



Florida Department of  
Law Enforcement

Richard L. Swearingen  
Commissioner

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Nikki Fried, *Commissioner of Agriculture*

**MEMORANDUM**

DATE: 11/8/2019

TO: Lee Massie, SAC

FROM: Richard Piccininni, ASAC

SUBJECT: Complaint Reference- OR-14-0156

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On October 3, 2019, ASAC Piccininni received a citizen complaint in reference to the investigation completed by SA Deardoff regarding allegations of misconduct and forgery by Port Orange Police (POPD) Captain Kilpatrick.

ASAC Piccininni reviewed the complaint, the investigative reports and the **State Attorney's Office (SAO)** findings. ASAC Piccininni also discussed the investigation with RAC Kriegsman. During the review of the investigation, ASAC Piccininni found that the case has been thoroughly investigated and that the documentation and review by the State Attorney's Office was also reviewed completely. The citizen complaint documents partial statements obtained by SA Deardoff and is not placed in context with the other evidence that was collected during the investigation. The complaint also documents an interview, in which the recorder did not properly operate and failed to record the initial statement. The witness was re-interviewed during the investigation to ensure proper documentation.

After a complete review of the investigation, Assistant State Attorney (ASA) Robin Hutcheson found insufficient evidence to support charges against Captain Kilpatrick. ASA Hutcheson also did not request any follow-up to be conducted by SA Deardoff. Based on these facts the investigation is now deemed closed by the Florida Department of Law Enforcement.