



GAINESVILLE POLICE DEPARTMENT

INTERNAL AFFAIRS INVESTIGATIVE REPORT

FILE CLASS:	IA Investigation	DATE OCCURRED:	July 9, 2023
TYPE OF COMPLAINT:	Internal	INTERNAL AFFAIRS #:	23-063
DATE RECEIVED:	November 16, 2023	DATE CLOSED:	April 29, 2024
RELATED CASES:	02-23-010878	ASSIGNED TO:	Sgt. Tracy Fundenburg

LOCATION OF COMPLAINT				
ADDRESS:	1100 W. University Ave	CITY:	Gainesville	ADDITIONAL INFO:

ASSOCIATED NAMES							
CO:	Sergeant T. Fundenburg	RACE:	Choose Race	SEX:	Choose sex	DOB:	On file
SO:	Officer J. Guyton	FINDINGS:	Sustained	ACTIONS:	Resigned under Investigation		

- APPLICIBLE RULE OF CONDUCT**
- Gainesville Police Department General Order 40.14 *Body Worn Camera Video Systems (BWC)*
 - Gainesville Police Department General Order 82.2 *Field Reporting and Management*
 - Gainesville Police Department General Order 84.1 *Property and Evidence Control*
 - City of Gainesville Code of Conduct E3 Rule 13 *Productivity or workmanship no up to required standard of performance*
 - City of Gainesville Code of Conduct E3 Rule 25 *Wanton or willful violation of statutory authority, rules, regulations, or policies*
 - City of Gainesville Code of Conduct E3 Rule 46 *Continual abuse of Personnel Policies and safety rules*

COMPLAINT / NOTES / SUMMARY

SUMMARY OF COMPLAINT

On November 16, 2023, while investigating an unrelated complaint on Officer Guyton involving the delayed submission of two reports, I audited Officer Guyton's issued case report numbers from July 1, 2023 to September 8, 2023.

Regarding CR 02-23-010878, on July 9, 2023 at 0246hrs. Officer Guyton is assigned to a "Narcotics Violation" at 1100 W. University Ave. As seen on Officer Guyton's Body Worn

Camera (BWC), he handcuffs and searches a subject. During his search, Officer Guyton locates a blunt (cannabis cigarette/cigar), a clear baggie of cannabis and \$2,940 cash. Officer Guyton arrests the individual for possession of cannabis and begins transporting him to the Alachua County Sheriff's Office Department of the Jail. At approximately 1800 N. Main St. Officer Guyton makes a U-turn and drives to 1000 NW 3rd Ave. Officer Guyton slows down and says he is going to "put you right here, cause I ain't gonna put you out in front of everybody." Officer Guyton exits his patrol car and opens the rear driver's side door. Officer Guyton speaks with the subject and prior to finishing his conversation, Officer Guyton turns his BWC off. I was unable to locate any Incident Report, Mittimus or Property/Evidence Voucher in the Records Management System (RMS).

During this investigation, I discovered another incident in which Officer Guyton is alleged to have seized cannabis that does not appear to have been submitted to GPD Property/Evidence or documented in an Incident Report. I completed an Administrative Investigation Referral Form for this incident under IA 23-063(2).

Additionally, I discovered another incident in which Officer Guyton is alleged to have arrested someone for possession of cannabis. I was unable to locate any Incident Report or Mittimus in GPD RMS. I completed an Administrative Investigation Referral Form for this incident under IA 23-063(3).

Finally, toward the end of this investigation, Officer Guyton was placed on administrative leave pending the outcome. As part of that suspension, Officer Guyton turned in his assigned patrol vehicle. An inventory of his vehicle revealed cannabis that is not known to be properly documented and/or stored. Lieutenant Durst completed an Administrative Investigation Referral Form for this incident under IA 23-063(4).

SUMMARY OF INVESTIGATION: IA 23-063(1)

I reviewed the following documents to complete this investigation:

- Administrative Investigative Referral Form – 23-063(1)
- Computer Aided Dispatch (CAD) notes – Incident #070923-0049 (IA 23-063(1))
- Computer Aided Dispatch notes – Incident #070923-0085
- Body Worn Camera (BWC) videos

On July 9, 2023 at approximately 0130hrs. Officer Guyton was assigned to an Increase Patrol in the area of Kava, 1007 W. University Ave. under Incident #070922-0049. At 0246 AM, Officer Guyton advised, via radio, "Show me S19, 1000 West. 1015 x1" indicating he had arrested one individual for a narcotics violation at 1000 West University Avenue. The Alachua County Sheriff's Office Combined Communication Center (CCC) re-assigned Officer Guyton

to the Narcotics Violation, Incident #070922-0085. At 0306 AM, a case report number is issued – 02-23-0010878.

I reviewed Officer Guyton's BWC. His BWC is activated at 0234 AM and he is standing behind a black male, later identified as [REDACTED] B [REDACTED], whose hands are behind his back. Officer Guyton then deploys his handcuffs and secures Mr. B [REDACTED]. Due to the one minute buffer, there is no audio. Officer Guyton escorts Mr. B [REDACTED] to a patrol car in the Bank of America parking lot, 1116 W. University Ave. When the audio engages, Officer Guyton is heard explaining, to Mr. B [REDACTED], the Florida law as it relates to a Medical Marijuana Card. Officer T. Alvin and Officer J. Rome are with Officer Guyton.

Once at Officer Guyton's patrol car, Officer Guyton searches Mr. B [REDACTED] and locates a blunt (cannabis cigarette/cigar), a baggie of marijuana, and a large amount of cash. Mr. B [REDACTED] is heard yelling for someone to call his mother and provides the following phone number: [REDACTED] [REDACTED] [REDACTED]. Officer Guyton secures Mr. B [REDACTED] in the patrol car. Corporal White arrived at approximately 0235 AM and asks Officer Guyton, "Outside the original container?" Officer Guyton responds, "He don't have a cannabis card." As Officer Guyton is walking away, Corporal White says, "Hey John, you gotta quite targeting people. I'm just being real with you." Both Officer Guyton and Officer Alvin laugh. Officer Alvin counts the cash found during the search of Mr. B [REDACTED] \$2,940 and puts the money in a Money Voucher envelope and places the blunt and baggie of marijuana in an Evidence Voucher envelope. Officer Alvin places Mr. B [REDACTED] cellphone in his hat.

Corporal White then asks Officer Guyton, "What led you guys to [Mr. B [REDACTED]]?" Officer Guyton explains that he observed Mr. B [REDACTED] walking towards him smoking the blunt and when Mr. B [REDACTED] saw Officer Guyton, Mr. B [REDACTED] tucked the blunt in his hand. Officer Guyton said he also got a "whiff of a strong odor of fresh cannabis." Of note, Officer Guyton is a certified Drug Recognition Expert. Officer Guyton tells Corporal White the blunt was located in Mr. B [REDACTED] shirt pocket and the baggie of cannabis was found in his pants pocket.

Corporal White makes contact with Mr. B [REDACTED] mother and explains that her son was in possession of marijuana and was smoking it openly in public and that was what drew Officer Guyton's attention. Corporal White continues to explain that Mr. B [REDACTED] is going to jail for misdemeanor possession of marijuana and Officer Guyton confirms this information. Corporal White says he could "almost guarantee" her that Mr. B [REDACTED] will be released in the morning.

At 0246 AM, as heard on his BWC, Officer Guyton advises CCC, "Show me S19 (Narcotics Violation) 1000 West. 10-15 times 1." Mr. B [REDACTED]'s mother then speaks with Mr. B [REDACTED] through the rear window of the patrol car. Corporal White tells Officer Guyton that "as soon as she's done" and then gestures to Officer Guyton to leave, presumably to go to the jail. Corporal

White confirms with Officer Guyton that he advised CCC of the arrest. Mr. B [REDACTED] is heard asking Officer Guyton if the money can be given to his mother. Officer Guyton responds, "It's going with you." Mr. E [REDACTED]'s mother is heard saying, "Just sign your property over to me and I'll come down and get it. When you get there, just sign your property over to me." She then tells Mr. B [REDACTED] that he will have first appearance in the morning. When Mr. B [REDACTED]'s mother walks away, Corporal White tells Officer Guyton, "Go, go, go."

At 0251 AM, Officer Guyton collects the Money and Evidence Voucher envelopes and Mr. E [REDACTED] hat containing his cellphone and gets into his patrol car. Mr. B [REDACTED] says something from the backseat and Officer Guyton responds that he saw Mr. E [REDACTED] "cuff" the blunt in his hand. Mr. B [REDACTED] says something to Officer Guyton and he responds, "we can't really even talk about it." Mr. E [REDACTED] asks why and Officer Guyton says "because I didn't Mirandize you.... I didn't read you your rights. So, I don't want to talk about it." Officer Guyton and Mr. E [REDACTED] talk back and forth about the necessity of the Miranda Warning. Officer Guyton tells Mr. E [REDACTED] he does not want to ask him any questions. Mr. B [REDACTED] is heard telling Officer Guyton about the last time he spoke with him. At 0251 AM, Officer Guyton drives out of the Bank of America parking lot. Although a lot of Mr. B [REDACTED] statements are inaudible, due to the music radio and laptop notifications, Officer Guyton's responses are audible. After Mr. B [REDACTED] says something to the effect about "the last time you got me" and compares it to "this time." Officer Guyton responds, "I have no idea who you is, bro."

At 0253 AM, Officer Guyton enters "10-16 10-51 1xA/M sm 78768" into the CAD notes, indicating he is transporting one adult male to jail and provides the starting mileage of his patrol car. Mr. E [REDACTED] asks Officer Guyton if First Appearance is in the morning and Officer Guyton says, "Yes." Officer Guyton tells Mr. B [REDACTED] that First Appearance is every day at 0900 AM and proceeds to drive through the bank parking lot to NW 12th St, then drives east on W. University Ave. and turns north on N. Main St. During the transport, Mr. B [REDACTED] tells Officer Guyton the only two times he has been in trouble in Gainesville, were with Officer Guyton and says Officer Guyton wrote him a ticket before. Officer Guyton responds that he writes a lot of speeding tickets.

While traveling north on N. Main St, Mr. B [REDACTED] tells Officer Guyton that he used to work at Circle K and they used to speak when Officer Guyton came in the store. Mr. E [REDACTED] tells Officer Guyton that he now works for an insurance company. Officer Guyton asked which insurance company and Mr. B [REDACTED] says he is an [REDACTED] with USAA. At 0258 AM, approaching the 1800 block of N. Main St., Officer Guyton says, "You say USAA? And you're an [REDACTED]?" Mr. B [REDACTED] responds, "Yes, sir." At 1800 N. Main St, Officer Guyton repeats, "USAA?" and Mr. B [REDACTED] says, "Yes, sir." Officer Guyton then makes a U-turn and drives south on N. Main St. Mr. B [REDACTED] is heard talking in the background, but is inaudible. Officer Guyton responds to Mr. B [REDACTED] that he had no problem with amount of cash Mr. B [REDACTED] had in his possession.

Officer Guyton continues to drive south on N. Main St and turns west on NW 8th Ave. to NW 6th St. Mr. E [REDACTED] asks Officer Guyton who his insurance is with and Officer Guyton tells him, "USAA." Mr. I [REDACTED] asks another question, to which Officer Guyton responds, "Retired." Officer Guyton turns south on NW 6th St. Mr. E [REDACTED] is heard saying something to the effect of people complaining about USAA and their premiums. Officer Guyton responds, "I love USAA. My motorcycle's ensured by USAA, both cars ensured by USAA, house insurance is USAA. Everything is USAA." Officer Guyton turns west on NW 3rd Ave. Mr. E [REDACTED] explains that the USAA system is old fashioned as it relates to claims and Officer Guyton says, "I ain't never been in a wreck before." Officer Guyton turns south on NW 10th St and says, "Put you right here, cause I ain't gonna put you out in front of everybody." At 03:02:30 AM, Officer Guyton stops and puts the patrol car in park. Officer Guyton exits the patrol car and opens the rear driver's side door where Mr. B [REDACTED] is sitting, handcuffed with the seatbelt engaged. Officer Guyton has his left hand on the door frame and his right hand against the vehicle. Officer Guyton says, "Listen. The only reason why this happened, man, is I'm not in the business of... If somebody's trying, I like to see people trying. Boy, I like to see people doing good stuff." Mr. I [REDACTED] responds, "Yes, sir." Officer Guyton continues, "Also..." Officer Guyton leans back, away from the patrol car, bringing his right hand toward his torso and says, "Alright? So..." Mr. B [REDACTED] says something and Officer Guyton says, "That's why. You feel what I'm saying?" Twenty-six seconds after stopping his patrol car on NW 10th St., Officer Guyton turns off his BWC. Mr. E [REDACTED] is still handcuffed/seat belted in the patrol car when the BWC is deactivated.

There is no In-Car Camera video of the incident.

At the time I reviewed the BWC footage, Mr. B [REDACTED]'s identity was not known. An audit of VisiNet, MCT, and CCC revealed the officers on scene did not query the detained subject's name. Utilizing law enforcement databases, Internal Affairs Investigator, Lieutenant T. Durst, searched the phone number the subject called out during his arrest and discovered it was associated with a traffic stop: On December 19, 2022 at 2244 PM, Officer Guyton issued [REDACTED] B [REDACTED] a citation (Inc # [REDACTED]). It was later confirmed that [REDACTED] B [REDACTED] was the individual involved in this incident.

On July 19, 2023 at 1240 AM, GPD Records Technician, Taina Blagg, emailed Officer Guyton inquiring if an incident report would be submitted for the assigned case number or if the case number needed to be canceled. On July 22, 2023 at 0150 AM, Officer Guyton responded to the email, "This can be canceled."

INTERVIEW: Corporal P. White

On January 19, 2024, I emailed Corporal White and informed him of this investigation and scheduled an interview. On January 23, 2024, I met with Corporal White in my office. I read the W [REDACTED] Officer Admonition and a recorded interview was conducted.

Corporal White's recollection of the incident was Officer Guyton released Mr. B [REDACTED] while still in the Bank of America parking lot. Corporal White said he thought Officer Guyton was going to transport Mr. B [REDACTED] but opted to release him and complete a sworn complaint.

Corporal White stated he recalled a subject at the barricade telling him that Officer Guyton "targeted" Mr. B [REDACTED]. Corporal White said he "assumed that [Officer Guyton] knew them somehow or another and, you know, approached them." Corporal White added that he "didn't take much stock" in the statement because, in general, he has heard individuals frequently say they are being targeted when contacted by law enforcement. Corporal White stated he was joking when he said, "Hey, John. You gotta quit targeting people," and that he has never observed Officer Guyton target anyone. Corporal White explained that when he told Officer Rome and Officer Alvin, "Learn from Guyton's mistakes and don't target people," it was said "in jest." He repeated he has not seen Officer Guyton target any individuals. He added that "I don't even know if [Officer Guyton] knew [Mr. B [REDACTED]] prior to that. It was just an assumption I made based off of what the one gentleman said, but I still don't know."

Corporal White's shift ended prior to Officer Guyton's return to the area and he had no additional involvement with the incident.

INTERVIEW: Officer J. Rome

On January 24, 2024, I emailed Officer Rome and informed him of this investigation and scheduled an interview. On January 25, 2024, I met with Officer Rome in my office. I read the Witness Officer Admonition and a recorded interview was conducted.

Officer Rome said he was not with Officer Guyton when he observed Mr. B [REDACTED] commit an offense, but walked up after Mr. B [REDACTED] had been detained. Officer Rome said he did not know Mr. B [REDACTED] prior to their contact with him during this incident. Officer Rome stated Mr. B [REDACTED] had a blunt, some cannabis, and a large amount of cash. He recalled Officer Guyton "educating" Mr. B [REDACTED] about the legal use of cannabis. Officer Rome specifically recalled Officer Guyton asking Mr. B [REDACTED] if he had a "Medical Marijuana" card. Officer Rome said that during their contact, he was under the impression Mr. B [REDACTED] was detained, not under arrest. However, when Officer Guyton left the parking lot with Mr. B [REDACTED], Officer Rome was under the impression he was taking Mr. B [REDACTED] to jail.

Officer Rome explained that when Corporal White told Officer Guyton he needed to "stop targeting people" he thought he was joking. Officer Rome said he did not recall Corporal White later saying, "Learn from Guyton's mistake and don't target people." However, after viewing Corporal White's BWC video, he stated that, based on his facial expression, he did not think he understood what Corporal White was referring to.

Officer Rome said he was still in the Downtown area when Officer Guyton returned. He said they did not talk specifically about Officer Guyton's arrest, but about the individuals downtown

and their behavior, in general. Officer Rome said he frequently works on scenes with Officer Guyton and has never seen Officer Guyton target an individual.

INTERVIEW: Officer T. Alvin

On January 30, 2024, I emailed Officer Alvin and informed him of this investigation. On February 23, 2024, I met with Officer Alvin in my office. I read the Witness Officer Admonition and a recorded interview was conducted.

Officer Alvin recalled Officer Guyton speaking with Mr. B [REDACTED] but walked up after Officer Guyton's initial contact. Officer Alvin recalled Mr. B [REDACTED] being in possession of marijuana and having a large amount of cash with him. Officer Alvin said he did not know Mr. B [REDACTED] prior to their contact with him during this incident. He stated he believed Mr. E [REDACTED] had been placed under arrest by Officer Guyton due to the narcotics. Officer Alvin confirmed he counted Mr. B [REDACTED] money and placed the cash in a Money Voucher envelope. He placed the narcotics in an Evidence Voucher envelope and gave Officer Guyton both envelopes.

Officer Alvin said that when Corporal White told Officer Guyton he needed to "stop targeting people" he thought he was joking. Officer Alvin recalled being confused when Corporal White said, "Learn from Guyton's mistake and don't target people." Officer Alvin said he thought Corporal White was explaining that officers should make sure they are "not after certain people." Officer Alvin said he has never seen Officer Guyton target any individual.

INTERVIEW: Mr. [REDACTED] B [REDACTED]

On January 31, 2024, I made contact with Mr. B [REDACTED] at his residence. I read the Witness Admonition and a recorded interview was conducted.

Mr. B [REDACTED] believed he had been arrested by Officer Guyton because he was in possession of a blunt. Mr. B [REDACTED] said Officer Guyton handcuffed him and walked him to a patrol car after he saw him "tuck" the blunt in his hand. He specifically recalled Officer Guyton telling him that "weed is still not [legal] in the State of Florida." Prior to my next question, Mr. B [REDACTED] stated, "...he counted my money. And like I had a large amount of money on me and he dropped me off on a back road with a large amount of money on me. Like my car was like two blocks away from me..." Mr. E [REDACTED] said that, at the time, he believed he had been arrested and was going to jail. However, Mr. B [REDACTED] said he was not transported to jail.

When asked if he knew why Officer Guyton did a U-turn, Mr. B [REDACTED] said, "No, ma'am." He stated he was "shocked." Mr. B [REDACTED] said they did not have any discussion about Officer Guyton releasing him. He recalled they discussed Mr. E [REDACTED] employment with USAA (United States Automobile Association). Mr. E [REDACTED] explained he did not think Officer Guyton turned around due to Mr. B [REDACTED] affiliation with USAA, but because Mr. B [REDACTED] threatened Officer

Guyton with a lawsuit due to the fact he was not read his "rights" (Miranda Warning). But Mr. E [REDACTED] added that Officer Guyton did not ask him any questions related to his arrest/detainment. Mr. B [REDACTED] said he did not know where Officer Guyton was taking him after the U-turn on N. Main St. Mr. B [REDACTED] said, "I don't remember him telling me nothing. Hey, we just turned around and I'm trying to figure out what's going on and I was back downtown."

I asked Mr. B [REDACTED] what he thought when Officer Guyton said, "I'ma put you right here 'cause I ain't gonna put you out in front of everybody." Mr. E [REDACTED] stated, "Like I don't really know." Mr. B [REDACTED] said he did not know he was going to be released until Officer Guyton removed the handcuffs. He said there were no other officers present when he was released. Mr. B [REDACTED] recalled Officer Guyton telling him something to the effect of "I see you at least out here trying. Guys are not out here trying." Mr. E [REDACTED] said he leaned against the patrol car for a bit while they spoke and Officer Guyton gave him a "big old envelope full of money" and his personal property. He said Officer Guyton did not give him any documentation or "police paperwork." Mr. E [REDACTED] said Officer Guyton gave him "the folder that counted the money with the amount of money it was." Initially, Mr. B [REDACTED] said he did not know if Officer Guyton returned the blunt or marijuana, but then stated Officer Guyton did not. Mr. E [REDACTED] said there was no agreement between himself and Officer Guyton prompting Mr. E [REDACTED] release. Mr. B [REDACTED] stated that after being released, he called his mother and friends to pick him up at McDonalds, 1206 W. University Ave.

Mr. E [REDACTED] said that when he worked at Circle K, [REDACTED] he would see Officer Guyton occasionally and they would speak. Additionally, Mr. B [REDACTED] said, referring to his contact with Officer Guyton, "But you know what's so crazy about that? The first time he, the first time he got in an encounter with me, he did the same thing. The same thing. He took the weed and let me go." Mr. B [REDACTED] explained that, prior to the incident on July 9, 2023, Officer Guyton had stopped him for speeding and issued him a citation. Mr. B [REDACTED] said that, at the time of the traffic stop, he was in possession of a small amount of weed and estimated it to be approximately a quarter-size amount. Mr. E [REDACTED] said Officer Guyton took the cannabis during the traffic stop and issued him a citation for speeding. Mr. B [REDACTED] stated he was not charged with Possession of Marijuana.

Mr. B [REDACTED] said he has not had any contact with Officer Guyton since the incident on July 9, 2023.

A search of GPD databases revealed there is no incident report or documentation regarding the arrest of Mr. E [REDACTED]. There was also no submission and/or documentation of the seized cannabis.



SUMMARY OF INVESTIGATION: IA 23-063(2)

Based on the information provided by Mr. B [REDACTED], a search of department records revealed: On December 19, 2022 at 2244 PM, Officer Guyton initiated a traffic stop on a vehicle driven by Mr. B [REDACTED] (Incident # [REDACTED]).

Based on Mr. B [REDACTED]'s interview and his statements regarding Officer Guyton seizing a small amount of cannabis from him during the traffic stop, I completed an additional Administrative Investigation Referral Form.

I reviewed the following documents to complete this investigation:

- Administrative Investigative Referral Form - [REDACTED]
- Computer Aided Dispatch notes – Incident # [REDACTED]
- Traffic Citation - # [REDACTED]

On December 19, 2022 at 2244 PM, Officer Guyton initiated a traffic stop on a black [REDACTED] 300 driven by Mr. B [REDACTED] (Incident # [REDACTED]). The citation (# [REDACTED]) indicates Mr. B [REDACTED] was traveling 50mph in a 40mph zone, however in the “Officer Notes” section, Officer Guyton added “speed measured at 61 in a 40mph zone. Only car being clocked.” The CAD notes indicate that both Corporal Quinn and Corporal Walsh responded to Officer Guyton’s location. The traffic stop was cleared “C – Citation” at 2325 PM.

There is no case number, incident report or evidence voucher associated with the traffic stop documenting the alleged seized narcotics. There is no In-Car Camera video of the incident. Due to retention guidelines, BWC video for the traffic stop is no longer available for any of the involved officers. Logistical Services Officer, M. Greene, provided the following BWC video information related to the traffic stop (Inc # [REDACTED]):

Officer Guyton BWC activated for 27min 55 sec
Corporal Quinn BWC activated for 27 min 54 sec
Corporal Walsh BWC activated for 10 min 55 sec

INTERVIEW: Corporal M. Quinn

On February 27, 2024, I emailed Corporal Quinn and informed him of this investigation and scheduled an interview. Later that afternoon, I met with Corporal Quinn in my office. I read the Witness Officer Admonition and a recorded interview was conducted.

Corporal Quinn had no recollection of the traffic stop.

INTERVIEW: Corporal C. Walsh

On February 27, 2024, I emailed Corporal Walsh and informed her of this investigation and scheduled an interview. On February 29, 2024, I met with Corporal Walsh in my office. I read the Witness Officer Admonition and a recorded interview was conducted.

Corporal Walsh stated she recalled being on the traffic stop with Officer Guyton and Corporal Quinn. She said she remembered the vehicle being a dark gray or black [REDACTED] having one occupant. Corporal Walsh did not recall if the driver was male or female. She stated she remembered the traffic stop because when she arrived she observed Officer Guyton's exterior ballistic vest was "...kind of like open, and he was like adjusting his like vest, like he was, I don't know if he was fixing it or putting it on, but I thought it was weird that he was in the middle of a traffic stop and he was like fastening his vest, or like zipping it or however it puts together." Corporal Walsh said she did not see Officer Guyton putting anything in or taking anything out of his ballistic vest, only that it looked like how an officer would put it on. Corporal Walsh could not recall where Officer Guyton was in relation to his patrol car or Mr. B [REDACTED] vehicle. Corporal Walsh stated she did not remember if Officer Guyton found any narcotics during the stop and believed she left prior to the conclusion of the traffic stop.

SUMMARY OF INVESTIGATION: IA 23-063(3)

Both of the above encounters involved suspected cannabis. During the first incident Officer Guyton cancelled the case report number assigned for the incident. Therefore, I audited the case numbers Officer Guyton requested to be cancelled, during 2023. I specifically looked for any narcotic related incidents and discovered Officer Guyton cancelled one additional case report number involving narcotics - 02-23-004172.

I reviewed the following documents to complete this investigation:

- Administrative Investigative Referral Form – 23-063(3)
- Computer Aided Dispatch notes – Incident #031823-0054
- Computer Aided Dispatch notes – Incident #031823-0107
- Body Worn Camera videos

On March 18, 2023 at approximately 0243 AM, Officer Guyton was assigned to an Increased Patrol in the area of Kava, 1007 W. University Ave. (Inc #031823-0054). At 0317 AM, Officer Guyton requests CCC, "put me out with a S19 (Narcotics Violation) at Kava" and he is re-assigned to Incident #031823-0107. Less than a minute later, Officer Guyton self-assigns a case report number (02-23-004172) for the narcotics violation.

A search of Body Worn Camera video revealed Officer Guyton tagged a video as 02-23-004172 "S19". Officer Guyton's BWC is activated at 0313 AM and he is watching a small crowd. Due to the one minute buffer, there is no audio at the beginning of the video. A female in the crowd,

later identified as [REDACTED] S [REDACTED] appears to be facing Officer Guyton and the two are speaking, at a distance of approximately 7-10'. This appears to occur for approximately 45 seconds. As they are talking, it appears Ms. S [REDACTED] is holding what appears to be a cannabis cigarette. When the audio engages, Officer Guyton tells Ms. S [REDACTED] to come to him and Ms. S [REDACTED] responds, "For what?" Ms. S [REDACTED] says she doesn't want to talk and turns away from Officer Guyton. Officer Guyton detains Ms. S [REDACTED] by the left arm and then handcuffs her. Officer Henderson, Officer Weekes and Officer Delancy are with Officer Guyton. As they are walking across W. University Avenue, Ms. S [REDACTED] repeatedly asks Officer Guyton to let her go and is heard screaming, "You trying to be so fucking smart and try to take me to jail on a fucking blunt? Be for real. I ain't even got it." It does not appear Ms. S [REDACTED] is in possession of the cannabis cigarette previously seen at this time. Once they arrived at the Bank of America parking lot, Ms. S [REDACTED] was secured in the backseat of the Officer Guyton's patrol car. There is no effort by Officer Guyton to locate the cannabis cigarette in the initial area of detainment, in the crowd, or on Ms. S [REDACTED]

As Officer Guyton makes his way toward the driver's door, a female in a nearby crowd is heard asking what Ms. S [REDACTED] is being charged with. Officer Guyton responds, "Possession of Marijuana." When the female asks what Ms. S [REDACTED] had (with her), Officer Guyton responds, "She had a blunt." Officer Guyton gets into his patrol car and Ms. S [REDACTED] asks Officer Guyton if she can call her mother and Officer Guyton states, "When you get to jail." Ms. S [REDACTED] then tells Officer Guyton her eyes are burning and asks Officer Guyton to have someone wipe her eyes. Officer Guyton says, "You just got a short ride." Officer Guyton gathers Ms. S [REDACTED]'s identifying information and ensures she has no warrants. Ms. S [REDACTED] is heard crying and tells Officer Guyton that she will not be able to finish her training. Officer Guyton asks Ms. S [REDACTED] what kind of training and Ms. S [REDACTED] responds, "For the Department of Corrections, Bro..." Officer Guyton asks, "Are you trying to be a corrections officer?" and Ms. S [REDACTED] says, "Yes." Officer Guyton then says, "How can you do that if you smoking weed? You know we get urine analysis, right?" She responds that she is going to stop. Officer Guyton asks Ms. Strange who she is trying to work for and Ms. S [REDACTED] says, "[REDACTED]" At 0322 AM, Officer Guyton puts his window down and, presumably, a female officer asks him "Are you good?" Officer Guyton responds, "Yeah." The female officer says, "Cause we're gonna walk off." Indicating she, and other officers, were going to continue their Increased Patrol.

Shortly after speaking with the female officer, Officer Guyton puts his patrol car in drive and pulls slightly forward, stops and puts down the driver's side window. Friends of Ms. S [REDACTED] tell Officer Guyton that Ms. S [REDACTED] has to get her baby in the morning and confirm she is in training to be a Corrections Officer. They tell Officer Guyton "It wasn't nothing like that." Officer Guyton responds, "What do you mean? She had a blunt in her hand. It wasn't a black (Black & Mild), she had a blunt." Officer Guyton continues, "I hate being lied to. I hate being lied to. She had marijuana in her hand when she came and talked to me." He put the patrol car



in park and exits. Officer Guyton opens the back door and tells Ms. S [REDACTED], "Let me explain something, Ms. S [REDACTED]. It's not cause your friends. Alright? It's only because I know if I arrest you right now, any hopes of, anything in corrections is done. Do you understand?" He tells Ms. S [REDACTED] she should not "talk shit" to the police with a blunt in her hand. Officer Guyton then has Ms. S [REDACTED] exit the vehicle, he removes the handcuffs, and Ms. S [REDACTED] walks away with friends. At 0326 AM, Officer Guyton returns to his patrol car and turns off his BWC. Based on Officer Guyton's BWC video, there does not appear to be any officers in the area when Ms. S [REDACTED] is released.

Due to retention guidelines, BWC video for Officer Weekes, Officer Henderson and Officer Delancy is no longer available to view. Logistical Services Officer, Mark Greene provided the following BWC video information related to Incident #031823-0054 (Increased Patrol):

Officer Weekes' BWC activated at 0244 AM for 1min 4sec *recorded prior to Ms. S [REDACTED]'s contact

Officer Henderson's BWC activated at the following times: *recorded after Ms. S [REDACTED]'s release

- 0335 AM for 2min 29sec
- 0402 AM for 2min 51sec
- 0412 AM for 1min 14sec

Officer Delancy's BWC activated at the following times:

- 0235 AM for 1min 4sec
- 0335 AM for 1min 9sec *recorded after Ms. Strange's release

Officer Greene, advised there are no BWC videos associated with Incident #031823-0107 (Narcotics Violation).

I could not locate an incident report or field contact card, documenting the handcuffing/detainment/arrest of Ms. S [REDACTED]. Records Technician, Taina Blagg, advised, via email, Officer Guyton contacted records, after he closed the call for service, and requested the case report number be cancelled.

INTERVIEW: S [REDACTED]

I attempted to contact Ms. S [REDACTED] at various phone numbers and addresses however was unsuccessful in locating her.

INTERVIEW: Officer D. W [REDACTED]

On March 21, 2024, I emailed Officer Weekes and informed him of this investigation. On March 22, 2024, I met with Officer Weekes in my office. I read the Witness Officer Admonition and a recorded interview was conducted.

Officer Weekes identified himself as seen on Officer Guyton's BWC video. He stated he was not familiar with Ms. S [REDACTED]. He said he vaguely recalled the encounter between Officer Guyton and Ms. S [REDACTED] but could not recall the conversation between them during the one minute buffer. He did assist Officer Guyton with escorting Ms. S [REDACTED] to a patrol car.

Officer Weekes said he did observe Ms. S [REDACTED] with the cannabis, but could not recall if the cannabis cigarette was collected for evidence. Officer Weekes said he believed Ms. S [REDACTED] was under arrest, but could not recall if Ms. S [REDACTED] was transported or released. Officer Weekes said he did not speak with Officer Guyton about the arrest.

INTERVIEW: Officer J. Delancy

On March 27, 2024, I emailed Officer Delancy and informed him of this investigation. On April 3, 2024, I met with Officer Delancy in my office. I read the Witness Officer Admonition and a recorded interview was conducted.

I showed Officer Delancy a screenshot from Officer Guyton's BWC video and he confirmed the officers on scene were himself, Officer Weekes and Officer Henderson. Initially, Officer Delancy did not recall this specific incident, due to the many increased patrols he has done with Officer Guyton. However, as he continued watching the BWC video, he began to recall it "a little bit...."

Officer Delancy said he did not remember the conversation between Officer Guyton and Ms. S [REDACTED] prior to Officer Guyton apprehending her. While viewing the video, Officer Delancy identified himself as holding Ms. S [REDACTED]'s left arm while Officer Guyton was applying the handcuffs. He also said he is the officer heard telling the crowd to "Back up, back up." When asked if he knew why Officer Guyton detained Ms. S [REDACTED], Officer Delancy said "It sounded like he said possession right there." But he clarified, he heard Officer Guyton say it on the BWC video, while we were viewing it.

I asked Officer Delancy if, after Officer Guyton detained and handcuffed Ms. S [REDACTED] in front of Kava Lounge, was she under arrest. Officer Delancy stated, "Probably. Yes, ma'am." I then asked if, after Ms. S [REDACTED] had been handcuffed and secured in Officer Guyton's patrol car, she was under arrest. Officer Delancy stated, "I would take it as she's under arrest."

Officer Delancy could not remember if he observed Ms. S [REDACTED] with the blunt. He said he could not recall if he remained by Officer Guyton's car or continued his increased patrol. Officer Delancy did not know Ms. S [REDACTED] and did not know if Ms. S [REDACTED] was transported to jail or released. He did not recall speaking with Officer Guyton after the incident.

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INTERVIEW: Officer M. Henderson

Officer Henderson resigned from the Gainesville Police Department on January 11, 2024.

INTERVIEW: Officer J. Guyton

On April 5, 2024, I emailed Officer Guyton notifying him of this Internal Affairs investigation. On April 9, 2024, Lieutenant Durst provided Officer Guyton with discs containing the investigatory material related to IA 23-063(1-3) and an unrelated investigation, IA 24-027 (*DAVID Violation*). On April 12, 2024, Lieutenant Durst also provided Officer Guyton with a disc containing three BWC videos related to IA 23-063(1). Lieutenant Durst scheduled an interview with Officer Guyton for the morning of April 17, 2024.

On April 16, 2024, Officer Guyton was placed on administrative leave pending the outcome of this investigation. The interview set for April 17, 2024, was postponed until April 26, 2024.

On April 17 at 1058 AM, I texted Officer Guyton advising him I had an additional disc containing a BWC video. Officer Guyton responded, "What other possible BWC disc could you have for me?" I texted "Cpl. White's BWC from 23-063(1)." Officer Guyton responded, "I have everything I need concerning that hunting expedition.....you can keep it."

SUMMARY OF INVESTIGATION: IA 23-063(4)

On April 16, 2024, Lieutenant Durst and Sergeant Hayes responded to Officer Guyton's residence to provide him with the paperwork regarding his administrative leave status. At that time, as standard operating procedure, they also collected some GPD equipment. However, Officer Guyton stated he removed his personal belongings from his issued patrol vehicle and placed all of GPD's equipment inside of it. After receiving the keys from Officer Guyton, Lieutenant Durst and Sergeant Hayes conducted an inventory of the vehicle. During this inventory Lieutenant Durst and Sergeant Hayes located a baggie containing 0.8gm of cannabis and in a separate location 2 baggies containing 10.02gm of cannabis, There was no identifying information regarding any relation to any pending GPD investigations on either item. These items were placed into evidence by Lieutenant Durst under CR 02-24-005802.

On April 24, 2024, Lieutenant Durst was contacted by Officer Guyton's Fraternal Order of Police Representative, Corporal Scott Bertzyk. I made and provided him with copies of all of the previously provided investigatory material, including the BWC footage that was refused by Officer Guyton, the material regarding IA 23-063(4), and the material regarding IA 24-027.

On April 25, 2024, Officer Guyton tendered his resignation. Therefore, Officer Guyton was not interviewed as scheduled on April 26, 2024.

CONCLUSION

While investigating an unrelated incident involving Officer Guyton (IA 23-042), the following incidents were discovered:

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23-063(1)

On July 9, 2023, Officer Guyton arrested [REDACTED] for possession of cannabis. Search incident to arrest revealed a clear baggie of cannabis and \$2,940.00 in cash. Officer Guyton secured Mr. E [REDACTED] in the back seat of his patrol car. While en route to the Alachua County Sheriff's Office Department of the Jail from 1116 West University Avenue, Officer Guyton made a U-turn at 1800 N. Main St, and proceeded to drive to 300 NW 10th St. Officer Guyton stopped his vehicle, exited, and opened the rear driver's side passenger door where Mr. B [REDACTED] was secured. Officer Guyton had a twenty-six second conversation with Mr. E [REDACTED]. He turned off his BWC while Mr. E [REDACTED] was still handcuffed and seat belted in the backseat. Officer Guyton contacted records 13-days later to cancel the assigned case number that he requested.

Officer Guyton did not document the arrest of Mr. B [REDACTED], his use of handcuffs, nor his seizure of a controlled substance. He also did not submit the seized narcotics into GPD evidence. Additionally, prior to releasing Mr. E [REDACTED] from custody, while in the performance of official duties, Officer Guyton turned off his BWC.

23-063(2)

On December 19, 2022, Officer Guyton stopped Mr. B [REDACTED] for a traffic violation. During the traffic stop, according to Mr. E [REDACTED] Officer Guyton seized a baggie containing a small amount of marijuana. At the conclusion of the stop, Officer Guyton issued Mr. E [REDACTED] a citation.

Officer Guyton failed to document the seizure of narcotics and did not submit the narcotics into Property/Evidence.

23-063(3)

On March 18, 2023, while conducting an increased patrol in the area of Kava Lounge, 1000 West University Avenue, Officer Guyton observed Ms. S [REDACTED] with a marijuana blunt. He handcuffed Ms. S [REDACTED] and escorted her to the Bank of America parking lot, 1116 West University Avenue. Officer Guyton secured Ms. S [REDACTED] in the back seat of his patrol car. He advised her she was going to jail. Prior to transporting Ms. S [REDACTED] Officer Guyton learned she was training to be a Correctional Officer. He put his vehicle in drive, drove forward slightly, and stopped to speak with her friends, who confirmed her training. Officer Guyton made the decision to release Ms. S [REDACTED]. There is no indication Officer Guyton actually possessed and/or seized the cannabis blunt. It also appears there is no effort by Officer Guyton to locate the cannabis cigarette in the initial area of detainment, in the crowd, or on Ms. S [REDACTED].

Officer Guyton advised Ms. S [REDACTED] she was under arrest. He placed her in handcuffs and put her in the back of his patrol vehicle before releasing her. While Officer Guyton had an investigatory reason to detain Ms. S [REDACTED] utilizing handcuffs, without further investigation or attempt to locate the controlled substance, it may be difficult to justify an arrest in these

circumstances. Regardless, Officer Guyton failed to complete any documentation involving the handcuffing and detainment of Ms. S [REDACTED]

23-063(4)

On April 16, 2024, Officer Guyton turned over his assigned patrol vehicle containing his department issued equipment. An inventory of this vehicle located a baggie containing .8gm of cannabis and, in a separate location, 2 baggies containing 10.02gm of cannabis. There was no identifying information regarding any relation to any pending GPD investigations on either item.

APPLICABLE ORDERS AND RULES

Gainesville Police Department General Order 40.14: Body Worn Camera Video Systems (BWC) states, in part, *During call for service, BWC shall stay activated during the entire call with no reason for interruptions other than those mentioned in Section D (Temporary Deactivation of the BWC).*

Gainesville Police Department General Order 82.2: Field Reporting and Management states, in part, *The member assigned to any of the following incidents occurring under the Department's jurisdiction shall write a report or ensure that a report is written by another member, or is otherwise officially documented as required by this Order: i. Crimes (misdemeanor, felony) and iii. When handcuffs or other physical restraints are used to detain a citizen.*

Gainesville Police Department General Order 84.1: Property and Evidence Control defines evidence as *Any object or item that establishes a crime has been committed, or which can provide links between a crime, its victim(s) and the perpetrator(s).* It also states, in part, *In collecting property/evidence for submission, members shall ensure that each item(s) is collected properly, recorded, and submitted.* It further states, *Property / evidence shall be submitted as soon as practical and possible, but always by the end of the member's work shift during which the property was collected.*

Based on all of the incidents covered in this investigation, it is recommended the allegation that Officer Guyton violated General Order 40.14 *Body Worn Camera Video Systems (BWC)*, Gainesville Police Department General Order 82.2 *Field Reporting and Management*, General Order 84.1: *Property and Evidence Control*, and therefore, City of Gainesville Code of Conduct E3 Rule 13 *Productivity or workmanship not up to required standard of performance*, City of Gainesville Code of Conduct E3 Rule 25 *Wanton or willful violation of statutory authority, rules, regulations, or policies*, and City of Gainesville Code of Conduct E3 Rule 46 *Continual abuse of Personnel Policies and safety rules* be **SUSTAINED**. The recommended discipline is an Employee Notice and dismissal.

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#: 23-063

Investigator: *Sgt. Tracy C. F. W.*

Date: *04.30.2024*

It was determined that Officer Guyton violated Gainesville Police Department General Order 40.14: *Body Worn Camera Video Systems (BWC)*, Gainesville Police Department General Order 82.2: *Field Reporting and Management*, and Gainesville Police Department General Order 84.1: *Property and Evidence Control*.

Therefore, the allegation that Officer Guyton violated City of Gainesville Code of Conduct E-3, Rule 13: *Productivity or workmanship not up to required standard of performance*, City of Gainesville Code of Conduct E-3, Rule 25: *Wanton or willful violation of statutory authority, rules, regulations, or policies*, and City of Gainesville Code of Conduct E-3, Rule 46: *Continual abuse of Personnel Policies and safety rules* is **SUSTAINED**.

In addition, Officer Guyton has received the following discipline within the past 2 years:

07/05/2022 – Received written instruction and cautioning in the form of an Employee Notice for first offense violation of City of Gainesville Code of Conduct E-3, Rule 23: *Carelessness which affects the safety of personnel, equipment, tools or property or causes materials, parts, or equipment to be damaged* and City of Gainesville Code of Conduct E-3, Rule 30: *Violating a safety rule or a safety practice* for being involved in a traffic crash.

07/12/2022 – Received written instruction and cautioning in the form of an Employee Notice for a first offense violation of City of Gainesville Code of Conduct E-3, Rule 13: *Productivity or workmanship not up to required standard of performance* regarding evidence handling issues.

01/19/2023 – Received written instruction and cautioning in the form of an Employee Notice and a 16 hour suspension for a second offense violation of City of Gainesville Code of Conduct E-3, Rule 13: *Productivity or workmanship not up to required standard of performance* regarding evidence handling issues.

03/16/2023 – Received written instruction and cautioning in the form of an Employee Notice and a 40 hour suspension for third offense violation of City of Gainesville Code of Conduct E-3, Rule 13: *Productivity or workmanship not up to required standard of performance*, written instruction and cautioning and a 40 hour suspension for a second offense of City of Gainesville Code of Conduct E-3, Rule 30: *Violating a safety rule or a safety practice*, and written instruction and cautioning in the form of an Employee Notice and a 80 hour suspension for first offense violation

of City of Gainesville Code of Conduct E-3, Rule 19: *Immoral, unlawful, or improper conduct or indecency, whether on or off the job which would tend to affect the employee's relationship to his/her job, fellow workers' reputations or goodwill in the community* regarding multiple actions/in-actions.

11/04/2023 - Received written instruction and cautioning in the form of an Employee Notice, loss of take home car privileges for 14 days, and remedial training for a second offense violation of City of Gainesville Code of Conduct E-3, Rule 23: *Carelessness which affects the safety of personnel, equipment, tools or property or causes materials, parts, or equipment to be damaged* for being involved in a traffic crash.

The prescribed discipline for a fourth offense violation of City of Gainesville Code of Conduct E-3, Rule 13: *Productivity or workmanship not up to required standard of performance* is dismissal, a first offense City of Gainesville Code of Conduct E-3, Rule 25: *Wanton or willful violation of statutory authority, rules, regulations or policies* is Written Instruction and 3 days suspension or dismissal, and a first offense City of Gainesville Code of Conduct E-3, Rule 46: *Continual abuse of Personnel Policies and safety rules* is dismissal.

If Officer Guyton was still employed with the Gainesville Police Department, his discipline would consist of an Employee Notice and dismissal (pending administrative dismissal procedures). However, Officer Guyton resigned from the Gainesville Police Department prior to the sustained finding and before discipline was issued so this case will be closed **RESIGNED UNDER INVESTIGATION**.

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. <u>112.532</u> and <u>112.533</u> , Florida Statutes.			
IA#:	23-063		
IA Commander:	<u>T. DURST</u>	Date:	<u>05-01-2024</u>
Bureau Commander:	<u>[Signature]</u>	Date:	<u>5/13/24</u>
Chief:	<u>[Signature]</u>	Date:	<u>5/10/24</u>

Department
Gainesville Police
Internal Affairs
Employee Resume
Police Officer John A Guyton [0966/18041]

IA Investigation IA #: IA 23-063 Case #:

Received date: Nov 16, 2023 Occurred date: Jul 9, 2023

Classification: Continued Policy Violations

Allegation(s):

Productivity/Workmanship Not Up to Standard - Sustained - May 10, 2024
Rule 13: Productivity or workmanship not up to req
Productivity/Workmanship Not Up to Standard - Sustained - May 10, 2024
Rule 25: Willful neglect of statutory authority
Productivity/Workmanship Not Up to Standard - Sustained -
May 10, 2024 Rule 46: Cont. Abuse of Policy/Safety Rules

Action(s) taken

Apr 25, 2024 - Resigned Under Investigation Days/hrs suspended/assessed: 0

Action(s) taken

<None>

Administrative Review IA #: IA 24-027 Case #:

Received date: Apr 3, 2024 Occurred date: Mar 13, 2024

Classification: Police File Database Misuse

Allegation(s):

Misuse of City computer - Sustained - May 10, 2024
40.29: Access & use of City computer

Action(s) taken

Apr 25, 2024 - Resigned Under Investigation Days/hrs suspended/assessed: 0

Action(s) taken

<None>

Printed: Jul 11, 2024 09:36 By: CWA Cathy Strivers

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