

To the Citizens of Moore County,

In response to the negative and untruthful statements being made and being posted on Facebook and other social media about an incident involving my son, I am writing this letter detailing the event involving my son, Deputy Brent Godfrey on the night of February 29, 2016.

While I regret that it took these false postings and nasty untruths being disseminated for me to be able to provide this information which I would have liked to have the information about the investigation of the incident involving Deputy Godfrey known earlier. However, personnel records laws are in place to protect employees, and under the law, without consent or other authorization only "the following information is a matter public record: following information with respect to each county employee is a matter of public record: (1) Name. (2) Age. (3) Date of original employment or appointment to the county service. (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the county has the written contract or a record of the oral contract in its possession. (5) Current position. (6) Title. (7) Current salary. (8) Date and amount of each increase or decrease in salary with that county. (9) Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with that county. (10) Date and general description of the reasons for each promotion with that county. (11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the county. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the county setting forth the specific acts or omissions that are the basis of the dismissal. (12) The office to which the employee is currently assigned." N.C. Gen. Stat. §153A-98(b).

In light of the negative and untruthful statements, I now have authorization to tell you, the public about these events. Before describing them, however, I think it important for you to be better informed about me as well.

I began my law enforcement career in August of 1973 as a Special Agent with the North Carolina State Bureau of Investigation. During my career with the SBI, I personally conducted and supervised numerous criminal investigations involving homicides, drug trafficking, rape, child molestation and other serious crimes. I investigated political corruption cases and other cases such as the use excessive force by law enforcement officers. I know from my experience that attempts to cover up a crime fundamentally and ordinarily result in more serious charges than the original crime for which a law enforcement officer or government official may have committed, and I would not and have not engaged in any sort of "cover-up" and I do not condone such conduct.

I have always served honorably as a law enforcement officer and have never had my integrity questioned or challenged in State or Federal court. I served as an agent with the SBI rising to the rank of Special Agent in Charge of the SBI Southeastern District. Upon my retirement, I was appointed as Chief Deputy with the Moore County Sheriff's Office. I was appointed as your Sheriff on May 1, 2013 and elected by you as your Sheriff in 2014. I have dedicated my life to serving the citizens of Moore County and the State of North Carolina. For these reasons, I was awarded the Order of the Long Leaf Pine upon my retirement from the SBI.

The Order of the Long Leaf Pine is presented to individuals who have a proven record of extraordinary service to the state.

Before we hired now former Deputy Godfrey, he had successfully completed both the law enforcement training certification classes for a deputy sheriff and a detention officer. A prior guilty plea in 2007 plea for a DUI conviction that, as has regrettably happened to many college students, he received while in college was included in the documentation submitted to the North Carolina Sheriffs Training and Standards Commission. The Sheriffs Training Commission as an independent agency which looked into all of these matters and Brent's background, subsequently certified Brent Godfrey as both a deputy and a detention officer without any issues.

North Carolina law restricts the hiring of the relatives of a sheriff. The statutes provide that "[e]ach sheriff and register of deeds elected by the people has the exclusive right to hire, discharge, and supervise the employees in his office. *However, the board of commissioners must approve the appointment by such an officer of a relative by blood or marriage of nearer kinship than first cousin....*" N.C. Gen. Stat. § 153A-103. Accordingly, when I decided to hire Brent Godfrey to serve as a deputy, I presented the matter to the Board of Commissioners who approved his appointment as a deputy sheriff.

Following that approval, and from the outset of his tenure as a deputy which began December 2nd, 2014, I informed Brent and the members of the Sheriff's Office that Brent Godfrey was to be shown no favoritism and was to be treated in the same fashion and in the same manner as any other duly appointed deputy.

On February 29, 2016, I was not present, but I was later informed that Brent arrived at his duty station, and although none of the deputies or supervisors immediately noticed, but later it was determined that now former Deputy Brent Godfrey had been consuming alcohol the night before he was to report to duty, and had alcohol in his system when he drove his patrol vehicle to Moore Regional Hospital where he was to relieve another deputy. When he arrived, no one notice any erratic driving or other indicator that he was driving while impaired.

There is no issue, however, as to the fact that my son reported for duty after consuming alcohol operating an emergency vehicle, a violation of North Carolina General Statute 20-38.2B. Any criminal allegation against a law enforcement officer is serious. But, our legislature decided for this specific violation not to impose a serious punishment. Our legislature imposed a maximum penalty for this violation of a \$100.00 fine, and no other criminal penalty for a first offense of operating an emergency vehicle while having alcohol remaining in his system. N.C. Gen. Stat. § 20-38.2B.

A question being asked is "Why did Moore County deputies not charge him with a crime that night." The answer is that the supervisory deputies began to question Brent Godfrey's actions, and directed him to be seated in a supervisor's vehicle while the supervisor conducted an internal employee investigative interview. During that interview, the supervisor noticed an order of alcohol, but because there was no observation of impaired driving, the supervisor did not have probable cause before questioning Brent and ordering him to answer questions, as he would have

done with any other deputy. The Legislature in enacting the statute did not attach any other penalty to a first offense other than a \$100 fine. The statute did not authorize arrest, a potential jail sentence for a first offense, or any other penalties unlike a second or subsequent offense. Instead, a first offense is like a parking ticket or a speeding citation, not an offense for which arrest would be expected.

On February 29, 2016, when I was contacted by telephone, by the ranking members of the Sheriff's Office and told that Brent had reported to work and that as a result he had been ordered into the vehicle where an odor of alcohol was detected on him, I responded that I did not believe that I should under these circumstances be involved at that time, and that "the ranking members of the Sheriff's Office should handle the matter 'by the book' and not treat him any differently, and I would act accordingly. I did not direct that they either arrest or not arrest him.

These officers continued to act according to the Sheriff's Office written policy, and they proceeded with their internal inquiry. During that investigation, the investigating officers questioned Brent further.

Under the law, a deputy may be ordered to answer questions in an internal investigation or if he refuses, he is subject to firing. Under the decision in *Garrity v. New Jersey*, 385 U.S. 493, 499, 87 S.Ct. 616, 620, 17 L.Ed.2d 562, 567 (1967), when a government agency, such as a Sheriff's Office, requires an employee to make statements during an internal investigation, upon threat of losing his job, the statements cannot be used against the employee in any subsequent criminal proceeding. Therefore, although Brent then admitted that he had consumed alcohol, he refused to answer further questions and immediately resigned. No further action appeared to be available.

When I later inquired into the matter, it appeared that Brent's statements could not have been used to form a basis to charge or prosecute him in a subsequent criminal proceeding. I later sought a legal opinion, and based upon a second independent investigation that was conducted of this matter by the legal counsel of an accredited law enforcement agency, I am not aware of any deputy who observed any symptom of impairment or smelled any odor of alcohol on Deputy Godfrey prior to the start of their administrative/internal investigation determining why he failed to properly respond to a call for service. It was during the administrative/internal investigation that his supervisor first detected the odor of alcohol. When questioned by his supervisor, Deputy Godfrey admitted that he had consumed alcohol prior to reporting for duty.

The Sheriff's Office investigation that night was an administrative/internal investigation. When deputies initiated the investigation, there was no probable cause or reasonable suspicion of any criminal activity that would have caused them to conduct a criminal investigation. The law is very clear that information and evidence obtained during an administrative/internal investigation cannot be used for criminal prosecution. So, deputies did not charge Deputy Godfrey with any crimes because they did not have any information or evidence that could have been used in a criminal prosecution.

When later interviewed by the SBI, then former Deputy Brent Godfrey waived his constitutional rights and provided a truthful statement for the purpose of helping to prove that the deputies involved in the administrative/internal investigation did not do anything illegal.

The deputies involved in the investigation that night used their knowledge of the law, their training, their experience and common sense during the investigation and concluded it was not appropriate for them to charge Deputy Godfrey with any crime that night.

It is important for me to also note that this administrative/internal investigation was initiated and completed without any input or interference from me from the very beginning to the end. Not being involved in the investigation, I did not make an evaluation as to whether or not Deputy Godfrey should have been arrested nor would I have being that Deputy Godfrey was a member of my family.

Having said that, if the same circumstances occurred again with another officer who was not a member of my family, I would expect his resignation and would expect my supervisors on site to use their knowledge of the law, their training, their experience and common sense in making their decision as to whether or not to charge the officer with a crime.

We were completely cooperative with the SBI during this investigation and sincerely appreciated the professionalism in which they conducted this investigation, which resulted ultimately in Brent's plea of guilty to operating an emergency vehicle while having alcohol in his system, and the matter was closed.

Last week, an anonymous email was sent to several media outlets. The email had an attachment that was a letter to me from District Attorney Maureen Krueger alleging that one of the deputies, a supervisory sergeant, who was not the supervisor who questioned Brent, had lied to the SBI during the SBI investigation of the matter involving Deputy Godfrey.

Prior to being interviewed by the SBI, I instructed our deputies to be completely truthful with the SBI concerning their involvement with Deputy Godfrey on February 29, 2016. As of the date of this letter, I have not received any information from the SBI or the North Carolina Attorney General's Office that any deputy made a false statement to them concerning the deputy's activity on the night of February 29, 2016.

In January of 2017, I was informed that a court order for my work cell phone and personnel cell phone records had been obtained by the investigator working for District Attorney Maureen Krueger. I would have provided District Attorney Krueger these records upon her request without a court order because I had absolutely nothing to hide or conceal about my activity on the night of February 29, 2016,

Upon reviewing the affidavit for this court order that was prepared by District Attorney Krueger's investigator, I read three statements that *were, although made under oath by the investigator in the District Attorney's Office and are still completely false*. Among those false statements were assertions that not only I but my wife as well had gone to the scene of the incident: these assertions are and were untrue and unfounded. I know that if this investigator had

done his duty and his due diligence, he would have known that my wife and I did not go to the hospital that night.

After Deputy Godfrey pled guilty in court, I respectfully requested District Attorney Krueger to amend the affidavit to show that neither I nor my wife went to the hospital that night. I told her that I thought it was important to make that correction because I believed that my opponents in the upcoming election would use the information against me in an attempt to damage my credibility. I had received information about the court order being unsealed from a reliable source and had also been told that one of my expected opponents and a supporter of another opponent went to the Clerk's Office on the very same day that the court order was unsealed to obtain copies of the affidavit and court order. District Attorney Krueger refused to make the correction stating that she did not make decisions based upon political considerations.

I am disappointed, as I am sure any parent would be, and as many parents have experienced when a son or daughter who has been trained to know and to do better, in the actions of my son, but we all, in those circumstances, attempt to move forward as honorably as we have and intend to continue to do.

I am even more disappointed that District Attorney Krueger has decided, long after the matter was closed and no additional or other matters have occurred, to involve herself in the election for the office of Sheriff of Moore County. It is unprecedented for a District Attorney to take this type of action – particularly where the matter has been closed and no further similar conduct has occurred. Clearly, this leads to the conclusion that despite Ms. Krueger's claim that she did not make decisions based upon political considerations, she, in fact, has done so more than two years after these events, releasing her letter to the public immediately prior to the primary election.

I want to assure our citizens that this will not impact their cases. My personnel have been instructed by me to be completely cooperative with her staff and I fully expect them to do so.

I do not see this issue threatening justice in Moore County. I do not view this issue having any impact on the ability of my deputies to perform their duties and to provide the necessary fully documented investigated reports required for the successful prosecution of criminal suspects. My staff continues to have a very good working relationship with the staff at the District Attorney's Office.

We are also continuing to maintain a professional relationship with all of the law enforcement agencies working as a team keeping our citizens safe. We have deputies assigned to an FBI Task Force and an ATF Task Force bringing more resources to Moore County targeting violent criminals and drug traffickers.

I am a professional law enforcement officer and make every effort not to let any personal feelings that I have interfere with the operation of the Sheriff's Office. My goal for the Sheriff's Office has been and continues to be to protect our citizens and to make this Sheriff's Office one of the best in North Carolina.

With the assistance that I have received from Chief Deputy Frank Rodriguez, the training that we have provided our deputies, the hard work that our staff is doing and the new technology that we have been able to obtain, I firmly believe and know that we are doing an even better job today than before the incident with my son and that the Moore County Sheriff's Office is one of the most effective, efficient and service oriented law enforcement agencies in North Carolina.

My intent has been to conduct a very positive and professional campaign and that is still my intent. I have not nor will I make any negative comment about my opponent in the Republican Primary.

I firmly believe that in this Sheriff's race that our citizens should make their choice for Sheriff based upon the qualifications of the candidates and their service to our county.

With Kindest Regards,


Sheriff Neil Godfrey