



MARION COUNTY

SHERIFF'S OFFICE

TO: MAJOR LOUIS PULFORD

FROM: Inspector Sergeant Nickolas Frost

DATE: October 03, 2023

SUBJECT: ADMINISTRATIVE REVIEW 23-158 (NARRATIVE OF FINDINGS)

On 09/13/2023, Lieutenant Carlton Curtis #2215 received a Comment/Complaint form generated by citizen [REDACTED]. The complaint alleged several weeks prior to 09/13/2023, her juvenile daughter was involved in a traffic stop in the Anthony area with Deputy Dylan Fruh #6715. During the traffic stop, Deputy Fruh obtained her daughter's cell phone number. After the stop, he sent her an inappropriate text message and followed her to a nearby McDonalds. Lieutenant Curtis investigated the complaint and determined it occurred on 08/18/2023 at 2201 hours (transaction 2308180952). He also obtained a text message between Deputy Fruh and [REDACTED] 17-year-old juvenile daughter, [REDACTED]. An interview was scheduled with [REDACTED] and her parents, [REDACTED], on 09/20/2023.

On 09/15/2023, Deputy Fruh was served with the Comment/Complaint form, the Notice of Pending Investigation, and Employee Rights forms. On 09/19/2023 this incident was assigned to the Office of Professional Standards for further investigation, and I was provided with the following:

- Comment/Complaint form completed by [REDACTED]
- Computer Aided Dispatch (CAD) and Call for Services (CFS) report
- One (1) photocopy of a text messages
- Cellbrite Extraction report of the chat log, call log, and searched items from Deputy Fruh's agency issued iPhone

I reviewed the CAD/CFS reports, as well as a CAD Incident Detail Report. These reports documented the traffic stop, which occurred on 08/18/2023 at 2201 hours and ended at 2207 hours. The traffic stop was conducted at 9000 Northeast Jacksonville Road with Deputy Fruh initiating the stop as the primary unit. He was also the only unit assigned. The call notes described the vehicle he stopped as a silver 4 door car with tag [REDACTED]. A search of this license plate revealed it is assigned to a silver Acura 4 door registered to [REDACTED] father. All reports document Deputy Fruh closing the call at 2207 hours with the disposition, "2905T-TRAFFIC, VERBAL WARNING."

I reviewed the photocopy of the text messages between Deputy Fruh and [REDACTED]. On 08/18/2023 at 2232 hours, Deputy Fruh, from his department issued cell phone, texted [REDACTED], "Ain't no way they forgot my mf ranch." Under an hour later, at 2322 hours, [REDACTED] replied, "Who's this?" At 2326 hours, Deputy Fruh responded, "It's Fruh."

I reviewed the Cellbrite Extraction reports for Deputy Fruh's department issued cell phone. Under "Chats," on 08/18/2023, at 2232 hours and 2326 hours, he sent text messages to [REDACTED] cell phone number. Under "Call Log," Deputy Fruh called [REDACTED] cell phone number at 2246 hours, for a total of 38 seconds. Under "Searched Items," on 08/18/2023 at 2234 hours, he conducted an online search for "born in 2006," which is [REDACTED] year of birth.

I reviewed both the in-car Fleet video and Body Worn Camera (BWC) video of the traffic stop. The in-car Fleet video was dated 08/18/2023 at 2200 hours and began as Deputy Fruh watched a blinking red light at the intersection of NE 95th Street and NE Jacksonville Road. A vehicle failed to come to a complete stop at the intersection and Deputy Fruh conducted a traffic stop on the vehicle at the 9000 block of NE Jacksonville Road.

I reviewed Deputy Fruh's BWC video of the traffic stop which was also dated 08/18/2023 at 2200 hours. Deputy Fruh made contact with the vehicle's driver and sole occupant, [REDACTED], identified himself, and stated the reason for the traffic stop. He asked for her driver's license, which she provided, and they discussed who owned the vehicle, which was her father. Deputy Fruh then asked [REDACTED] where she was going, and she told him to McDonald's with her friend. They then made idle conversation before Deputy Fruh returned to his marked patrol vehicle.

Deputy Fruh returned to [REDACTED] vehicle after approximately one (1) minute and told her to remind her father to renew his registration. Deputy Fruh then asked for [REDACTED] phone number. [REDACTED] asked if he wanted her phone number or her father's, and he told her he wanted hers. She then provided her phone number as requested. Deputy Fruh informed [REDACTED] he was giving her a "verbal warning," and counseled her on her driving. [REDACTED] told him it was the first time she had been pulled over and Deputy Fruh reassured her she is fine and provided her with her driver's license.

Deputy Fruh then asked [REDACTED] if he can accompany her to McDonald's to "get a nugget." They discussed the McDonald's she was going to, and Deputy Fruh tried to determine if it was in the city. After determining which McDonald's [REDACTED] was going to, Deputy Fruh ended the traffic stop, turning off his BWC.

I reviewed Deputy Fruh's AVL data for 08/18/2023, between 2200 hours and 2357 hours. At 2200 hours, he was stationed at NE 95th Street and NE Jacksonville Road. At 2201 hours he was conducting a query on Florida license plate [REDACTED] at the 9000 block of NE Jacksonville Road and stayed at that location until 2207 hours. Deputy Fruh then traveled south on NE Jacksonville Road until he arrived at NE 35th Street and North Pine Avenue at 2217 hours. During this time, Deputy Fruh was assigned a CFS at 2209 hours. He worked the CFS over the phone and closed it at 2230 hours (transaction 2308180953). At 2231 hours, he conducted a security check at 3455 North Pine Avenue, the McDonald's, and remained at the location until 2241 hours (transaction 2308180966).

I conducted an audit of Deputy Fruh's BWC videos involving his interactions with drivers on traffic stops, specifically traffic stops where he provided the driver with a verbal warning. There is no evidence to suggest the Deputy Fruh had ever asked for a driver's phone number when they were provided with a verbal warning.

On 09/20/2023, at 1630 hours, I conducted a sworn, audio-recorded interview with juvenile [REDACTED] at the North Multi-District office, in North Central District Commander, Lieutenant Curtis's office. Both of [REDACTED] parents, [REDACTED], accompanied her and allowed the interview to take place outside of their presence.

[REDACTED] explained the reason she was pulled over by Deputy Fruh and advised she was being followed by her friend, 16-year-old juvenile [REDACTED]. [REDACTED] advised Deputy Fruh asked for her driver's license, which she provided. She explained how they discussed that her father owned the vehicle she was driving and where she was going, to which she told him she was headed to McDonald's. When Deputy Fruh returned from his patrol vehicle, he asked which McDonald's she was going to because he wanted to follow her to "get some nuggets".

I asked [REDACTED] if Deputy Fruh asked her for her phone number and she stated he did. [REDACTED] stated it appeared as if it was a part of the traffic stop procedure, so she provided it to him. When asked if she thought Deputy Fruh may have wanted her father's phone number instead of hers, [REDACTED] advised she does not remember the exact conversation but noted she initially thought he wanted her father's phone number because they previously discussed her father owned the vehicle she was driving. When asked if Deputy Fruh wanted her phone specifically, she replied, "Yes sir."

I asked [REDACTED] if Deputy Fruh told her why he needed her phone number and she stated, "No sir, not that I remember." I asked if she felt obligated to give her phone number to Deputy Fruh, and she stated, "Yes sir, because he's a cop, and if a cop asks me to do something, then I'm going to do it." I asked if she recalled what Deputy Fruh wrote her phone number on, and she advised a notepad. I asked [REDACTED] if she received a citation, written warning, or any type of documentation for the traffic stop and she stated, "No sir."

[REDACTED] stated she believed the traffic stop was over when Deputy Fruh told her he was going to follow her to McDonald's, and he walked back to his patrol vehicle.

[REDACTED] stated Deputy Fruh followed her to McDonald's, located at 3455 North Pine Avenue. When she arrived with her friend, [REDACTED], [REDACTED] parked her vehicle, and together they used her [REDACTED] vehicle to enter the drive thru since the lobby was closed. At this time, Deputy Fruh pulled up beside her, laughing, and telling her she broke another traffic law. She apologized to him and proceeded through the drive thru to order food. She then parked in the parking lot so she and [REDACTED] could eat, when they noticed Deputy Fruh parked approximately three (3) parking spaces away from them. While they ate, she received a text message from an unknown number and showed it to [REDACTED]. Based on the context of the message, she believed it was from Deputy Fruh and did not immediately respond. [REDACTED] advised as soon as her friend exited her vehicle, she proceeded to drive home. She then received a phone call from Deputy Fruh which she did not answer. She advised he did not leave a voicemail message.

[REDACTED] stated she eventually responded to Deputy Fruh's text message, so she had proof he texted her, with the reply, "Who's this?" Deputy Fruh then replied, "It's Fruh."

On 09/21/2023, I conducted an audio-recorded interview with [REDACTED] friend, [REDACTED], who advised she followed [REDACTED] to McDonald's when they left the North Marion football game. [REDACTED] explained [REDACTED] was pulled over in the area of NE 95th Street and Jacksonville Road after she failed to come to a complete stop at the intersection. During the traffic stop, [REDACTED] stated she waited nearby for [REDACTED]. After the traffic stop ended, [REDACTED] called her and told her how some of the questions the deputy asked her were weird. [REDACTED] also told her the deputy was following her to McDonald's to make sure she was actually going there.

When they arrived at McDonalds, [REDACTED] advised Deputy Fruh approached them in his patrol vehicle and told her she broke more laws. After they went through the drive thru and received their food, [REDACTED] advised Deputy Fruh parked three (3) spaces away from them while they parked and ate their food. It was during this time [REDACTED] received a text message from Deputy Fruh. [REDACTED] stated the text message read, "Ain't no mother fucking way they forgot my ranch." She advised [REDACTED] did not reply to the text message because they were concerned and did not know who sent it. After they thought about it, [REDACTED] realized she provided Deputy Fruh with her phone number. She advised the situation felt awkward, so they just decided to eat their food and leave.

[REDACTED] explained [REDACTED] was concerned when she received the text message from Deputy Fruh and was uneasy with how much information he has about her. She also advised [REDACTED] was worried Deputy Fruh was going to follow her home and wanted her to wait with her until he left.

On 09/29/2023 at 1826 hours, I conducted a sworn, audio-recorded interview with Deputy Fruh in my office at the Office of Professional Standards. Deputy Fruh was provided with the opportunity to review all evidence collected until that point. He elected not to review any documents or interviews.

Deputy Fruh explained the traffic stop he conducted on [REDACTED] vehicle on 08/18/2023. When asked what course of action he was going to take for the traffic violation, Deputy Fruh advised either a verbal or written warning, but stated he was not going to write her a ticket. I asked Deputy Fruh why he asked for [REDACTED] phone number, and he stated, "I believe I was going to document it, but then I did a verbal warning." He advised [REDACTED] provided her phone number to him as requested and he wrote it down on a note pad.

While I continued to discuss him obtaining [REDACTED] phone number, Deputy Fruh now added that he was going to write her a written warning or complete a Fiv-O but could not remember which one. I asked Deputy Fruh if he typically writes Fiv-O's on traffic stops and he advised he does on abandoned vehicles. When asked if he writes Fiv-O's on vehicles that commit traffic infractions he stated, "It depends, it really does."

I asked Deputy Fruh when he obtained [REDACTED] phone number, if his intent was to return to his patrol vehicle and write her a written warning or if there was another reason he wanted her phone number. Deputy Fruh explained how he thought it was suspicious that [REDACTED] was coming from the North Marion football game because the games are normally over earlier. I asked him what time high school football games end and he replied,

"9:30, 9:45." I informed him he stopped her vehicle at 10:00 and he did not realize the time he conducted the traffic stop. I then advised Deputy Fruh that while the questions may be uncomfortable, he needs to be honest.

I explained there is no evidence of him ever returning to his vehicle during a traffic stop after changing his mind. Deputy Fruh stated, "I was debating on a written warning and then I was writing up my Fiv-O that night." I asked if he wrote a Fiv-O on [REDACTED] and he replied, "Yeah, I can't remember if I transmitted it or not, but I wrote up a Fiv-O." He then stated, "Or I planned on writing up a Fiv-O." I then asked if he wrote one or planned on writing one and he replied that he thinks he planned on writing one. When asked if he wrote a Fiv-O on [REDACTED], Deputy Fruh responded, "No I didn't end up writing a Fiv-O." Deputy Fruh advised his intent on getting her phone number was for law enforcement purposes and not to "hit her up afterward," or "off-duty," or to save her number. It was strictly for the Fiv-O or the written warning.

I asked Deputy Fruh if he has ever asked for the phone numbers of the drivers for the traffic stops he provided verbal warnings too, and he did not recall. I informed him that for his traffic stops ending with verbal warning, there is no evidence to suggest he had.

I questioned why he asked [REDACTED] if he can accompany her to McDonald's and he stated, "Community Policing." He explained he wanted to show that cops are not bad and are willing to go out and do something with the community. He then added that he was also hungry at the time. I questioned if he has ever asked the drivers of any of his other traffic stops if he could follow them to where they are going and he stated, "No." I inquired as to why he asked [REDACTED] if he could follow her, he stated, "I don't know."

Deputy Fruh verified he coded the traffic stop out as "2905-tango." He then confirmed he followed [REDACTED] to the McDonalds at NE 35th Street and N. Hwy 441. When asked if he spoke to [REDACTED] again, Deputy Fruh stated he spoke to her in the McDonald's parking lot, told her she committed another traffic violation, and added that he was just "joking around." He advised at this time [REDACTED] was with her friend. He then described where he parked in relation to her vehicle. Deputy Fruh denied approaching [REDACTED] or speaking to her again, but stated he texted her, "They forgot my mf ranch." She replied, "Who is this," and he responded, "It's Fruh." That was the last contact he had with her.

When asked what "mf" stands for, Deputy Fruh advised it stands for "mother f-ing." When asked why he sent [REDACTED] this text message, he stated he thought it would be funny. He then added that it was very unprofessional. When asked if he normally uses that type of verbiage with a citizen, he advised he does not.

I asked Deputy Fruh if he tried calling [REDACTED] and he stated he did and wanted to see if she or her friend had any ranch dressing. He stated [REDACTED] did not answer her phone.

I asked Deputy Fruh if he conducted any searches on his cell phone and he did not recall. I asked if he knows how old [REDACTED] is and he stated he thinks she is 16 years of age. I then reminded him he conducted a search of, "born in 2006," and he stated he conducted that search to see how old [REDACTED] was. When asked why he searched for her age,

Deputy Fruh stated he was curious. When asked why he was curious about her age, he stated he did not know.

Deputy Fruh stated since this incident, he has not called or texted [REDACTED] and she has not tried to contact him. He also denied sending her any social media friend requests.

Deputy Fruh denied asking for [REDACTED] cell phone number for personal reasons during the traffic stop but did use her cell phone number for personal reasons after the traffic stop ended. Deputy Fruh acknowledged that he followed [REDACTED] to McDonald's after the traffic stop and sent her a text message which he knows was inappropriate and not professional because he thought it was funny. Deputy Fruh also tried to call her for non-law enforcement reasons.

Based on the aforementioned, regarding violation of **Operations Directive 1068.04 (A)8 DERELICTION OF DUTY-** acting in a manner tending to bring discredit upon him/herself or the Agency is **SUBSTANTIATED.**

Under penalties of perjury, I declare that I have read the foregoing Narrative of Findings and that the facts stated in it are true.

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 this investigation, of any of the rights contained in 112.532 and 112.533, Florida Statutes.


Inspector Sergeant Nickolas Frost #5024
Office of Professional Standards

Cc: Sheriff Woods
Chief Deputy Douglas
Captain Chisholm
Lieutenant Curtis

Billy Woods, Sheriff

1068.04 DERELICTION OF DUTY

A. Actions or lack of actions on the part of any employee which are prejudicial to the proper performance of the functions of the Agency are considered dereliction of duty, and are cause for disciplinary action up to and including dismissal. Dereliction of duty includes, but is not limited to:

1. Willful or repeated violation of any rule, regulation, policy or procedure of the Agency.
2. Failure to report violations of any rule, regulation, policy or procedure of the Agency.
3. Failure to properly document incidents required by law or rules and regulations of the Agency.
4. Being absent without authorized leave. This includes failure to report for duty on time, or leaving a post or other assignment without proper authorization.
- 5 Failure to assist or support fellow officers in the field, or failure to perform duties.
6. Sleeping on duty.
7. Neglect of duty.
8. Displaying a reluctance to properly perform assigned duties, or acting in a manner tending to bring discredit upon him/herself or the Agency, or failing to exercise diligence and display interest in pursuit of duties.

1068.05 INSUBORDINATION

A. Any employee who willfully disobeys or disregards a direct lawful order, verbal or written, given by a supervisor shall be considered insubordinate.

B. Employees shall not use abusive language or gestures toward any other employee or supervisor with regard to issued orders. Employees shall support agency orders, directives, and procedures and shall not publicly criticize or ridicule the agency, its orders, directives, or procedures. Employees shall not be disrespectful with supervisors and will be considered insubordinate when such expression interferes with the maintenance of discipline or otherwise undermines the effectiveness of the agency.

1068.06 ALCOHOL AND DRUGS

A. Employees shall not inject, ingest, inhale, or otherwise introduce a controlled substance (as defined by federal or state law) into his or her body unless they are prescribed the controlled substance and are using it in strict accordance with their prescription.

1. A "physician certification" for (medical) marijuana issued pursuant to s. 386.986 is not a "prescription" under state or federal law. No employee may possess or use marijuana, even if authorized by a qualified physician in accordance with state law. Possession or use



MARION COUNTY

SHERIFF'S OFFICE

TO: DEPUTY DYLAN FRUH #6715
FROM: Inspector Sergeant Nickolas Frost
DATE: October 03, 2023
SUBJECT: NOTICE OF CONCLUDED INVESTIGATION (AR-23-158)

You are hereby noticed that the investigation directed at you has been completed.

Allegations:

1. Violation of **O.D. 1068.04 (A)8 DERELICTION OF DUTY**

Finding: **SUBSTANTIATED**


Inspector Sergeant Nickolas Frost #5024

cc: Sheriff Woods
Chief Deputy Douglas
Major Pulford
Captain Chisholm
Lieutenant Curtis
Human Resources

Billy Woods, Sheriff