



GAINESVILLE POLICE DEPARTMENT

INTERNAL AFFAIRS INVESTIGATIVE REPORT

FILE CLASS:	Administrative Review	DATE OCCURRED:	October 2, 2021
TYPE OF COMPLAINT:	External	INTERNAL AFFAIRS #:	21-062
DATE RECEIVED:	December 30, 2021	DATE CLOSED:	May 25, 2022
RELATED CASES:	21-14007	ASSIGNED TO:	Sgt. Tracy Fundenburg

LOCATION OF COMPLAINANT

ADDRESS:	1304 E. University Ave	CITY:	Gainesville	ADDITIONAL INFO:	Food Max USA
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ASSOCIATED NAMES

CO:	Tabitha Pons	RACE:	White	SEX:	Female	DOB:	06/18/1967
SO:	Ofc. Dalton Ripley	FINDINGS:	Exonerated	ACTIONS:			

APPLICIBLE RULE OF CONDUCT

Gainesville Police Department General Order 42.2: Investigative Procedures: Case Documentation and Intake Function

COMPLAINT / NOTES / SUMMARY

On January 18, 2022 I was assigned to investigate a Citizen Complaint submitted by Tabitha Pons on December 30, 2021. The following is a summary of the complaint: On October 2, 2021 at approx. 0059hrs, Pons was stopped at the Orange and Blue Store, 1304 East University Ave. While she and her "boyfriend," Wallace Lee, were in the store she saw officers surrounding her vehicle outside. Pons notes she was arrested due to the officers locating a bag with "white substance" in it. Pons said she knew the substance was not a narcotic and watched as officers tested the "product" four (4) times. Pons believes Officer D. Ripley's lack of knowledge led to the multiple presumptive field tests and added there were two other (unnamed) officers assisting Ofc. Ripley. Pons alleges she was falsely arrested, transported to the Alachua County Sheriff's Office Department of the Jail (ASODOJ) and charged with Trafficking Cocaine and Possession of Drug Paraphernalia. Pons was released from the ASODOJ after forty (40) days, on November 16, 2021. On December 6, 2021 the "State" dismissed all the charges due to the substance "not being any type of drugs." Pons explained that while incarcerated she was nearly evicted, lost custody of her six (6) children, her furniture and personal belongings.

On March 3, 2022, I called Pons to see if she had any additional information that was not provided in her Citizen Complaint Form. On March 4, 2022, Pons returned my call. Pons wanted to know the name of the test GPD uses when testing for a controlled substance. I told her GPD issues the NIK

Packs. She then said she would call me back, in one hour, after she reviews her notes. I did not receive a call back. On March 8, 2022 at 1022hrs, I called Pons but she did not answer. I left a voicemail requesting Pons to contact me if she had additional information she wanted to be considered in this investigation. As of this writing, Pons has not contacted me.

INVESTIGATION OF COMPLAINT:

I reviewed the following documents to complete this investigation:

- Ofc. Ripley's report
- Computer Aided Dispatch notes (CAD)
- Inv. S. Galloway's supplement report
- Inv. S. Shipman's supplement report
- Body-Worn Camera video (BWC) from officers on-scene
- Eighth Judicial Circuit case docket
- Florida Department of Law Enforcement (FDLE) laboratory report

On October 2, 2021 at approx. 0059hrs. Ofc. Ripley conducted a "traffic stop" at Food Max USA, 1304 E. University Ave. The vehicle, a Nissan SUV bearing Florida tag IILZ21, was running, unoccupied, unlocked, with the driver side door open. While Ofc. Ripley was with the vehicle, Pons approached him and said she was the driver and parked the vehicle. Lee was with Pons, but stated he had not been in the vehicle and was only getting a ride home from Pons. Lee then left the scene. The following officers responded to assist: Ofc. M. Mones, Ofc. K. Hall, Ofc. A. Milman, Ofc. B. Mullins, Ofc. J. Harmon, Ofc. L. Bailes, K9 Ofc. C. Walsh, Ofc. M Shott, and Sgt. J. Pandak. Ofc. Ripley completed the original report.

Ofc. Ripley noted a strong odor of cannabis emanating from the vehicle and Pons replied there may be a "small amount" of cannabis inside. Ofc. Ripley described Pons behavior as nervous, unable to stand in one spot, and backing away from the officers/vehicle. A search of the vehicle was conducted based on the odor of cannabis and Pons statement. Ofc. Milman located a black shoulder bag in the front passenger seat that contained a scale, a one (1) gallon zip lock bag containing a white powdery substance and a credit card. An additional smaller clear plastic bag that also contained a white powdery substance and 1.3 grams of cannabis, in a clear plastic bag, were also located in the vehicle. Ofc. Ripley noted that based on his "training and experience" the white powdery substance resembled powdered cocaine.

Believing Lee may have some involvement in the investigation, Ofc. Ripley provided a description and had officers attempt to locate him. K9 Ofc. Walsh located Lee. He was detained and transported back to the scene by Ofc. Bailes. Officers reviewed the video surveillance from Food Max USA and confirmed Lee exited the suspect vehicle from the driver's side and Pons exited from the front passenger's side. Both denied ownership of the shoulder bag and the suspected cocaine.

Ofc. Hall arrived on scene to assist with searching Pons and the testing/weighing of the white powdery substance. At 0109hrs, from Ofc. Hall's BWC, Ofc. Harmon (Trainee) is seen being instructed by Ofc.

Mones and Ofc. Hall on how to conduct a presumptive field test on the white powdery substance. Ofc. Hall provided Ofc. Harmon with a knife and Ofc. Harmon placed a small amount of the white powder in a NIK Pack cocaine test kit. As seen on Ofc. Harmon's BWC, he proceeds to break the first ampule resulting in a pink color. He then breaks the second ampule and, again, it appears pink. Ofc. Harmon then breaks the third ampule and there does not appear to be any blue, indicating a positive result for cocaine. Ofc. Harmon then placed the test kit on the patrol SUV and walked away to assist another officer. Ofc. Hall is heard saying "So sometimes cocaine can, I was reading about it today [because] I had to test some [cocaine] earlier, but it can just do that pinkish, I guess." Ofc. Mones is heard responding "Just give it a minute see if it starts doing that." Ofc. Hall then says, "{inaudible} it's just fucking baking soda." Ofc. Mones provided Ofc. Hall with a Methamphetamine NIK Pack test kit. Ofc. Mones explained to Ofc. Hall that there has been "white Molly" going around and making people sick. Note: White molly is a controlled substance. Ofc. Hall responded, "I still think this is fucking baking soda." On Ofc. Hall's BWC, she proceeds to field test the white powder for Methamphetamines and breaks the first ampule which resulted in a milky white color. Ofc. Hall breaks the second ampule and it appears to be a light, milky tan color. She then breaks the third ampule and the color remains the same, a light, milky tan color. Ofc. Hall is heard saying, "that's a weird fucking color, never seen it go that color before on meth." She then adds, "I think its coke [cocaine]." Ofc. Hall then field tested the small baggie of white powder for cocaine. On Ofc. Hall's BWC, she is seen breaking the first ampule resulting in a pink color. She then breaks the second ampule and the chemical remains pink. Ofc. Hall then breaks the third ampule resulting in a light pink and Ofc. Hall says, "this might go. Yeah." Ofc. Hall proceeds to test the small baggie of white powder for Heroin. She breaks the first ampule and no color is seen in the test kit. Ofc. Hall breaks the second ampule and, again, no color is seen. She then breaks the third ampule and still, no color change is seen.

Ofc. Shott, standing to Ofc. Hall's right, asked if there is blue in the corner (of the NIK Pack) and Ofc. Hall replies "It doesn't need it. It doesn't need to turn blue actually for the...I was reading the little thing earlier. It can still change just like a little pinkish. It's hard to tell." Ofc. Mones inquired if any "blue speckles" were seen and Ofc. Bailes (standing to Ofc. Hall's left) states, "I don't see any. I can't say that I do." At 01:18:44hrs, Ofc. Mones continues to explain that a positive test for cocaine can present as pink and Ofc. Bailes states, "Uh, its pink over blue."

At 01:19hrs Sgt. Pandak is seen reading the NIK Pack IdentiDrug Chart and quotes "Within Test A, cocaine at times will present itself as a buff or light peach color as well as no color." Ofc. Hall replied "(inaudible) powder is a buff peach." Ofc. Hall begins to ask Sgt. Pandak if the white powdery substances should be sent to FDLE but the rest of her statement is covered by nearby officers. From Ofc. Mullins BWC, at 01:21hrs, Ofc. Ripley is seen approaching the police SUV where the field testing is being conducted. At 01:22hrs, Ofc. Hall says, "So, I'm pretty sure it's a buff, I would call it a buff peach." Ofc. Mones then says, "Yep, it's turning the color 1, 2, or 3."

At 01:22hrs, Ofc. Ripley picks up one of the test kits and states, "It's got that, like, pink on top and a light, lightish blue on the bottom." Sgt. Pandak, who is standing on the driver's side of the vehicle, says, "Yeah, that's positive." Based on Ofc. Ripley's statement on the BWC, the presumptive field test of the substance gave a positive result for the presence of cocaine. The actual test kit Ofc. Ripley

picked up is not close enough to Ofc. Ripley's BWC for the viewer to determine the colors presented in the test.

According to the report, Ofc. Hall "collected the cocaine," cannabis and scale for evidence. Lee was found to have two active warrants out of Baker County and Alachua County. Based on the positive presumptive field test that the white powdery substance contained properties of cocaine, coupled with the amount discovered (116.5gms), the credit card, and a scale, Ofc. Ripley arrested both Pons and Lee for Trafficking in Cocaine, Possession of Drug Paraphernalia, and Maintaining a Drug Dwelling. Both were transported to ASODOJ. Note: Both individuals were charged based on construction possession meaning the investigation provided probable cause that Pons and Lee knew the shoulder bag, believed to contain a controlled substance, was located in the vehicle. This is briefly shown by Lee denying being in the vehicle as well as abandoning the vehicle he was driving by leaving the scene. Pons was in the front passenger seat where the shoulder bag was located.

On October, 25, 2021, Forensic Crime Unit (FCU) Investigator Sgt. (Inv. Sgt.) Shipman checked the unknown powdery substance out of Property and Evidence at the request of Assistant State Attorney (ASA) Watson. The substance was sent to the Florida Department of Law Enforcement (FDLE) in Jacksonville for a chemistry analysis. On November 3, 2021, FCU Inv. Galloway checked out the credit card (found in the bag containing the white powdery substance) from Property and Evidence at the request of ASA Watson. Inv. Galloway examined the item for latent prints, however "none were developed." Both Inv. Sgt. Shipman and Inv. Galloway completed supplemental reports.

On November 10, 2021, both Pons' and Lee's attorneys filed motions to have their respective client released on their own recognizance (ROR) due to the SAO not filing criminal charges within 40 days. Pons and Lee were released from ASODOJ on November 17, 2021. On November 18, 2021, an FDLE laboratory report, received by GPD, noted the results of the white powdery substance as "No controlled substances per Florida Statue 893.03 were identified. (Both bags analyzed.)" On December 6, 2021, ASA Watson dismissed "ALL CHARGES" on both Pons and Lee.

I spoke with Katherine Bible, Senior Crime Laboratory Analyst, Seized Drugs Section, FDLE, in reference to the testing of the white powder. Bible explained there were no controlled substances, under FSS 893.03, identified. Bible added, both Benzocaine and Caffeine *were* found in the white powder that was tested.

A search of GPD's Report Management System (RMS) revealed Ofc. Ripley has been involved in several narcotics investigations prior to this incident. During these investigations he conducted, or was present when a presumptive field test was conducted, on suspected narcotics. In all of these cases, Ofc. Ripley was able to identify both positive and negative results.

INTERVIEW – Sergeant J. Pandak

On Wednesday, April 20, 2022 at 1027hrs. I conducted a recorded interview with Sgt. Pandak in my office. Sgt. L. Hayes was present during the interview. Prior to activating the recording device, I

allowed Sgt. Pandak a moment to review the complaint that had been filed. I read Sgt. Pandak the Witness Admonition prior to the interview.

When asked about his training regarding the NIK Packs, he said he learned to use the NIK Packs on the job by watching other officers. Sgt. Pandak explained that when he began his career with GPD a different system of field testing was taught and used. He also explained that just prior to this incident, he had just returned to patrol operations after working in detectives for approximately 6 years.

When asked to describe what to look for when each ampule of the NIK Pack test kit is broken, Sgt. Pandak said he didn't know specifically, but that a color associated with the drug that is tested would be present. He believe after breaking the second ampule the officer would start getting the final (positive result) color and after breaking the third ampule, the final (positive result) color would appear. Sgt. Pandak said that in the previous drug testing system officers would look for the color blue to indicate a positive result for cocaine but he was not sure if that is the same for the NIK Packs.

Regarding this incident, I asked Sgt. Pandak if he observed any of the field tests conducted gave, what he believed to be, a positive result for cocaine. He said after reading the NIK Pack instructions, he thought it could be pink or light red.

I then provided Sgt. Pandak a NIK Pack IdentiDrug Flow Chart which is the same NIK Pack instructions he referred to on scene. I asked what his understanding of the letter "A" at the top of the flow chart was and he located the narrative "Within Test A, cocaine, at times, will present itself as a buff or light peach color, as well as no color" which is also the narrative he quoted on scene. I explained that that wording was associated with NIK Pack Reagent "A" test and not indicative of any result you would get from NIK Pack Reagent "G" test which was one of the field test utilized during this incident. Sgt. Pandak said the instructions were confusing. He also thought this interpretation was a common misunderstanding among officers at GPD.

INTERVIEW – Ofc. D. Ripley

On April 20, 2022 at 1451hrs. I conducted a recorded interview with Ofc. Ripley in my office. Ofc. Ripley elected to have FOP Union Representative, Sgt. C. Owens on speaker phone during the interview. Sgt. L. Hayes was also present during the interview. Prior to activating the recording device, I read the complaint aloud, for the benefit of Sgt. Owens. I read Ofc. Ripley the Witness Admonition prior to the interview.

Ofc. Ripley recalled several NIK Pack field tests being conducted during this incident. He said he received NIK Pack training in the GPD Mini-Academy and during his Field Training Program (FTO). During the Mini-Academy training, Ofc. Ripley said the instructor, whom he does not recall, explained the NIK Pack test kits and IdentiDrug Flow Chart, however no tests were conducted. Ofc. Ripley advised that previously he would be issued an entire box of test kits which contains the IdentiDrug Flow Chart, however more recently GPD Property issues a few singular NIK Pack test kits at a time, without the flow chart. He stated he has not had a flow chart for some time and was using what he remembered from Mini-Academy/FTO during this incident.

When asked about his understanding of conducting the NIK Pack cocaine test kit, Ofc. Ripley stated that after breaking the first ampule the result should be pink. He proceeded to explain that when breaking the second ampule “blue starts to come” and that after breaking the third ampule the final result should be “blue over pink or pink over blue.” Ofc. Ripley confirmed he did observe a positive result for cocaine in the NIK Pack test kit he picked up on scene and that the color was pink over blue. Ofc. Ripley stated he did not review any flow charts while he was on-scene.

Sgt. Owens asked Ofc. Ripley if the color he saw the night of the incident was the same color he observed, for positive cocaine field tests, during his training in the FTO Program. Ofc. Ripley said, “Yes. Pink over a very, very, very light blue.” Sgt. Owens then asked Ofc. Ripley if, absent the field test, probable cause existed for an arrest. Ofc. Ripley said, “Yes.” He added that based on his training and experience, “never in my life have I seen somebody just carry around white powdered sugar in a backpack with credit cards in it.”

INTERVIEW – Ofc. J. Harmon

On Tuesday, May 3, 2022 at 1652hrs. I conducted a recorded interview with Ofc. Harmon. Sgt. L. Hayes was present during the interview. Prior to activating the recording device, I allowed Ofc. Harmon a moment to review the complaint that had been filed. I read Ofc. Harmon the Witness Admonition prior to the interview.

Ofc. Harmon stated his first time using a NIK Pack test kit was during this incident and that he had received no training during the Police Academy, Mini-Academy, or from any previous FTO’s regarding the NIK Pack test kits. Although he could not recall who told him, he said an officer on scene showed him how to break the ampules, what to look for when a substance was added and, later, showed him a diagram. He did not recall what specific NIK Pack test kit he was using.

I then asked what he should look for when each of the ampules are broken on the NIK Pack test kit. He stated he did not know what to look for when the first two ampules are broken, but after all three of the ampules were broken, he should look for “pink with a little bit of blue in it.” As shown on BWC, since Ofc. Harmon left after breaking the ampules on the first test, he did not observe the results of any of the field tests conducted on scene. Ofc. Harmon stated Property issues the NIK Pack test kits a few at a time and that he does not have an Identidrug Flow Chart.

At the end of the interview, I showed Ofc. Harmon a NIK Pack Identidrug Flow Chart and pointed out the results of NIK Pack Reagent “G” test, and explained the color guide. Ofc. Harmon said that had I not told him how to read the flow chart as it relates to the Reagent “G” test, he would not have known how to properly read the Identidrug Flow Chart.

INTERVIEW – Ofc. K. Hall

On Wednesday, May 4, 2022, at 1047hrs. I conducted a recorded interview with Ofc. Hall. Sgt. L. Hayes was present during the interview. Prior to activating the recording device, I allowed Ofc. Hall a

moment to review the complaint that had been filed. I read Ofc. Hall the Witness Admonition prior to the interview.

In regards to this incident, Ofc. Hall stated that "...based on the high crime, high drug area, and then the packaging of it, what was inside of the bag, we assumed it was going to be cocaine." She said she then proceeded to test the substance in both bags for cocaine utilizing the NIK Pack field test kit. In addition to testing the substance for cocaine, Ofc. Hall also conducted a field test for methamphetamines which she determined to be negative.

When asked where she received training on NIK Pack field test kits, Ofc. Hall stated it was during her FTO program but did not recall the specifics of the training. Ofc. Hall did not recall receiving any training on the use of the NIK Pack test kits during the Police Academy or GPD Mini-Academy.

Ofc. Hall said that prior to this incident she had used NIK Pack test kits. I then inquired as to what result she should look for after breaking each ampule in the NIK Pack Reagent "G" test kits. Ofc. Hall said she was unsure and "wouldn't be able to recite by memory...." Ofc. Hall said that when the third ampule is broken, "it can be a few different things, which I remember with that night." She said it can be "split," or "pink with speckles." She thought she read on the chart the color can be a buff pink, as well, but thought there might be other colors.

When asked if she saw any field test that resulted in, what she believed to be, a positive for cocaine result, Ofc. Hall said, "Yes. I thought I saw a buff, beige color." Ofc. Hall explained she receives her test kits from Property, a few at a time and that the IdentiDrug flow chart is not provided. Ofc. Hall stated she has held onto an IdentiDrug flow chart she received sometime previously.

When asked what she thought the letter "A" meant on the flow chart, Ofc. Hall stated she believed it was a "starting point." Ofc. Hall added that she asked Property if they had "A" test kits and was advised they do not. I then asked Ofc. Hall where she located the phrasing she quoted on scene "Within Test A, Cocaine, at times, will present itself as a buff or light peach color, as well as no color." Ofc. Hall indicated this phrase is located at the top of the IdentiDrug flow chart, just above the Reagent "G" section (cocaine testing). After I explained this phrase is attached to Reagent "A", and not Reagent "G", I asked Ofc. Hall if she thought this was a common misunderstanding among officers and she said she thought so and added that the chart is confusing. Ofc. Hall reiterated that she has not received any formal training. When asked to explain the 1, 2, and 3 color blocks below Reagent "G" on the IdentiDrug flow chart, Ofc. Hall said they were the colors that could present to indicate a positive result for cocaine.

Note: The Gainesville Police Department utilizes the NIK Polytesting System for presumptive controlled substance field tests. There are different NIK packs that are designed to test for different controlled substances and the NIK system utilizes different letters of the alphabet to distinguish the different packs. The NIK Pack Reagent "G" is designed to be utilized for the presumptive field test of cocaine. A positive result for the presence of cocaine, after breaking the third ampule, is pink over blue.

CONCLUSION

On October 2, 2021 at 0059hrs, Ofc. Ripley observed a vehicle in the parking lot of Food Max USA, that was left unattended and running which is a violation of (FSS 316.1975). While the officers were investigating this violation, Pons approached and identified herself as the driver. When confronted with the suspected odor of cannabis emanating from the vehicle, Pons admitted there was possibly cannabis inside. Based on the odor of cannabis and Pons statement, a lawful search was conducted which yielded a black shoulder bag. Inside the bag was a large, clear plastic baggie with a white powdery substance and a credit card. Also in the backpack, officers located a separate smaller, clear plastic baggie containing a white powdery substance, a scale, and cannabis rolled cigarettes. Although he denied being in the vehicle, the store surveillance video confirmed that Lee parked the vehicle in the position Ofc. Ripley located it. Lee then exits the vehicle from the front driver seat while Pons exits the front passenger seat.

As stated in Pons' Citizen Complaint Form, the white powdery substance is field tested several times with several different officers being involved in different portions of the process. Ultimately, Ofc. Ripley observes the proper color display (pink over blue) which is a positive test for the presence of cocaine. There are several possible reasons a substance may be field tested multiple times. First, a white powdery substance resembles numerous controlled substances and each field test kit is designed to test for the presence of one, or small group of, controlled substances. Therefore, in order to determine what controlled substance a white powdery substance may be, different field test kits may be used. In this case, we know the officers at least tested for the presence of cocaine, heroin, and methamphetamine. Secondly, the potency of the suspected controlled substance and/or amount of material tested could also necessitate additional testing. If a substance being tested only contains a small percentage of a controlled substance then the results could present as negative or not as bold a color as one that contains a larger percentage of controlled substance. The same holds true for the amount of material that is tested. If not enough of the substance being tested is used, the results could present as negative or not as bold a color as if a larger portion is used. It can also be detrimental to the results to use too large a sample. Finally, the field tests are considered presumptive because it is known they may show a negative result when a controlled substance *is* present. Likewise, field tests may, on occasion, indicate a positive result when a controlled substance *is not* present.

Along with the field test, officers also utilize other observations and indicators to determine if a material is a controlled substance. In this case, the white powdery substance was packaged in a large (gallon size) clear plastic baggie with a credit card. Additionally, there was a scale and a smaller (sandwich size) clear plastic baggie that also contained a white powdery substance. The total weight of both baggies was 116.5 grams. This is not the typical way a non-controlled substance would be carried and/or transported. Credit type cards, such as the one in the larger baggie, are known to be used to mix, portion, and/or package controlled substances. Controlled substances are known to be sold by weight. The presence of the scale indicates the need to know what quantities of the white powdery substance weigh for proper pricing. This is further supported by the fact there was a smaller plastic baggie that contained what appears to be the same white powdery substance that was in the larger baggie. Typically, the larger quantity of substance (in this case the larger bag) is packaged in smaller quantities

that are commonly sold to controlled substance users. This type of packaging, the presence of a scale and credit card, coupled with the amount, is indicative of drug sales.

Furthermore, Pons and Lee denied knowledge of the shoulder bag that was located in the vehicle, which was believed to contain a controlled substance. Pons lied when she told officers she was driving the vehicle, she denied Lee was in the vehicle, and she denied knowing Lee. However, it has been determined that Pons and Lee appear to have been in a relationship at the time of the incident. Lee also denied being in the vehicle and abandoned the vehicle and his girlfriend, by leaving the scene. It was proven that Lee was not only in the vehicle, but was the driver. Individuals who are not committing a crime and/or have things in their possession that are legal, do not attempt to distance or deny the existence or possession of those items.

Another factor that was not known to the officers on scene but adds credence to their belief that the white powdery substance was and/or contained a controlled substance was revealed during the FDLE testing. Benzocaine and Caffeine are known cutting agents used to process controlled substances, as they can mimic the physical sensations produced by controlled substances, such as cocaine. Chemicals such as these are added to illicit substances, to dilute or adulterate the drug, to increase the volume with something less expensive than the drug itself, therefore increasing the overall profit of the sale. Both Benzocaine and Caffeine have a white powder form, similar to Cocaine. Additionally, Benzocaine and Caffeine are legal, available over the counter and sold in commercial packaging. Individuals who utilize these substances for legitimate purposes, more than likely, would not remove them from the original packaging, and/or combine them, and/or package them to resemble a controlled substance.

Finally, although it does not rise to the seriousness of trafficking in cocaine, Pons and Lee were in constructive possession of cannabis (a controlled substance), which Pons admitted to, and were using a vehicle while in constructive possession of cannabis both of which are arrestable violations of Florida State Statute. Additionally, based on the facts explained above, it is also possible Pons and Lee violated Florida State Statute by possessing a counterfeit controlled substance with the intent to sell. The totality of circumstances revealed during this investigation indicate the white powdery substance located by officers appears to be, and would lead officers to believe, it was a controlled substance (as previously described). Additionally, even though there was discussion on scene regarding the field test and multiple field tests were conducted, Ofc. Ripley observed a presumptive field test result indicating the white powder contained a controlled substance and Sgt. Pandak concurred stating, "Yeah. That's positive."

This investigation revealed Officer Ripley had probable cause to charge Pons and Lee with the listed crimes. Therefore, based on the factors outlined above, Ofc. Ripley is EXONERATED of the allegation of improper investigation/false arrest.

In closing, while it has been determined there was no misconduct on the part of the officers, this investigation revealed there may be confusion regarding the proper field testing procedures, confusion regarding the interpretation of the field test results, and/or the proper interpretation of the accompanying field testing literature. Therefore, it is recommended GPD evaluate the need to provide and/or improve the controlled substance field test training that is provided to officers as well as the possible need for remedial training in the same area. It also appears GPD may be able to make

improvements regarding the field test kit issuance procedures and/or access to the accompanying field testing literature. If determined necessary, it is recommended that GPD implement/change field test training and/or field test issuance procedures.

Under penalties of perjury, I declare that I have read the foregoing document and that to the best of my knowledge and belief the facts stated in it are true. Furthermore, 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.

IA#: 21-062

Investigator:	<u>Tracy C. Fulmer</u>	Date:	<u>05 25 2022</u>
IA Commander:	<u>T. DORST</u>	Date:	<u>5.25.2022</u>
Bureau Commander:	<u>[Signature]</u>	Date:	<u>05/20/22</u>
Chief Inspector:	<u>Jaime Murnick</u>	Date:	<u>05-25-22</u>
Assistant Chief:	<u>[Signature]</u>	Date:	<u>5.25.2022</u>
Chief:	<u>[Signature]</u>	Date:	<u>5/25/22</u>