue.
- 18:33:18: [REDACTED] advises Call Taker Stepp that the Camaro turns left onto Toledo Blade toward I-75.
- 18:33:27: CCSO Call Taker Stepp asks Dispatcher Kallestad if "he", meaning Sgt or Deputy if they want the caller to follow the vehicle.
- 18:33:44: CCSO Call Taker Stepp provides updated information about the child in the vehicle; i.e. banging on the window and crying.
- 18:35:16: CCSO Call Taker Stepp advises Dispatcher Kallestad a description of the car and driver and that the child is screaming in the car.
- 18:36:13: CCSO Call Taker Stepp advises [REDACTED] that she might need to pull over.
- 18:36:26: [REDACTED] pulls over into the Toys R Us parking lot.

- 18:36:55: A CCSO Agency radio BOLO is put out over all channels per Sgt Davis' request in reference to a dark green Camaro in the area of Toledo Blade and 41 to the North Port/County line.
- 18:37:10: CCSO Supervisor Piatt places a call to the Sarasota County Sheriff's Office to obtain assistance with setting up a radio patch with North Port Police and CCSO.
- 18:38:35: CCSO Call Taker Stepp asks Dispatcher Kallestad if "he" (meaning the Sgt) wants to meet with [REDACTED] as she has pulled over into the Toys R Us parking lot.
- 18:38:47: CCSO Dispatcher Kallestad advises Call Taker Stepp to take the name and phone number of [REDACTED] in the event that an officer needs to contact her.
- 18:39:46: CCSO Call Taker Stepp disconnects the 911 call with [REDACTED]
- 18:41:21: Sarasota advises that the patch has been established; radio testing begins in order to make sure the units are working properly.
- 18:41:33: CCSO Dispatcher Martinez contacts Florida Highway Patrol to make sure they have aired the Region 6 BOLO.
- 18:42:13: Information from the 911 call is posted into the CAD (Computer Aided Dispatch).
- 18:43:08: CCSO Dispatcher Martinez posts in the CAD that FHP will be airing the region 6 BOLO.
- 18:46:47: CCSO Dispatcher advises all units on Dispatch one not involved in the North Port Incident to change over to Dispatch three.
- 18:49:37: CCSO Supervisor Piatt disconnects the call to Sarasota Sheriff's Office as the patch has now been established and confirmed as working

CONCLUSION:

On 17 January 2008, a call for service was generated by a phone request from the North Port Police Department for a S/59- Agency Assist for the blood hound in reference to a missing adult. CCSO K-9-11 (DFC Deryk Alexander) was called out and he arrived on the scene of 7912 Latour Ave, North Port, FL.

A Region 6 BOLO (Be on the Lookout) for this missing adult was received on the teletype from NPPD shortly after their agency request. Included in this BOLO was a description of the missing adult (21 year old white female, Denise Lee), a possible suspect W/M, 30 to 40 yoa, tall, light brown hair, and a vehicle description (Green Chevrolet Camaro, late 90's). This BOLO was aired to all units on every channel.

During the course of the 911 call CCSO Supervisor Piatt is on the phone with North Port Police and Sarasota County Sheriff's Office attempting to patch radio channels for better communications with North Port Police. She was unable to establish the patch with personnel on duty at the North Port Police Department, but was able to establish a radio patch with the main channel of North Port Police and Dispatch channel one with CCSO through personnel at the Sarasota County Sheriff's Office.

In addition to the patch, CCSO Supervisor Piatt was answering the Nextel and the supervisor's unrecorded line, and making call outs for some additional resources. Due to these duties, Ms. Supervisor Piatt was not intricately involved in this 911 phone call.

After CCSO K-9 arrives on scene, other members of the Charlotte County Sheriff's Office are beginning to respond to Latour Ave. in North Port. Members of communications and the units responding are aware that the missing adult is Denise Lee and she is the daughter of Sgt Rick Goff, a member of the Charlotte County Sheriff's Office. This is confirmed by the fact that the information passed on to communications roll call (6:30 p.m.) contained this information and statements from members of the oncoming shift also confirmed this fact.

CCSO Call Taker Mildred Stepp, an on duty call taker, receives a 911 call from [REDACTED] in reference to a blue Camaro, 90's or early 2000 model, following the caller, with a screaming child, age between 5 and 10, in the back seat hitting the window. [REDACTED] states that the child is not an infant but old enough to hit the window. She reiterates during the conversation that the child is screaming, not a happy scream, more like a get me out of here scream. [REDACTED] states that she doesn't want to appear to be over dramatic, however, is it possible that an Amber Alert has gone out? [REDACTED] also asks if she should follow the vehicle. Call Taker Stepp asks the dispatcher if [REDACTED] should follow the vehicle. No one answers her, so Call Taker Stepp asks [REDACTED] if she can follow the vehicle. [REDACTED] advises that the vehicle is turning onto Toledo Blade (2 minutes and fifty four seconds into the call) and is not able to turn due to traffic.

At the onset of the call, Call Taker Stepp stands up and advises the radio dispatchers what she has on the phone. Call Taker Stepp relates the information verbally to Dispatcher Kallestad who is standing next to Dispatcher Martinez who she believes is getting the information out to the units on the road. Call Taker Stepp was not recording the information into the CAD at this point because it was faster to relay verbally and it would save Dispatcher Martinez from having to read through pages of narrative.

According to Call Taker Stepp, even though this vehicle is described as blue, it has a child in the back seat screaming and banging on the window and it was in a location not far from the site where all units were responding. Per Call Taker Stepp's statement, red flags started going up and she was thinking that this could have been the vehicle and needed to be checked out. She is heard on the 911 recording, verbally relaying information to the radio dispatchers, (Dispatcher Martinez and Dispatcher Kallestad; per Call Taker Stepp's statement) as to the location and description of the vehicle. It can be assumed that the dispatchers answer her as Call Taker Stepp asks later in the conversation if "he", meaning the deputy or Sergeant, wants the caller to follow the vehicle. Once [REDACTED] was unable to follow the vehicle, she proceeds south and stops in the Toys R Us parking lot, located at 1441 Tamiami Trail, Port Charlotte. At that time Call Taker Stepp is instructed by Dispatcher Kallestad to take the name and phone number and that if she is needed someone will call her back. Call Taker Stepp states that Dispatcher Kallestad told her to do this and this is confirmed by the 911 recording.

During the 911 call, other activities are taking place in communications and out in the field. At 6:33:11 p.m. while Call Taker Stepp is on the 911 call with [REDACTED] Sgt Davis notifies r Dispatcher Kallestad, who is on Dispatch channel one, to send out an agency BOLO on the air for all units to go to the area of Toledo Blade, Biscayne, to the County line in North Port. Sgt Davis received his information from a member of North Port Police who was located at the Latour Ave residence. Dispatcher Kallestad advised Sgt Davis in response to this directive that we have a caller on the line advising that they are being followed by a blue Camaro. Sgt Davis advises that the Camaro is supposed to be green and instructs her to call North Port to get the information. Per Sgt Davis' statement, he did not have all of the relevant information and calling North Port Police would be the most accurate way of obtaining the correct information. Dispatcher Kallestad advises that they will try to get a District 2 unit to that area. There are no further radio transmissions in reference to this phone call or the blue Camaro. A District 2 unit was not sent.

Also during the 911 call, at 6:36:55 p.m., a simulcast agency BOLO goes out on all channels per Sgt Davis' directive. Included in the BOLO is the dark green Camaro and all units should BOLO Toledo Blade and 41 to the North Port border in reference to the missing female from North Port. Stop and notify NPPD.

At the conclusion of the 911 call, CCSO Call Taker Mildred Stepp posts the call information into the CAD.

It has been established through the course of this investigation that the Charlotte County Sheriff's Office was advised of a missing adult under suspicious circumstances. The missing adult was identified as Denise Lee, daughter of Sgt Rick Goff. Further information provided throughout the course of the evening identifies a vehicle description and later, a possible suspect.

After Communications has received the initial information about the missing adult and the vehicle, CCSO Call Taker Stepp answers a 911 call at 6:30 p.m. from [REDACTED] who provides information which might possibly be related to a call that CCSO units are responding to in North Port. Call Taker Stepp advises the two radio dispatchers what she has on the phone and provides the details of the call in an effort to get a deputy to the area of Toledo Blade and 41. Call Taker Stepp believes that this information is relayed due to the content of CCSO Dispatcher Kallestad's responses.

CCSO Dispatcher Kallestad states that she acknowledged information from CCSO Call Taker Stepp. Dispatcher Kallestad further advises that she did not put the information out over the air to the units responding to North Port. When she advised Sgt Davis about the blue Camaro, she acknowledges the fact that she did not call North Port to gather additional information as directed by Sgt. Davis.

CCSO Dispatcher Kallestad also acknowledges the fact that she told CCSO Call Taker Stepp to take the name and phone number of the caller without prior approval from a Supervisor or Watch Commander.

Based on the evidence in this investigation I recommend the following charges against Dispatcher Susan Kallestad be sustained:

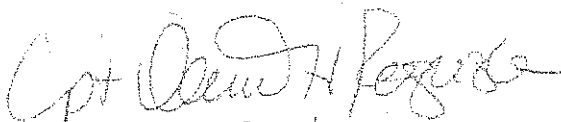
1. Violation to Response to Calls for Service (3.50 F. 4.b.11) by failing to send any of the responding units to the North Port call to Toledo Blade and 41.
2. Violation of Official Procedures or Directives (Endangering persons or property) (3.50 F.4.b.2) by failing to contact North Port Police Department per Sgt Davis' instruction.

CCSO Dispatcher Kallestad states that she advised CCSO Dispatcher Elizabeth Martinez that the information being provided by CCSO Call Taker Mildred Stepp needed to go out on the air. CCSO Call Taker Mildred Stepp states that she advised both Dispatcher Martinez and Dispatcher Kallestad of the information in the 911 call. Dispatcher Martinez states in her first sworn Garrity Statement that Dispatcher Kallestad told her during a conversation that she had told Dispatcher Martinez to get the information out; but she did not recall any specifics about this conversation.

Based on the evidence in this investigation I recommend the following charge against Dispatcher Martinez be sustained:

1. Violation to Response to Calls for Service (3.50 F. 4.b.11) by failing to send a D-2 unit to the area of Toledo Blade and 41.

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


Captain Donna H. Roguska

Professional Standards and Training

EXHIBIT G

24 March 2008

Sheriff Davenport
Charlotte County Sheriff's Office
7474 Utilities Road
Punta Gorda, FL 33982

Dear Sheriff,

This letter is being written in response to the Internal Affairs investigation that was initiated by the Charlotte County Sheriff's Office in regard to the handling of Jane Kowalski's 911 telephone call on January 17, 2008.

The reports produced, as a result of that investigation, clearly detailed my involvement in that call. I accept my responsibility for not passing on the information from Kowalski's phone call to the oncoming dispatcher, Brandi Shaefer, who ultimately took over the 'incident radio'. I did, however, pass on the information to dispatcher Kattie Beasley, and asked that she air the information put into the computer by the call taker Millie Stepp.

It was on March 6, 2008, that I had occasion to listen to Kowalski's 911 call in it's entirety and uninterrupted. I am very concerned about the internal investigation failing to address the inappropriate handling of the 911 call made by Jane Kowalski and answered by Millie Stepp, including her delay in posting vital information. The time of Kowalski's 911 phone call was 1830 hours. Stepp stood up to announce to Liz Martinez and me that this caller was "following a blue Camaro with an eight year old screaming inside." It was not until a lengthy twelve minutes later, at 1842 hours, that Stepp posted any information in the 'Signal 59/Agency Assist' that had been opened in CAD for units responding to North Port.

Stepp spent a full nine minutes on the telephone with Kowalski without entering any notes at all into the computer-aided-dispatch system which is the nucleus of Charlotte County Sheriff Office dispatch operations. All calls for service must be entered in a timely fashion into that system that allows the dispatchers to assign deputies, fire, or EMS. Absolutely nothing was posted in that system for a full twelve minutes. That is an unacceptable amount of time for almost any type of service call. It is absolutely inexcusable that twelve minutes elapsed in a call of this critical nature.

The phone call with Kowalski was terminated after nine minutes. Three additional minutes elapsed before Stepp placed any notation in the computer. This simply would and should not be allowed in any emergency call for service or call of activity in progress. If Stepp did, in fact, realize the importance of this call, she has utterly no excuse to delay the critical information from being entered immediately. The citizens' lives depend on rapid responses to fires, medicals, or other critical calls requiring deputy response.

Lee v. Cameron
Exhibit G

An initial call for service when the Camaro was on Tamiami Trail, combined with immediate CAD updates as to the Camaro's location, and rapid dispatch of deputies may have resulted in the location of this Camaro. This Camaro was moving. The situation was in progress, and the vehicle's position was changing by the second. The responding deputies may have been able to locate and to check the welfare of the 'eight year old' as Stepp referred to the person in the vehicle if there had been a call entered.

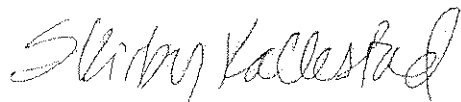
None of us will ever know if rapid entry would have made a difference to the outcome of this abduction and subsequent homicide. I believe that Millie Stepp was negligent in her handling of this critical telephone call. Stepp was singularly focused on handling this one nine-minute telephone call and yet no computer entry was done prior to her disconnect from Jane Kowalski. During the investigation she alleged she realized the importance of the call. How then could she wait twelve minutes before making any entry? Why wasn't a new call for service entered with the information given to her so precisely by Kowalski? Why did she not notify her supervisor if she believed this telephone call was intertwined in Denise Lee's abduction? The magnitude of the importance of immediate computer entry is evident in the case of Jane Kowalski's 911 phone call.

The results of the Internal Affairs investigation have forever linked both my name and that of Liz Martinez to this case as the dispatchers who mishandled Jane Kowalski's 911 call. The failure of Millie Stepp to properly handle the phone call must be addressed. In my opinion, Millie Stepp let down the Communications Center, Charlotte County, and most importantly, the Lee and Goff families.

I request that this letter be added to the file containing the reports and documents produced during the internal investigation. I also ask that the letter be placed into my personnel file. I would appreciate a written response notifying me when this occurs.

Thank you in advance for any consideration you may give to the issues brought forward within this correspondence.

Respectfully submitted,



S. Kirby Kallestad
Communications

cc: Captain Roguska