

**Case #2024-0993  
On-Duty**

**Subject: Summation**

**To: Undersheriff D.S. Coarsey #6957**

**From: Internal Affairs Unit / Detective R.L. Green #61820**

**Reference: Incompetence  
Improper Action**

**Complainant: In-house**

**Member: Police Officer Mindy Cardwell #73735  
Police Officer Shaun Lowry #84209  
Police Officer Austin Weippert #84193**

On December 13, 2024, at 5:11 p.m., a traffic stop was conducted by Jacksonville Sheriff's Office (JSO) Police Officer Shaun Lowry #84209 on Main Street North prior to the intersection of 27th Street North. The driver of the vehicle, Jason Arrington, was stopped for running a red light and was initially contacted by Lowry on the passenger side of the vehicle. During Lowry's initial contact with Arrington, Arrington informed Lowry that he had a firearm, and that the firearm was physically on him. Lowry then informed Arrington that he was going to have him exit his vehicle and the firearm was going to be removed while the traffic stop was completed. Police Officer Austin Weippert #84193 and Police Officer Mindy Cardwell #73735 facilitated removing Arrington from his vehicle from the driver's side of the vehicle. As Cardwell attempted to remove the firearm from a holster attached to Arrington's waistband, Cardwell put pressure on the trigger of the firearm, causing the weapon to fire a round into Arrington's right leg.

**Investigative Note: On December 16, 2024, Cardwell's law enforcement authority was rescinded, and she was transferred to the JSO Tele-Serv Unit.**

Redacted 01/13/2025

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### CASE MATERIALS REVIEW

Internal Affairs reviewed the following pertinent documentation in reference to this administrative investigation:

- JSO Incident (Information) Report authored by JSO Police Detective Lauren Johnston #43826, who is assigned to the JSO Cold Case Unit. The Incident (Information) Report was associated with Central Communications Record (CCR) #24-0756356 and was submitted on December 23, 2024. The Incident (Information) Report contained the following pertinent information:

- *“SYNOPSIS*

*On 12-13-2024, at approximately 5:11pm, Officers working Group Violence Intervention in District 1, conducted a traffic stop for a violator who ran the traffic control device around West 30th Street on Main Street.*

**Investigative Note: The Group Violence Intervention (GVI) initiative utilized officers working in an enforcement related secondary employment status.**

*During the traffic stop, the driver advised Officers that he had a firearm (handgun) on his person. Officers removed the driver from the vehicle and as one of the Officers was removing the firearm from his (driver's) waistband, the gun discharged, striking the driver in the right thigh.*

*The driver was treated for his injury and transported to UF Health Hospital in stable condition.*

- *DETAILS OF INVESTIGATION*

*Time of Dispatch: Friday / 12-13-2024 / 1800*

*Time of Arrival: Friday / 12-13-2024 / 1915*

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*WEATHER CONDITIONS*

*Cool (approximately 58°) / Misting Rain*

*LIGHTING CONDITIONS*

*Street lights and lights from surrounding businesses*

○ *OFFICER(S) INVOLVED*

*Name: Officer M.A. Cardwell, #73735*

○ *IDENTIFICATION OF VICTIM*

*Name: Jason Arrington*

○ *EVIDENCE*

*On 12-13-2024, Detective S. Anderson collected the following items from U.F. Health Hospital, 655 West 8th Street and submitted them to the Jacksonville Sheriff's Office Property Room, under PCN #24-0756356, Submission #1217910, Sequence #1:*

- 1. (2) Black shoes with blood*
- 2. (1) Brown shirt with blood*
- 3. (1) Tourniquet with blood*

*On 12-13-2024, Detective J. Poff collected the following items from 3700 N. Main Street and submitted them to the Jacksonville Sheriff's Office Property Room, under PCN #24-0756356, Submission #1217912, Sequence #2:*

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1. (1) Glock .45 semi-automatic pistol (model 30, serial# BHEY470) (EV 1)
2. (1) Black holster (EV 2)
3. (1) Unknown size projectile (EV 3)
4. (1) .45 auto casing from chamber of EV 1
5. (10) .45 auto live rounds from magazine of EV 1
6. (1) Blood swab from street (BA #A)
7. (1) Blood swab from street (BA #B)
8. (1) Blood swab from grass (BA #C)
9. (1) Touch DNA swab from firearm EV 1
10. (1) Touch DNA swab from magazine EV 1

*On 12-15-2024, Detective S. Anderson placed previously collected items from U.F. Health Hospital, 655 West 8th Street into the Jacksonville Sheriff's Office Property Room, under PCN #24-0756356, Submission #1218064, Sequence #3:*

1. (1) Brown pants with blood
2. (1) Black Socks with blood

○ *DESCRIPTION OF SCENE*

*The incident occurred near the intersection of 27th Street East and North Main Street, which is located in Jacksonville, Duval County, Florida.*

*In the area of the incident, North Main Street has two lanes that run north and two lanes that run south. This area of Main Street has a mixture of commercial businesses in the area including Cash America Pawn (3636 N. Main Street), Moonshine Food Store (3629 N. Main Street), Laundry Depot (3627 N. Main Street), and Steve's Tire Empire (3707 N. Main Street).*



*27th Street runs east and west and has a mixture of residential homes and commercial businesses. 27th Street mainly consists of residential homes, with the exception of the corners of Main Street and 27th Street, which consist of commercial businesses.*

*The incident occurred in a parking spot, on the west side of Main Street, just north of 27th Street and directly across the street from Steve's Tire Empire.*

○ *DESCRIPTION OF SUBJECT*

*The subject was identified as being Jason Arrington, a 39-year-old black male. Arrington was accidentally shot while a Jacksonville Sheriff's Officer was removing a handgun from his (Arrington's) waistband.*

*Arrington was transported to UF Hospital, before the arrival of Detectives. Refer to photographs, Body Worn Camera video, and Crime Scene Unit reports for further details.*

*DESCRIPTION OF INVOLVED OFFICER*

*Officer M.A. Cardwell, #73735*

*On the day of the incident, Officer M.A. Cardwell, was assigned to District 1, Watch 5 on the Gold Schedule. Officer Cardwell was working in an off-duty capacity in District 1 under the Group Violence Intervention initiative.*

*Officer Cardwell was wearing her JSO issued Tactical Uniform which consisted of a black tactical vest with a Velcro badge and police markings on both the front and the rear of the vest. She was wearing her issued duty belt with*

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*assigned equipment: Conducted Energy Weapon (CEW), flashlight, handcuff case, portable radio, tourniquet, double magazine case, and gun holster.*

*Officer Cardwell's gun holster contained her issued Glock 17, which was not used during the incident. The issued firearm was photographed along with the extra magazines and found to be correctly loaded with no missing rounds.*

*Officer Cardwell was also wearing her Body Worn Camera mount; however, the camera had been removed from its mount prior to the arrival of Detectives. The body worn camera was supplied to Officer M. Jones to be downloaded for review.*

○ *BEGINNING OF INVESTIGATION*

*Friday / 12-13-2024 / 1800:*

*Jacksonville Sheriff's Office Cold Case Detectives were notified of an Officer Involved Incident in the 3600 block of North Main Street.*

*Prior to Cold Case Detectives' arrival, Detective In Charge Detective D. Sullivan had contacted Chief Assistant State Attorney Mark Caliel and informed him of the incident. ASA Caliel declined to respond because the details known at the time of notification indicated that the incident was not criminal in nature.*

*Friday / 12-13-2024 / 1915:*

*Detective Stapp and Detective L.A. Johnston arrived at the scene and met with the other Detectives already on the scene.*

*It was learned that while an Officer was removing a firearm from a subject, the subject's firearm discharged striking him (subject) in the leg. The subject had been transported to UF Health Hospital and at the time was reported to be in stable condition.*

*Friday / 12-13-2024 / 1925:*

*Detectives Stapp and Johnston spoke with Lieutenant Beltz and obtained the known information to this point of the investigation.*

*Lieutenant Beltz advised that three (3) Officers working the Group Violence Intervention initiative in District 1, conducted a traffic stop on Main Street at 27th Street for a violator who ran a traffic control device. The driver of the vehicle was asked to step out of the vehicle so the Officers could secure a firearm that the driver told them he had on his person.*

*While removing the firearm from the driver's waistband, the firearm discharged, striking the driver in the right thigh. The driver was treated for his injury by the Officers at the scene and then transported to UF Health Hospital by Fire/Rescue.*

*Lieutenant Beltz advised that Officer Lowry initiated the traffic stop which was under CCR# 2024-0756233. Officer Cardwell was the Officer removing the firearm from the driver's waistband when the firearm discharged. The driver and person shot during the incident was identified as Jason Arrington (Black / Male, 12-22-1984).*

*Det. Hanson arrived at the incident location, gathered the names of the witness officers, and conducted interviews with them.*

*Det. Hanson met with Ofc. S.P. Lowry #84209 who initiated the traffic stop. Ofc. Lowry said that he initiated a stop of a vehicle that ran the red light at 30th and Main Street. Ofc. Lowry conducted a passenger side approach of the vehicle due to dark window tint. When he made contact with the driver, Ofc. Lowry asked for the driver's license, registration, and proof of (sic) insurance. While the driver was gathering the requested items, Ofc. Lowry asked the driver*

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*if he had anything crazy in the car that he should know about. The driver told Ofc. Lowry that he did have a gun on him. Ofc. Lowry said that while he was speaking with the driver, the other officers arrived (Weippert and Cardwell). Ofc. Lowry informed the officers that the driver was armed with a pistol, he was compliant, and he was going to step out of his vehicle so they could remove the firearm. Ofc. Lowry said he knew that the officers asked the driver if they could remove his firearm, but he did not see what was happening due to being on the other side of the vehicle. Ofc. Lowery (sic) said he was approaching the rear of the vehicle when he heard the gunshot. Ofc. Lowry said that once it was determined the driver was shot in the leg, all the officers rendered aid.*

*Det. Hanson met with Ofc. A.M. Weippert #84193 and asked how he was involved. Ofc. Weippert said that the officers were all working the area together and that when the traffic stop was initiated, he responded as a backup officer. Ofc. Weippert said that as he and Ofc. Cardwell approached the vehicle, they were advised that the driver was in possession of a firearm. Ofc. Weippert said that the driver was very cooperative, he was asked to step out of the vehicle, and was asked if the officers could remove the firearm while the traffic stop was being conducted. Ofc. Weippert said that he had the driver face his vehicle and place his hands on the vehicle so the firearm could be removed. Ofc. Weippert said that Ofc. Cardwell was removing the firearm, and he heard the gunshot. Ofc. Weippert said seconds after the initial shock of the gunshot, he scanned the driver for injuries and told Ofc. Cardwell to place the gun on the ground. Ofc. Weippert said he saw that blood was starting to soak through the driver's pant leg, so he moved the driver to a safe location on the side of the road and began rendering aid. Ofc. Weippert said he did not see the gun go off.*

*Friday / 12-13-2024 / 1950:*

*Detective Johnston observed the subject's SUV (GMC Yukon, FL tag: 282 47Z) parked, facing south, in a parking space on the west side of Main Street, just*

north of 27th Street. The driver's door of the truck was opened. On the ground below the driver's side rear passenger door was a damaged projectile, a black holster, and a Glock handgun. In the grass/city right of way, there was a blood stain. Crime Scene Detectives were processing the scene.

Friday / 12-13-2024 / 1950:

Detectives Stapp and Johnston spoke with Officer Cardwell and obtained her personal information. Per FOP Attorney Phil Vogelsang, Detectives did not speak with Officer Cardwell about the incident and a written statement would be provided at a later date and time.

Attorney Vogelsang requested for he and Officer Cardwell to see the Body Worn Camera video on Monday 12/16/2024 at 1:30pm in the Cold Case Office.

Friday / 12-13-2024 / 1955:

Detectives Stapp and Johnston met with Officer M. Jones of the Body Worn Camera Unit. Officer Jones reviewed Officer Cardwell's Body Worn Camera with the Detectives.

Detective Johnston spoke with Detective T. Oliver, who had previously responded to UF Health Hospital, 655 West 8th Street, to speak with subject/victim Jason Arrington. Per Detective Oliver when he arrived, he first met with Crime Scene Detective S. Anderson in the trauma center. Next, Detective Oliver spoke with the subject/victim, Jason Arrington (b/m, 12-22-1984, **119.071(2)(j)1 F.S.** who stated he was traveling south on Main Street approaching West 27th Street. He said the light turned yellow as he was going through it and then it turned red. Arrington said a police officer stopped him and approached his vehicle, a 2004 GMC Yukon, from the passenger side. He said the officer asked him if he had anything on him and he replied, "I have a gun on me". Arrington said he exited his vehicle with his hands in the air and at this time he was approached



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*by two other officers (a male and a female). Arrington said the female officer “jerked” his weapon a couple of times as she was attempting to remove it from his waistline. Arrington said he asked the female to allow him to “loosen” his pants because they were tight around his waist in order to secure his weapon. He said as the female officer continued to “jerk” on his weapon, the weapon fired, striking him in his right leg. According to Arrington, he was leaving work and was on his way to the pawn shop at 27th and Main Street when the incident occurred.*

*Crime Scene Detective Anderson collected Arrington's clothing from UF Health and submitted it to the JSO Property Room. At the request of Detective Oliver, CSU Detective Anderson photographed Arrington's keys and Florida Driver's [License] which were released to him.*

*Friday / 12-13-2024 / 2005:*

*Detective Johnston briefed Commander Paul on the incident, to this point of the investigation.*

*Friday / 12-13-2024 / 2030:*

*Detective Johnston released Officer Cardwell from the scene, and she was advised that she was not being placed on administrative leave.*

*Detective Stapp collected drone photos and map from the responding Drone Unit Officers.*

*Friday / 12-13-2024 / 2045:*

*Cold Case Detective left the scene. Patrol Officers remained on scene while Crime Scene Detectives processed the scene.*

*Detective Johnston was contacted by CSU Det. Poff, who advised the subject's weapon (Glock model 30, .45 caliber), had one spent casing in the chamber of*

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*the firearm, and ten (10) live rounds of ammunition in the magazine. The firearm serial number was run through N.C.I.C by Patrol Officer Lowry and returned no HITS.*

**Investigative Note: NCIC refers to the National Crime Information Center and is a computerized index of criminal justice information to include information related to stolen firearms. A firearm receiving “no hits” indicated that there were no reports associated with the firearms in the NCIC database.**

*Monday / 12-16-2024 / 1000:*

*Cold Case Detectives reviewed the body-worn cameras for Officer Cardwell, Officer Weippert, and Officer Lowry.*

*Detective Johnston received notice from the JSO Firearms Laboratory that the subject’s firearm had been test-fired and there were no N.I.B.I.N. leads associated with the firearm.*

**Investigative Note: NIBIN refers to the National Integrated Ballistic Information Network which is an automated ballistic imaging network that captures and stores submitted ballistic evidence for comparison purposes. A test-fired firearm with “no N.I.B.I.N leads” indicated no ballistic evidence was submitted to the network that was associated with the test-fired weapon.**

*Monday / 12-16-2024 / 1130:*

*Due to notification of Officer Cardwell’s change in work status, the BWC review scheduled for 1330 hours was canceled.*

*Monday / 12-16-2024 / 1205:*

*Detective Johnston contacted JSO Victim’s Advocate Supervisor K. Hale and informed them of the incident and provided them with the subject Arrington’s contact information.*



*Monday / 12-16-2024 / 1225:*

*Detective Oliver checked out subject Arrington's Glock firearm w/magazine from the JSO Property Room. Detective Oliver transported the firearm to the JSO Gun Range where the trigger pull test was conducted by JSO Gun Range personnel. The test was conducted three times. The returned results were 6.5 pounds of pressure, 6.5 pounds of pressure, and 6.25 pounds of pressure needed to pull the trigger. The factory setting of the firearm was 5 pounds of pressure but per JSO Gun Range personnel, the trigger required more pressure most likely due to the lack of cleanliness of the firearm.*

*Monday / 12-16-2024 / 1430:*

*Detective Oliver returned the Glock firearm w/magazine to Arrington at his residence, and a signature form was completed for the return of the property.*

**CASE SUMMARY:**

*On 12-13-2024, Officer Lowry, while working the Group Violence Intervention initiative in District 1, witnessed a traffic infraction and performed a traffic stop on Main Street just north of 27th Street. During the traffic stop, Officer Lowry made contact with the driver and sole occupant of the SUV, Jason Arrington. When asked by Officer Lowry, Arrington disclosed that he had a firearm on his person. Officer Weippert and Officer Cardwell arrived on the scene of the traffic stop and Officer Lowry asked Arrington to exit the SUV and Arrington complied. Officer Lowry explained to Arrington that his firearm would be removed from his person and Arrington offered no objection. While Officer Cardwell was removing Arrington's holstered firearm that was stored on the inside of his pants, the firearm discharged. The projectile struck Arrington in the right upper thigh and exited near the interior of the right knee. The projectile was later located on the pavement near where Arrington was standing when the firearm discharged. Arrington was provided advanced first aid by Officers Weippert*

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*and Officer Cardwell until Jacksonville Fire and Rescue responded and transported Arrington to UF Health Hospital in stable condition.*

*A review of the body worn camera footage from Officer Lowry, Officer Weippert, and Officer Cardwell's cameras revealed that Officer Cardwell removed Arrington's firearm, which was inside the waistband of his pants, with her left hand while her right hand was on the clip of the holster on the outside of his pants. The video revealed Officer Cardwell's hand was inside the waistline of Arrington's pants when the firearm discharged. Officer Cardwell then removed the firearm, and her finger was observed on the trigger of the firearm.*

*The investigation revealed this was an unintentional discharge of a firearm and that the incident was not criminal in nature.*

### CASE STATUS:

*Case Cleared – Non-Criminal”*

- Body Worn Camera (BWC) video recorded footage which was digitally titled, “Lowry Video 2024-04-30 1711” that was obtained from Lowry's BWC. The video started on December 13, 2024, at 5:17 p.m. and was forty-three minutes and forty-four seconds long (00:43:44) in length and contained the following pertinent footage:
  - At the 00:00:31 mark, Lowry could be seen approaching Arrington's vehicle from the rear on the passenger side. Lowry could be heard stating, “*Lower your windows, all of them.*” The front passenger side window and the rear passenger side window were seen lowering as Lowry continued to approach the vehicle. Lowry was heard stating, “*What's up, my man?*”
  - At the 00:37:00 mark, Lowry was heard stating, “*You got a valid driver's license, proof of insurance, all that good stuff?*” Lowry then informed Arrington that he ran a red light stating, “*You blew that red light.*” Arrington stated, “*That light was yellow and turned red when I went under it.*” Lowry stated, “*It was red when you blew it.*”

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Arrington again stated, *"It was yellow"* and Lowry stated, *"Okay, well, I saw it, it was red."*

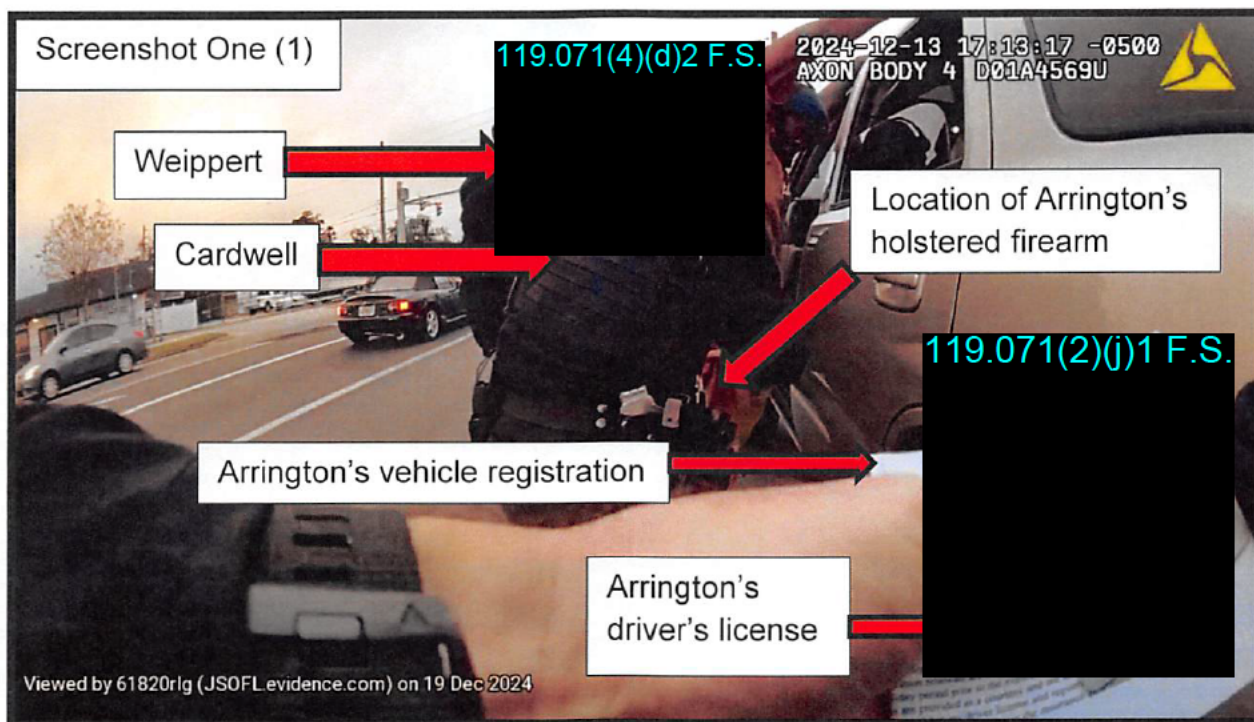
- At the 00:01:09 mark, Lowry was heard stating, *"Just hang tight."* He then asked Arrington if he *"had anything crazy in the car."* Arrington stated that he had a gun in the vehicle. Lowry was heard asking Arrington where the weapon was located and Arrington replied, *"On me."* Lowry stated, *"Okay, as long as you're cool."* Arrington stated, *"Oh, I'm chill."* Lowry was heard thanking Arrington for his *"honesty."* Arrington stated, *"I ain't gonna tell a lie."*
- At the 00:01:35 mark, Lowry asked Arrington if he had a concealed weapons permit and Arrington stated that he did not. Lowry then asked Arrington if he was a convicted felon and Arrington stated that he was not.
- At the 00:01:39 mark, Lowry was heard stating, *"Okay, so what we're going to do is, just for my safety, your safety, I'm gonna have you step out, alright? Fair enough? We're just going to remove the pistol from you and then we're going to run your license, make sure everything's good and I'm going to send you on your way."* Arrington could be heard asking Lowry if he should exit the vehicle on the driver's side. Lowry was heard stating, *"Hang tight, just do me a favor. Lower that window."*

**Investigative Note: Cardwell arrived at the traffic stop at 5:12 pm and parked her marked patrol vehicle behind Lowry's marked patrol vehicle. Weipert arrived seconds after Cardwell, also at 5:12 pm and parked his marked patrol vehicle behind Cardwell's marked Patrol Vehicle. Cardwell and Weippert both activated their BWC's at 5:12 pm.**

- At the 00:01:56 mark, Lowry was heard speaking to Cardwell and Weippert as they approached Arrington's vehicle stating, *"Hey, he's got a, he's very compliant, he does have a pistol on him so we're gonna take him out from that side, remove the pistol, and we'll go from there."*

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- At the 00:02:11 mark, Arrington could be seen exiting the driver's side front door of his vehicle. Weippert and Cardwell could be seen standing on the driver's side of the vehicle as Arrington exited.
- At the 00:02:14 mark, Lowry was seen walking around the rear of Arrington's vehicle to the driver's side of the vehicle.
- At the 00:02:19 mark, as depicted in Screenshot One (1), Lowry could be seen walking towards Weippert and Cardwell. Lowry was seen holding Arrington's driver's license and vehicle registration. Cardwell was seen attempting to remove Arrington's holstered firearm from the right side of his waistband. Note: The holstered firearm was not clearly depicted in Lowry's BWC.



- At the 00:02:21 mark, a loud bang could be heard, as Arrington's weapon was fired. As depicted in Screenshot Two (2), a projectile could be seen striking the ground at an angle, under Arrington's vehicle. The projectile was then seen ricocheting back, towards Main Street.





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- At the 00:02:23 mark, as depicted in Screenshot Three (3), Arrington could be seen bracing himself against his vehicle. Arrington's firearm was seen in Cardwell's left hand.



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- At the 00:02:26 mark, Weippert and Lowry could be heard telling Cardwell to “*put the gun down.*” Weippert could be seen assisting Arrington, helping him brace himself against Arrington’s vehicle.
- At the 00:02:30 mark, Weippert could be heard telling Lowry to call for rescue. Lowry could then be heard calling for rescue to respond stating, “*Rescue 10-68 [Rescue needed – appears in acute distress].*”
- At the 00:02:45 mark, as depicted in Screenshot Four (4), Weippert could be seen assisting Arrington to a grassy area off the roadway. Blood could be seen on Arrington’s pants, near his right knee.



- At the 00:02:55 mark, Weippert could be seen applying a tourniquet to Arrington’s right leg, above Arrington’s knee.
- At the 00:04:43 mark, Weippert could be seen cutting Arrington’s pants to determine if there were additional injuries above the tourniquet affixed to Arrington’s leg.

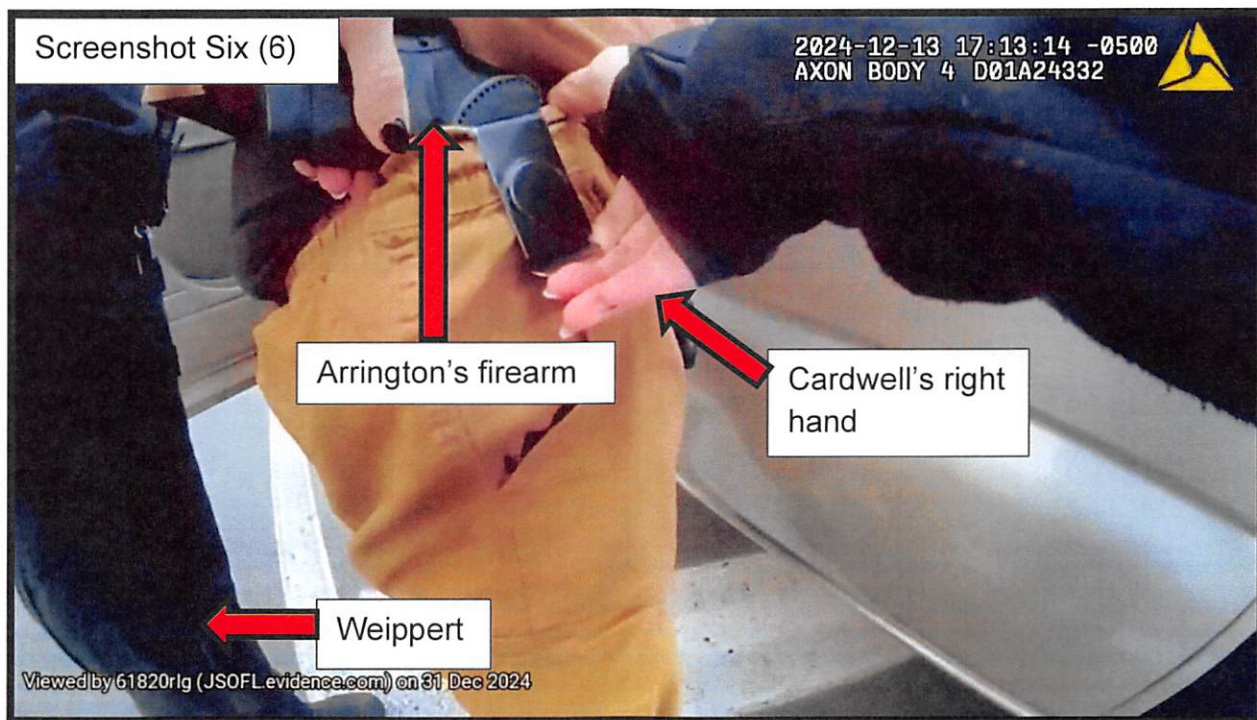


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- At the 00:05:23 mark, Weippert could be seen placing a bandage on Arrington's right thigh above the tourniquet.
- At the 00:05:40 mark, Weippert could be seen looking at a wound on Arrington's right leg, below the affixed tourniquet. Weippert could be heard stating, "The bleeding stopped." Weippert could then be seen placing a compression bandage on Arrington's leg on the wound below the affixed tourniquet.
- At the 00:07:34 mark, the Jacksonville Fire and Rescue Department (JFRD) was seen arriving at the scene. Weippert was heard asking Lowry about the location of Arrington's firearm. As depicted in Screenshot Five (5), the firearm could be seen on the ground on the driver's side of Arrington's vehicle.



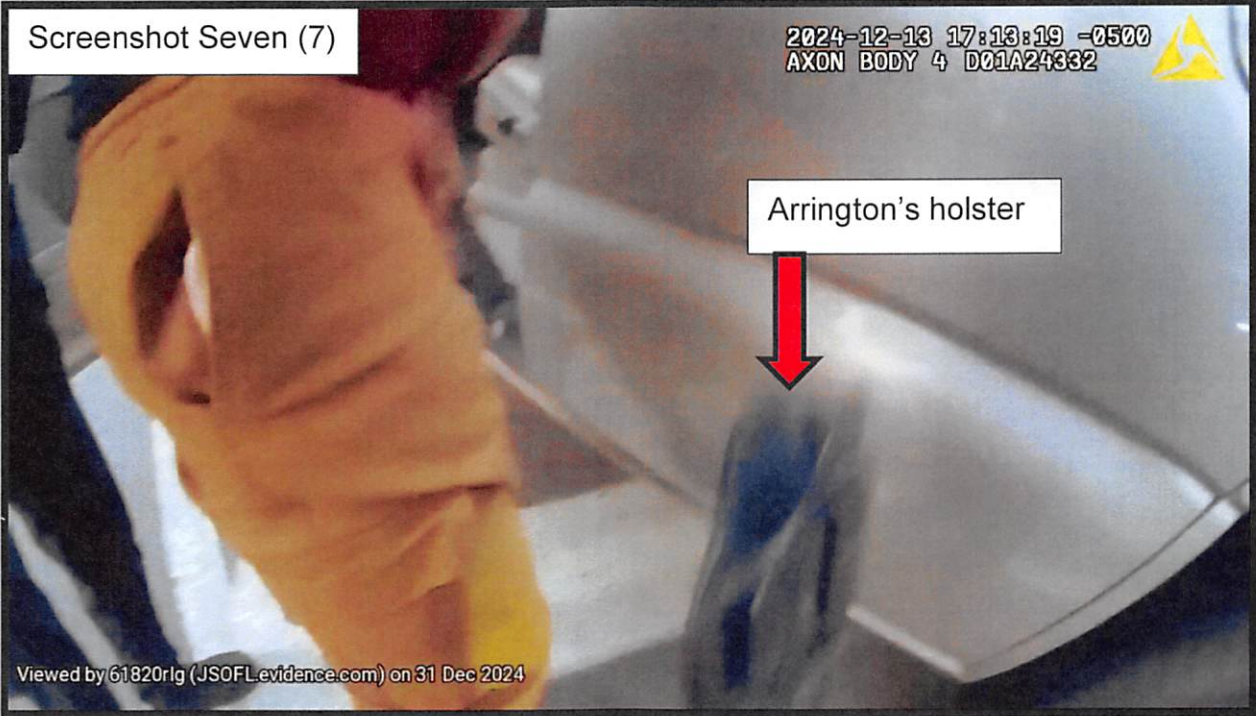
- Cardwell's BWC, digitally titled, "Cardwell Video 2024-12-13-1712" was reviewed by Internal Affairs. The following screenshots documented the view from Cardwell's BWC as she was seen attempting to remove Arrington's firearm from his waistband and the events immediately following the discharge of Arrington's firearm.
  - Screenshot Six (6), taken from the 00:00:59 mark, showed Cardwell's right hand being placed on the holster attached to Arrington's waistband. Weippert could be seen standing directly behind Arrington. As depicted in Screenshot Six (6), the holster was attached to Arrington's waistband with a clip. The portion of the holster holding the firearm was seen inside Arrington's pants. Arrington was not wearing a belt.



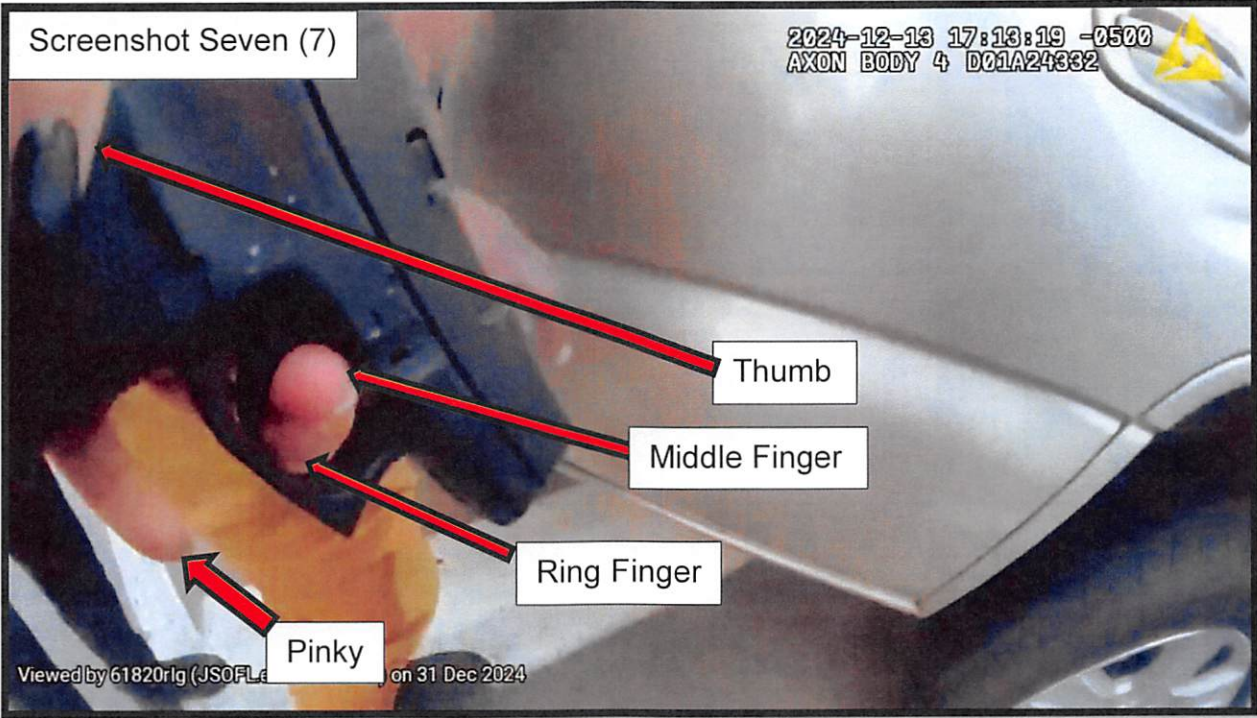


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- At the 00:01:38 mark, a loud bang could be heard and as depicted in Screenshot Seven (7), Arrington's holster could be seen falling to the ground.



- At the 00:01:04 mark, as depicted in Screenshot Seven (7), Cardwell's left hand could be seen holding Arrington's firearm. Cardwell's left middle finger, and left ring finger, could be seen inside the trigger guard and on the trigger of the weapon. Cardwell's thumb could be seen around the backstrap of Arrington's weapon, just below the slide.



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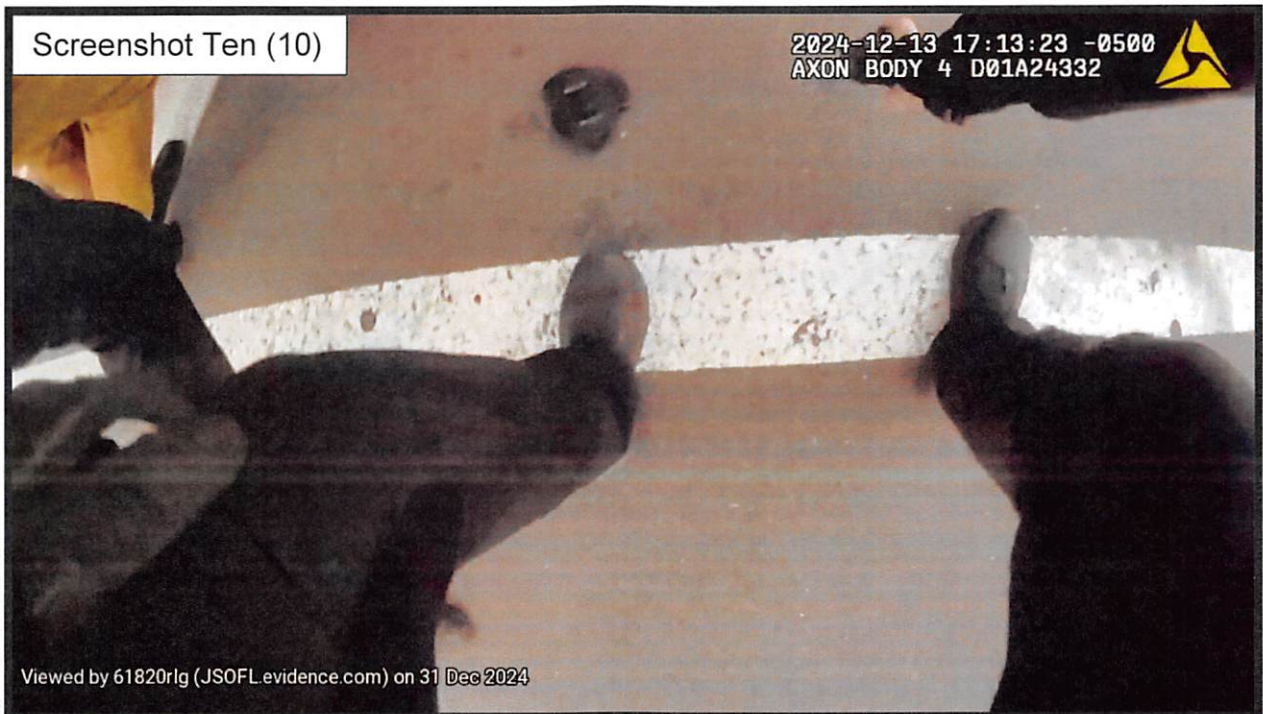
- At the 00:01:06 mark, Cardwell could be seen transitioning Arrington's firearm from her left hand to her right hand, as depicted in Screenshot Eight (8).





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- At the 00:01:07 mark, Cardwell could be seen bending down to place Arrington's firearm on the ground as depicted in Screenshot Nine (9) and Screenshot Ten (10).





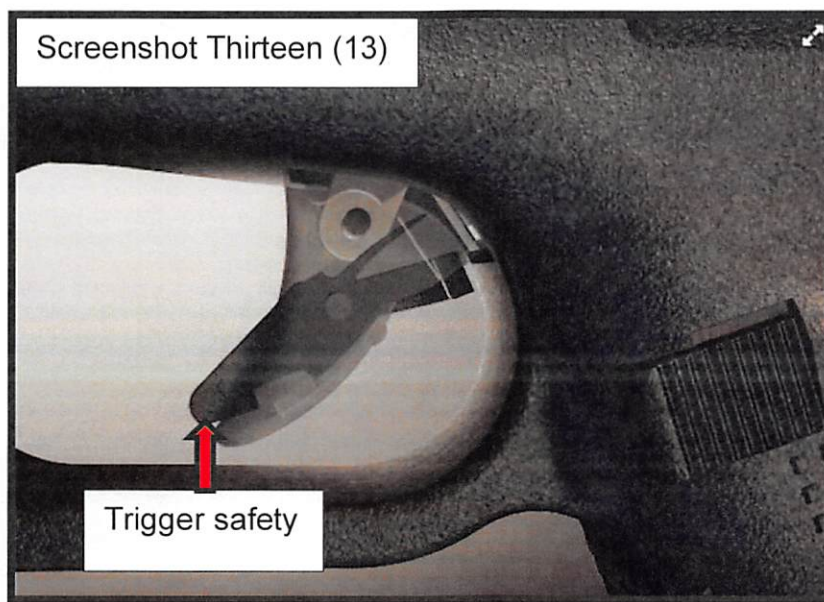
- Weippert's BWC digitally titled "Weippert Video 2024-12-13-1712" was reviewed by Internal Affairs. At the 00:00:59 mark, as depicted in Screenshot Eleven (11), after Arrington's firearm was discharged, Weippert could be seen bracing Arrington with his left hand. Weippert could also be seen placing his right hand on Cardwell's right arm while she was still holding Arrington's firearm. Weippert could be seen moving Cardwell's arm away from Arrington.



**Investigative Note:** As stated in the Cold Case Unit report, Arrington was carrying a Glock Firearm. The Cold Case Unit also obtained a Cartridge Case Image Comparison from the JSO Crime Gun Intelligence Center (CGIC) which indicated that Arrington's weapon was a Generation Four (4) Glock Model 30. According to the Glock Incorporated website (<https://us.glock.com>), Glock firearms contain a "SAFE ACTION" system which includes a safety incorporated in the trigger of the firearm. According to the website, *"To fire the pistol, the trigger safety and the trigger itself must be deliberately depressed at the same time. If the trigger safety is not depressed, the trigger will not move rearwards and allow the pistol to fire."*



The same mechanism was utilized in the JSO issued Generation Four (4) Glock Model 17. Internal Affairs obtained Screenshot Twelve (12) and Screenshot Thirteen (13) from <https://us.glock.com>. The firearm depicted in Screenshot Twelve and Screenshot Thirteen (13) is the same model and generation of Arrington's firearm.



- Legal Bulletin 2023-04, issued by the JSO. The Legal Bulletin was created by Gaby Young from the City of Jacksonville Office of the General Counsel. Young was the acting Legal Advisor for the JSO. The Legal Bulletin was published on June 15, 2023, and the purpose of the Legal Bulletin was to make members of the JSO aware of Florida House Bill 543 which expanded the rights in Florida to carry a firearm or other weapon in a concealed manner and contained the following pertinent information:
  - *“SUMMARY: Effective July 1, 2023, the laws regarding the concealed carry of firearms and weapons will change. It will no longer be necessary for people to have a concealed weapons license (CWL) to carry a firearm or other weapon in a concealed manner, provided they are eligible to receive and maintain a concealed weapons license.*
  - *Purpose: In this detailed and comprehensive bulletin, there are two flow charts, scenarios, and on-field practice tips. After reading this bulletin, you may find that without prior knowledge of the suspect’s ineligibility to have a concealed firearm or weapon, it will be difficult to develop enough facts to make an arrest on the spot for CWL. Most likely, you will have to do a follow-up investigation and seek a warrant from the State Attorney’s Office (SAO). As frustrating as that may be, the legislative purpose of this law was to expand the right to allow for concealed carry, not restrict it.*
  - *Key Points: A person no longer needs a permit to carry a concealed firearm or weapon provided that the person could get a permit. A person may still have a CWP for conceal carry in other states or to avoid the 3-day waiting period after purchasing a firearm in Florida under F.S. 790.0655(2)(a).*
  - *BILL CS/HB 545: Effective July 1, 2023, F.S. 790.01(1) will authorize a person to carry a concealed weapon (including an electric weapon) or firearm if he/she either:*
    - (a) Has a concealed weapons license under F.S. 790.06;*
    - OR-*
    - (b) Is not licensed, but otherwise satisfies the criteria for receiving and maintaining a concealed weapons license.*



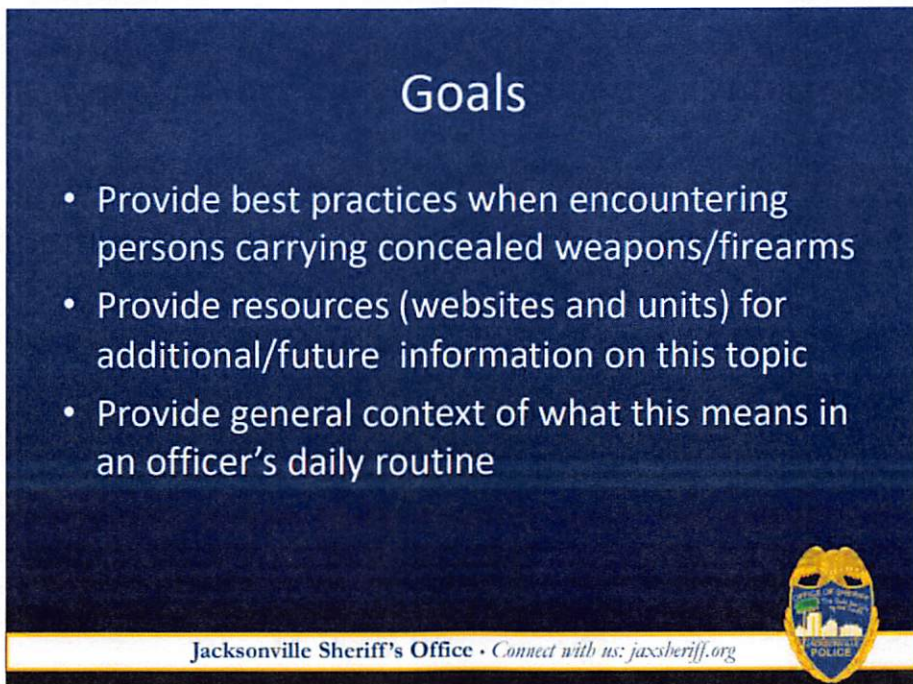
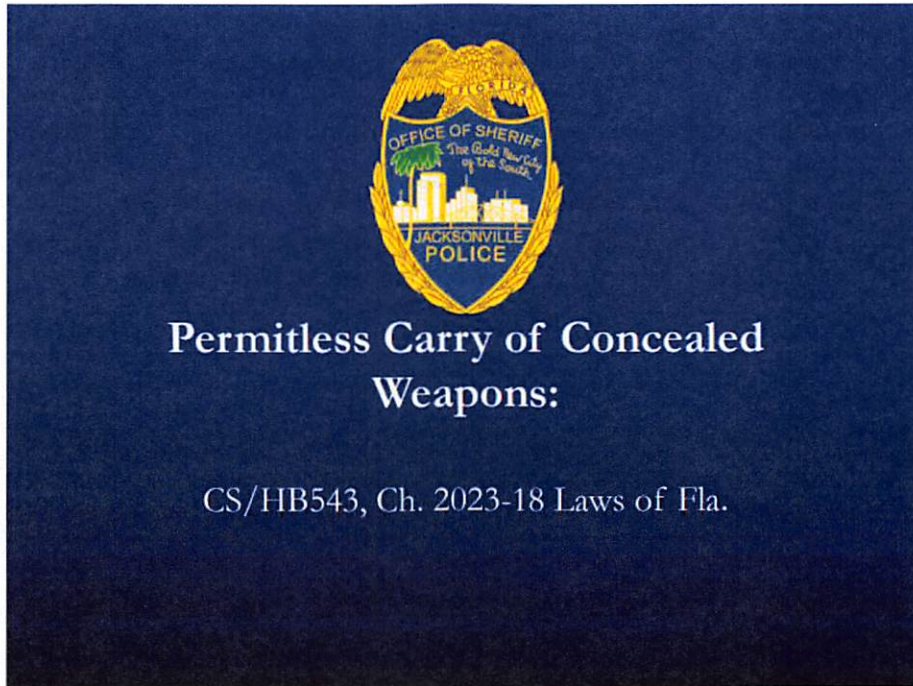
## Case #2024-0993

- *CONCEALED (refresher): For a firearm or weapon to be concealed, it must be (1) on or about the person and (2) hidden from the ordinary sight of another person. F.S. 790.001(2)-(3).*

*A firearm or weapon is on or about the person if it is:*

- *Physically on the person. Ensor v. State, 403 So.2d 349 (Fla. 1981).*
- *In close proximity to a person within easy reach. Bailey v. State, 442 So. 2d 385 (Fla. 2d DCA 1983).*
- *Readily accessible to a person. Ensor v. State, 403 So.2d 349 (Fla. 1981)*
- *IDENTIFICATION REQUIREMENTS: F.S. 790.013 requires that a person who carries a concealed weapon or firearm without a CWL must always carry valid identification when he or she is in possession of the weapon or firearm and shall display the identification upon demand by a law enforcement officer.*
- *NOTE: Officers should only detain or arrest for concealed carry if both are true: (1) a person does not have a concealed weapons license; and (2) a person is not eligible to receive and maintain a concealed weapons license.*
- *SCENARIO: A person has a concealed firearm or weapon. Can I detain them and investigate to see if he has a concealed weapons license? No, unless there is reasonable suspicion or probable cause for arrest.*
  - *F.S. 790.01(4) provides that “the state bears the burden of proving, as an element of the offense, both that a person is not licensed [to carry a concealed firearm] and that the person is ineligible to receive and maintain such a license.*
  - *F.S. 790.01(4) provides that “the state bears the burden of proving, as an element of the offense, both that a person is not licensed [to carry a concealed firearm] and that the person is ineligible to receive and maintain such a license.*
  - *Therefore, in order to detain that person based on them having a concealed firearm, you need reasonable suspicion that the person (1) does not have a concealed weapons license; and (2) is ineligible to receive and maintain a concealed weapons license.*
  - *A person carrying a concealed firearm or weapon has NO burden to prove to you that they have a concealed weapons license or that they are eligible to receive and maintain a concealed weapons license.”*

- On June 1, 2023, Information Bulletin 2023-083 was issued and emailed to all members of the JSO, announcing Mandatory June Online Training. On June 15, 2023, Information Bulletin 2023-083 was amended to include training on “Permitless Carry of Concealed Weapons” and included a Microsoft PowerPoint presentation. The presentation contained the following nineteen (19) slides:





## July 1, 2023

- Beginning July 1<sup>st</sup> 2023, Florida is allowing individuals who would qualify for a concealed weapons license (CWL) to carry a concealed weapon without obtaining a CWL.
- It will no longer be necessary for an individual to apply for a CWL and complete the necessary background check, fingerprinting, or training to carry a concealed weapon.
- This law does NOT permit the open carrying of firearms (that law is unchanged).

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## Legal Bulletin/Memo

- Legal Bulletin/Memorandum, etc. 2023-04 was issued and provides a complete overview, to include the list of mandatory requirements a citizen must satisfy for permitless carry
- Additionally, this bulletin provides the list of locations where concealed carry is prohibited
- Patrol officers will receive additional in-person roll call training where these requirements will be discussed
- You are encouraged to review this bulletin again and ask any questions of your supervisor or commanding officer about any of the specific requirements outlined in the memo
- LINK TO DOCUMENT: [click here](#)

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## Overview

- The intent of the law is to allow law abiding citizens, who meet the current CWL permit criteria, to carry a gun and exercise their 2<sup>nd</sup> amendment right without the need of obtaining a CWP
- Florida is not the first state to adopt a permitless carry law; and case law in other states that have adopted similar laws have not demonstrated cause for concern regarding any specific legal issues related to interactions between law abiding citizens and law enforcement officers

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## Best Practices

- Officer safety is paramount in any situation to which you respond, and this law does not change that fact
- However, understand that Carrying Concealed Weapons (CCW) *charges* will no longer be valid in certain circumstances
- An NCIC entry is only a starting point in the inquiry into a person's eligibility to carry a concealed firearm or weapon without a permit. Although an NCIC entry may point toward a prohibition, it is a conviction without restoration of rights or a commitment without the granting of subsequent relief from the disability that is the prohibition

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## Investigative Procedures

When encountering an individual who is armed with a concealed weapon/firearm, there are two levels of investigative procedures:

1. Field Contact- eligibility requirements that can be easily verified in the field
  - a) If they satisfy the Field Contact requirements, release from scene and do not seize the weapon
  - b) If they do not satisfy requirements, arrest and seize the weapon
2. Follow Up Investigation- eligibility requirements that are not easily accessible during Field Contact
  - a) Consult On Call CGIC supervisor
  - b) Go to SAO and discuss the possibility of an arrest warrant

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## Eligibility Requirements (Field Contact)

- Resident/Citizen of US, Permanent Resident Alien, or Eligible Consular Security Official
- 21 years of age or older, unless a servicemember or a veteran who was honorably discharged
- Not a convicted felon OR adjudicated delinquent under the age of 25
- No current injunction that is currently in force for domestic or repeat violence
- Not prohibited from purchasing or possessing a firearm by any other Florida or Federal Law [marijuana card is not federally allowed]
- Not illegally possessing a controlled substance

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## Eligibility Requirements (Follow Up Investigation)

- No physical infirmity preventing the safe handling of a weapon or firearm
- Has not been committed under FS Chapter 397 (Marchman Act) for abusing a controlled substance
- Does not chronically and habitually use alcoholic beverages to the extent that normal faculties are impaired
  - This can be presumed if convicted under FS 790.151 (Using a firearm with normal faculties impaired), a habitual offender under FS 856.011(3) (Disorderly Intoxication) and two (2) or more convictions under FS 316.193 (DUI) within the last three (3) years
- Has not been adjudicated an incapacitated person in a guardianship proceeding under FS 744.331
- Has not been COMMITTED to a mental institution under FS Chapter 394 (Mere intake at a Baker Act facility without commitment is insufficient)
- Not found guilty of a crime under FS 893 within the last three (3) years
- No adjudication of guilt withheld, or imposition of sentence suspended on any felony or one misdemeanor crime of domestic violence, unless three (3) years have lapsed since probation, or any other conditions set by court have been fulfilled or record has been expunged

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## Identification Requirements

- FSS 790.013 requires valid identification at all times when in possession of a concealed weapon/firearm
- Shall display identification to LEO upon demand
- Failure to display ID upon demand is a Non Criminal violation with a \$25 fine on an NTA (Civil Citation)

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## Private Conveyances

- Persons 18-20 years of age lawfully in possession of weapon/firearm may possess the weapon in the interior of a private conveyance as long as it is **securely encased OR not readily accessible for immediate use**
- Commercial buses, ride-shares or taxis, are not private conveyances.

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## Reciprocity

- Nonresidents must meet same requirements as Florida resident
- Florida recognizes any other state's CWL even if that state does not recognize Florida's CWL
- The officer should verify the individual has not been prohibited since the issuance of the out of state CWL (Follow Up Investigation may be necessary to verify this information)

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## Changes to Prohibited Locations

- FSS 790.145 has been repealed and carrying of a concealed weapon/firearm is now allowed in a pharmacy
- JSO or any other LEO is allowed to carry a firearm in any of the prohibited locations if the officer is acting within the course and scope of his/her employment or official duties



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## Agency Resources

- The burden of proving an individual does not satisfy eligibility requirements falls on the investigating officer
- CORE can be used to research eligibility requirements [CORE - Clerk Online Resource aPortal \(duvalclerk.com\)](http://CORE-ClerkOnlineResource.aPortal.duvalclerk.com)
- Additionally, the On-Call Crime Gun Intelligence Center (CGIC) Supervisor can be contacted for guidance with supervisor approval



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## Daily Life of the Officer

- In short, understand researching many of these eligibility requirements will take time
- It's generally best to slow down and use all available resources to determine if a concealed weapons charge is appropriate when you have an articulable reason to detain an individual and locate a gun on his person
  - *Example: You detain someone for commission of a separate offense and locate a gun in his jacket pocket*
  - *Use your resources and see if he meets the eligibility requirements or should receive an additional CCW charge*

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## Daily Life (cont.)

- However, for individuals whom you are merely in a consensual encounter with, understand if you don't develop articulable reasonable suspicion this person committed a crime, is committing a crime, or is about to commit a crime, you don't have a right to detain them just because you believe they may be armed
  - *Example: You stop and talk to an individual walking down the street in the middle of the afternoon who informs you he is armed at the onset of your conversation*
  - *He voluntarily offers you an ID showing he's 21 years old and lives in the area*
  - *After a brief conversation that doesn't implicate him in any wrongdoing or provide any articulable reason to detain him further, he states he wants to leave*
  - *You don't have the authority to detain him further to confirm he meets the eligibility requirements for permitless carry*

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## Recap

- July 1, 2023, there is a new law allowing permitless carry for law abiding citizens who meet certain criteria
- The intent of the law is to allow law abiding citizens, who meet the current CWL permit criteria, to carry a gun without a CWP and exercise their 2<sup>nd</sup> amendment right
- Use available resources for determining if an individual is eligible for permitless carry, such a CORE or the CGIC Unit when time allows
- Understand this research may take more time than what a consensual encounter will allow

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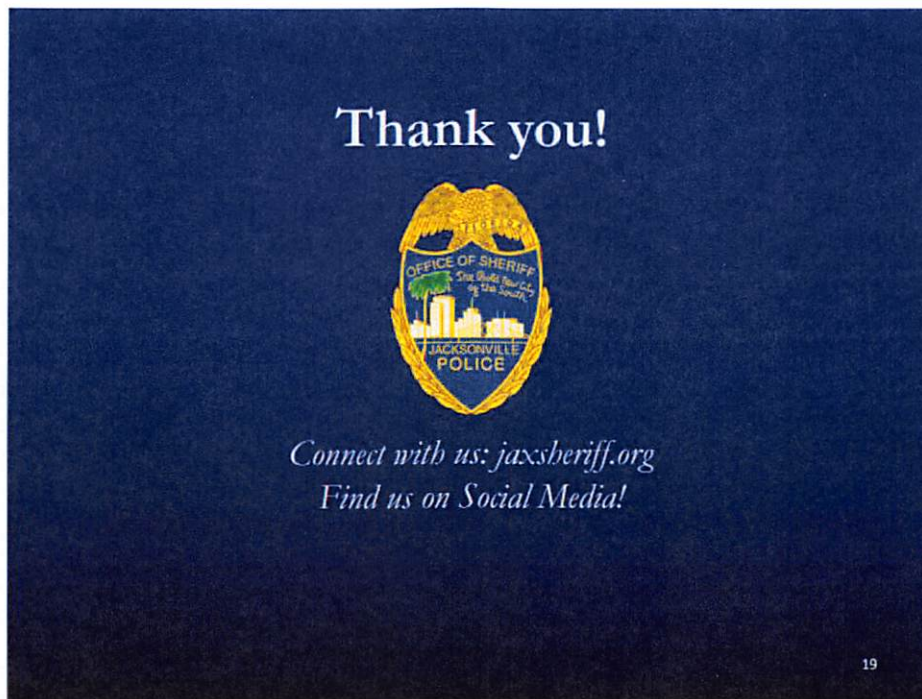
## Conclusion

- For any questions about this training, contact the CGIC Unit at 119.071(4)(d)2 F.S.

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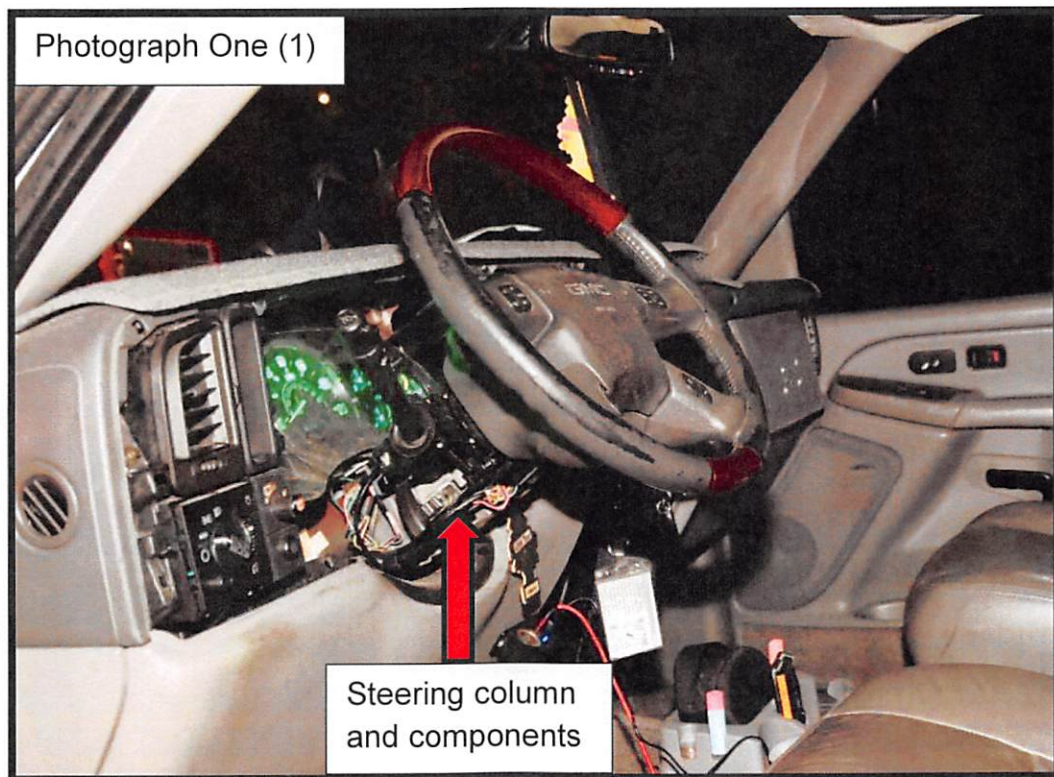


**Investigative Note:** The JSO provided monthly mandatory training through the Power DMS online application. Additionally, the JSO issued Legal Bulletins through the Power DMS online application. Members of the JSO are required to review the provided training and sign off on issued Legal Bulletins. Internal Affairs located the following information on Power DMS:

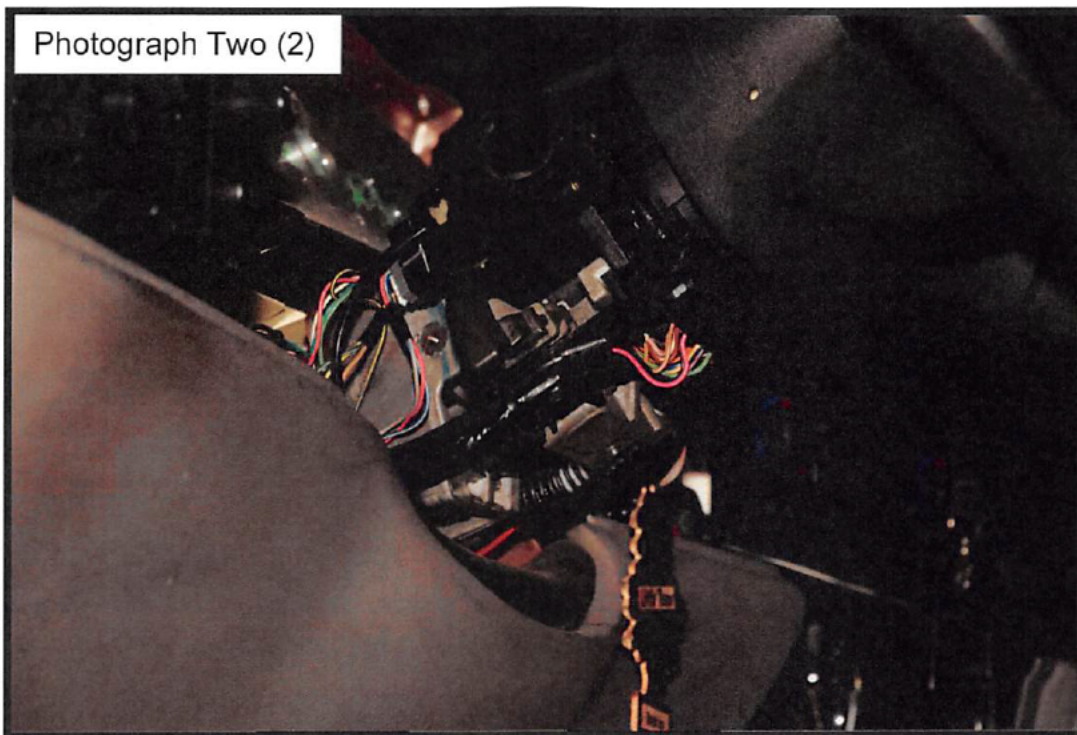
- Weippert completed the Mandatory online Training on Permitless Carry of Concealed Weapons on June 21, 2023.
- Weippert acknowledged Legal Bulletin 2023-04 on June 21, 2023
- Lowry completed the Mandatory online Training on Permitless Carry of Concealed Weapons on June 19, 2023.
- Lowery acknowledged Legal Bulletin 2023-04 on June 13, 2023
- Cardwell completed the Mandatory online Training on Permitless Carry of Concealed Weapons on June 17, 2023.
- Cardwell acknowledged Legal Bulletin 2023-04 on June 17, 2023.

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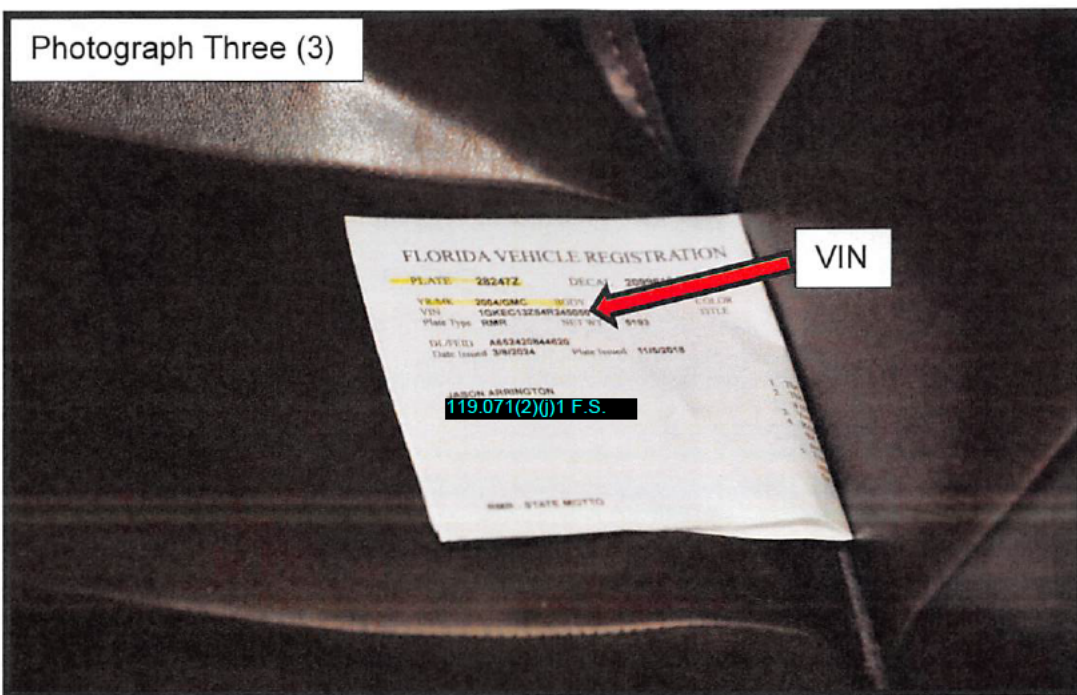
- Crime scene photographs taken by the JSO Crime Scene Unit. The photographs were taken at the scene of the incident documented under CCR# 2024-0756356. All photographs taken at the scene were included in the Cold Case Unit case file and the administrative case file.
  - Photograph One (1) and Photograph Two (2) are images of the interior of Arrington's vehicle. As seen in Photograph One (1) and Photograph Two (2), the steering column cover was removed, leaving the steering wheel column and associated wiring exposed.





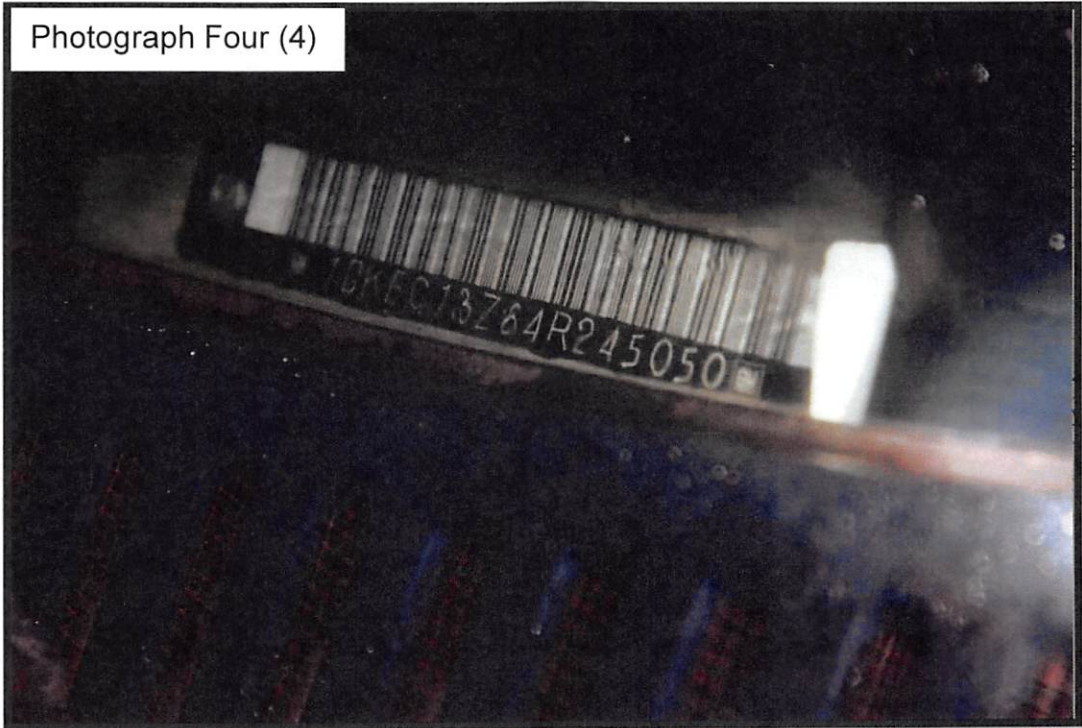


- Photograph Three (3) depicted Arrington's vehicle registration which included the Vehicle Identification Number (VIN) of 1GKEC132Z8R245050.





- Photograph Four (4) depicted the VIN from the interior of the windshield on Arrington’s vehicle. The VIN on the windshield was 1GKEC13Z84R245050, which matches Arrington’s vehicle registration.



## INTERVIEWS

**Investigative Note:** Internal Affairs attempted to contact Arrington on December 27, 2024, via telephone and left a message with instructions to call the Internal Affairs Unit if he wished to make a statement in reference to this administrative investigation. As of January 9, 2025, Arrington had not contacted the Internal Affairs Unit. On December 26, 2024, Arrington participated in a press conference in the presence of an attorney. Arrington made the following statements:

- *“She tugged on the gun the first time, and then she tugged again,” Arrington said. “And that’s when I told her, ‘Hey, just let me unloosen my belt because it’s tight.’ And I guess, I don’t know, she might have got nervous or whatever, but she pulled harder two more times, and that’s when the gun, it discharged.”*
- *“It messed with me as far as me working and stuff. Certain things in my job I can’t do no more, perform, like getting up on equipment and stuff, different things. I have to get on top of trains and unload stuff, forklift, crane, whatever I have to do at my job. It’s kind of hard for me to do it. I can do it, but it’s challenging, like real bad.”*

On January 6, 2025, at 6:31 p.m., Internal Affairs obtained a sworn, recorded statement from Police Officer Shaun Lowry #84209. Detective R.L. Green #61820 and Detective Kyle Thompson #68992 were present for the interview. Ken Palmer with the Fraternal Order of Police (FOP) was also present for the interview.

Lowry stated that he has been with the JSO for approximately four (4) years. Lowry stated that he is assigned to patrol but on December 13, 2024, he was working enforcement related secondary employment for the GVI initiative. Lowry stated that typically his duties while working the GVI initiative were *“police work, stopping violent crimes, looking for stolen vehicles, guns, drugs.”* Lowry recalled that while working the deployment, he observed Arrington’s vehicle traveling south on Main Street. Lowry stated that Arrington’s vehicle went through the intersection of 30th Street, after the traffic light at the intersection turned red and Lowry turned his marked police vehicle around and

initiated a traffic stop. Lowry recalled that as he approached Arrington's vehicle, he observed that the window tint was dark, and it was difficult to see the interior of the vehicle. Lowry stated he asked Arrington to roll the windows of the vehicle down. Lowry stated, *"I had suspicions about the vehicle. The vehicle had some wires hanging from the center of the column for where the ignition is, so I didn't know if it was a stolen vehicle. I didn't know anything about [Arrington]. I just asked for his driver's license, proof of insurance, and we went from there."* Lowry testified that he has encountered stolen vehicles in the past and that in his experience he has observed that suspects *"break the steering columns and there's no key in the ignition."* Lowry stated Arrington's vehicle appeared to start without a key. Lowry stated as he continued to speak with Arrington, he began asking if there was anything inside the vehicle. Lowry recalled that he asked Arrington if he had anything *"crazy"* inside the vehicle and Arrington informed him he had a firearm, and that the firearm was *"on [Arrington's] person."*

Lowry stated that he made the decision to remove Arrington from the vehicle. Internal Affairs asked Lowry why he made the decision to remove Arrington from the vehicle and Lowry stated, *"Officer safety, I would rather have an individual step out of the vehicle where I can conduct my investigation and then put him back inside the vehicle."* Lowry stated that he asked Arrington if he would get out of the vehicle and Arrington stated, *"Yes."* Internal Affairs asked Lowry to clarify the conversation with Arrington in reference to asking Arrington if he would get out of the vehicle. Internal Affairs played Lowry's BWC in order to hear the conversation. Lowry stated that he felt that when he stated, *"So what we're going to do is, just for my safety, your safety, I'm going to have you step out, alright, fair enough?"* Arrington *"shook his head."* Lowry initially stated he did not know what he would have done if Arrington had refused to exit the vehicle however, Lowry then stated, *"Well, to backtrack on that question, actually, I would have the other officers come on scene and we would try to detain him as best as we could. We know that he's in a vehicle. We know that he could flee the scene, but we would try to do it as safe as possible."* Lowry further stated, *"I wasn't going to alert him. I was going to gather his information first before, before I was even able to run his information or anything like that, the incident happened, but I would run his information or figure out if the vehicle actually did belong to him. I have stopped vehicles before where we've had*



*wires hanging out. I'd rather take the information, go back to the vehicle, my vehicle, run his information and make sure that it's actually not stolen."* Lowry maintained that the reason he had Arrington exit the vehicle was because he did not know if the vehicle was stolen, due to the broken steering column cover. Lowry stated, *"Removing him from the vehicle was because I thought it was a stolen vehicle, that he was operating it."* Lowry stated he could not tell from Arrington's demeanor if the vehicle was stolen stating, *"I've encountered individuals that have been calm with his demeanor that he had, and I've also had individuals that have been completely out of their minds."* Lowry further stated, *"I knew that he had a pistol on him, and I prefer to have him outside the vehicle. I prefer to not have him flee the scene, because then we would have a bigger issue."*

Lowry stated that prior to the traffic stop he did not communicate his reasoning for stopping Arrington to Cardwell or Weippert. Lowry stated he did not provide Cardwell or Weippert with any information other than Arrington had a firearm on him and that he wanted to remove the firearm from Arrington while completing his investigation.

Lowry stated he did not see Cardwell pull the trigger on Arrington's firearm, but he heard the gunshot. Lowry stated if he had seen Cardwell attempting to remove Arrington's firearm in an unsafe manner, he would have stopped her or assisted her in safely removing Arrington's firearm.

Lowry stated he was familiar with the changes in the concealed weapons law in Florida and he felt that he still conducted the traffic stop and subsequent removal of Arrington from the vehicle without violating Arrington's rights. Lowry stated, *"Due to the vehicle possibly being a stolen vehicle, it's kind of; I didn't know what we had until we were able to verify him."* Lowry stated that had potential evidence of a stolen vehicle not been present during the traffic stop with Arrington, he would not have removed Arrington from his vehicle.

On January 6, 2025, at 7:36 p.m., Internal Affairs obtained a sworn, recorded statement from Police Officer Austin Weippert #84193. Detective R.L. Green #61820 and Detective Kyle Thompson #68992 were present for the interview. Ken Palmer with the Fraternal Order of Police (FOP) was also present for the interview.

Weippert stated that he has been with the JSO for approximately four (4) years. Weippert stated that he is assigned to patrol but on December 13, 2024, he was working enforcement related secondary employment for the GVI initiative. Weippert stated that during GVI initiatives, the officers typically conduct *“proactive police work targeted in violent crime areas.”* Weippert stated that the area he was assigned to on December 13, 2024, is also the area he works during his regularly assigned shift, and he knows the area well. Weippert stated that the locations he was assigned *“have gang issues”*, and during the GVI initiative the officers are proactive. Weippert stated, *“We try to do traffic stops in those areas and hopefully either recover stolen vehicles, firearms and arrest violent criminals or gang members.”*

Weippert stated that prior to arriving to assist Lowry with the traffic stop, Lowry did not communicate with him. Weippert stated that he saw Lowry as he initiated his emergency equipment, and he turned his marked police vehicle around to assist Lowry. Weippert estimated that he arrived approximately thirty (30) seconds after Lowry initiated the traffic stop on Arrington. Weippert stated, *“I get out of my vehicle, and as I’m approaching, he just tells me that the driver was armed, but he said he was compliant and that we were going to just get him out of the vehicle and disarm him.”* Weippert recalled that he did not question Lowry stating, *“If I’m backing up an officer, if he tells me something, you know I’m trusting him. So, I went around because I wasn’t sure what he had going on with the vehicle, but I just moved to get the driver out of the driver’s seat and disarm him.”* Weippert stated that when he made contact with Arrington on the driver’s side of the vehicle, he asked Arrington where his firearm was, and Arrington informed him that the firearm was on his side. Weippert stated, *“I had him exit the vehicle, and then had him place his hands on top of the vehicle, and then I just watched his hands and like maintained a position behind him, and then officer Cardwell began disarming him.”*

Weippert stated that he was not watching Cardwell as she attempted to disarm Arrington and did not see Cardwell discharge the firearm. Weippert stated, *"I was watching the driver's hands, and it really happened so fast. We got him out, I had his hands on top of the vehicle. It seemed like I was only watching for a second, and then the gunshot occurred."* Weippert stated, *"At first, because my ears were ringing, I was kind of still trying to figure out what happened, and then when I looked over, I realized that Officer Cardwell had the firearm in her hand, and I realized that, like a gunshot had occurred, and then I began scanning the subject's legs, and everyone trying to see if anyone had been hit, and then that's when I started to realize that the driver had been hit in the right leg."* Internal Affairs asked Weippert if he observed Cardwell struggling with Arrington's firearm or holster. Weippert stated, *"I didn't see her struggling. It did appear that it was like taking slightly longer than usual to remove a firearm, but I didn't see what I would consider her struggling to remove the firearm."* Weippert stated that he did not recall grabbing Cardwell's arm after she fired Arrington's firearm. Weippert recalled telling Cardwell to put the firearm down. Weippert stated that his intention in telling Cardwell to put the firearm down was so that they could focus on attending to Arrington's injury. Weippert stated, *"I just started giving direction because, I mean, unfortunately, I deal with gunshot victims a lot in my area, and so when I'm not hearing everybody else working, I just start directing people to do things so like, my priority is, like, I realize I'm going to be taking care of him, so I need someone to get on the radio to call rescue."*

Weippert described treating Arrington's injury stating, *"So I'm familiar with how to treat gunshot wounds. I knew that the entry wound was probably somewhere higher, but I could see that it was obviously his exit wound, which had the arterial blood coming out of it was lower. So, I was just trying to get the tourniquet as high as possible and cinch it down to stop the bleeding."* Weippert further stated, *"Once I got the tourniquet applied, I had to run to my patrol car to grab my med bag, to get my shears so I could cut his pants off and find his entry and exit wounds and once I found the entry wound wasn't bleeding bad, so I just focused on the exit wound, and I applied a compression bandage that Officer Cardwell gave him from her med bag."*

Weippert stated that he was aware of the changes to the concealed weapon law, but Weippert added, *"But still for like officer safety reasons, if I believe that I have a*



*reasonable suspicion that a crime has occurred, I'm still going to attempt to disarm any suspects."*

**On January 6, 2025, at 7:36 p.m., Internal Affairs obtained a sworn, recorded statement from Police Officer Mindy Cardwell #73735. Detective R.L. Green #61820 and Detective Kyle Thompson #68992 were present for the interview. Steve Zona with the Fraternal Order of Police (FOP) was also present for the interview.**

Cardwell stated she has been with JSO for approximately five (5) years. Cardwell confirmed she received the required eighty (80) hours of firearms training during her Basic Law Enforcement (BLE) training in addition to attending all required JSO in-service training to include firearms training and requalification. Cardwell stated that she was familiar with firearms to include the Glock firearm.

Cardwell stated that she is assigned to patrol but on December 13, 2024, she was working enforcement related secondary employment for the GVI initiative. Cardwell recalled that she heard Lowry conducting a traffic stop on her police radio and went to assist him with the traffic stop. Cardwell stated, *"It's our general practice when one of us does a suspicious person or a traffic stop, we, especially when; there was only three of us that evening, we all go together."* Cardwell stated other than Lowry notifying the police dispatcher of his traffic stop, there was no communication from Lowry in reference to the traffic stop. Cardwell stated when she arrived, Lowry was already communicating with Arrington at Arrington's vehicle. Cardwell stated, *"I walked up to Lowry, who was on the passenger side of the vehicle. He communicated to me that the driver was being compliant, but had a firearm on his person, and that we were removing him from the vehicle and removing the firearm from his person."* Cardwell stated that Lowry did not provide any additional information in reference to his reasoning for removing Arrington from the vehicle. Cardwell stated, *"Officer Weippert approached the driver on the driver's side, asked him to step out of the vehicle. He asked him where the pistol was, and the driver said, 'It's on my side. Weipert turned him around, had him put his hands on top of the hood of the car while I went to go retrieve the firearm from his right side."* Cardwell testified she had difficulty removing the firearm and holster from Arrington's side stating, *"The holster was not coming off the pants, which is, I don't know if it's the angle that I was*

## Case #2024-0993

*standing at, but I attempted to remove it again, the holster and the firearm in its entirety, and the holster would not come off.”* Cardwell stated that she then transitioned to attempting to remove the gun from the holster. Cardwell stated, *“I was reaching for the handle of the firearm, the shirt fell at that point in time, and up until my review yesterday, I really did not know how the firearm had discharged.”* Cardwell stated that after her review of her BWC, she realized that her finger *“slipped into the trigger guard.”* Cardwell stated that because of the angle she was standing, she utilized her non-dominant left hand to attempt to retrieve Arrington’s firearm from his holster. Internal Affairs asked Cardwell if she could have taken any additional steps to make removing Arrington’s firearm safer. Cardwell stated, *“We could have detained him in handcuffs to slow everything down. We could have also lifted his shirt just to have a better view of everything going on while it was happening.”* Cardwell also stated, *“I could have been behind him, or, since Weippert was behind him, have him remove the firearm.”* Cardwell also stated she could have used her dominant hand for more control stating, *“I’m right hand dominant. Everything I do is with my right hand, because of the difficult angle, I had attempted to remove the firearm with my left hand, just to pull it straight up, versus up and out. And unfortunately, my finger slipped into the trigger guard.”* Cardwell further stated, *“You know, it was a mistake, for sure, but I have never been trained to remove a firearm from another person’s holster before, so I think just slowing everything down in general would have been a better practice for that particular incident.”* Internal Affairs asked Cardwell if she believed asking Arrington about his specific holster and its specifications would have prevented the incident from occurring. Cardwell stated, *“No, I think it was a leather holster on an elastic waistband, and unfortunately, the clip was just attached to the elastic itself, which the holsters I’ve dealt with are all hard plastic, so I just believe that, unfortunately, combined with the holster and the pants, it just was not coming out freely.”* Cardwell stated, *“I think, not being aware of where my fingers were on the inside of the trigger, obviously an accident happened that I’m at fault for. In hindsight, I wish we could have slowed it down and done a thousand things differently. I wish I could get training on how to do that dominantly and non-dominant hand.”* Internal Affairs asked Cardwell if she believed she was negligent, despite not believing she received specific training on

disarming individuals with firearms. Cardwell stated, *"We are trained to not put our finger in the trigger guard, yes."*

## **CONCLUSION**

On December 13, 2024, at 5:11 p.m., a traffic stop was conducted by Jacksonville Sheriff's Office (JSO) Police Officer Shaun Lowry #84209 on Main Street North prior to the intersection of 27th Street North. The driver of the vehicle, Jason Arrington, was stopped for running a red light and was initially contacted by Lowry on the passenger side of the vehicle. During Lowry's initial contact with Arrington, Arrington informed Lowry that he had a firearm, and that the firearm was physically on him. Lowry then informed Arrington that he was going to have him exit his vehicle and the firearm was going to be removed while the investigation was completed. Police Officer Austin Weippert #84193 and Police Officer Mindy Cardwell #73735 facilitated removing Arrington from his vehicle from the driver's side of the vehicle. As Cardwell attempted to remove the firearm from a holster attached to Arrington's waistband, Cardwell put pressure on the trigger of the firearm, causing the weapon to fire a round into Arrington's right leg.

### **Incompetence**

Cardwell admitted she was negligent in attempting to remove Arrington's firearm. Cardwell stated, *"I was reaching for the handle of the firearm, the shirt fell at that point in time, and up until my review yesterday, I really did not know how the firearm had discharged."* Cardwell stated that after her review of her BWC, she realized that her finger *"slipped into the trigger guard."* Cardwell stated that because of the angle she was standing, she utilized her non-dominant left hand to attempt to retrieve Arrington's firearm from his holster. Internal Affairs asked Cardwell if she could have taken any additional steps to make removing Arrington's firearm safer. Cardwell stated, *"We could have detained him in handcuffs to slow everything down. We could have also lifted his shirt just to have a better view of everything going on while it was happening."* Cardwell also stated, *"I could have been behind him, or, since Weippert was behind him, have him remove the firearm."* Cardwell stated she could have used her dominant hand for more control stating, *"I'm right hand dominant. Everything I do is with my right hand, because*



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*of the difficult angle, I had attempted to remove the firearm with my left hand, just to pull it straight up, versus up and out. And unfortunately, my finger slipped into the trigger guard.” Cardwell further stated, “You know, it was a mistake, for sure, but I have never been trained to remove a firearm from another person's holster before, so I think just slowing everything down in general would have been a better practice for that particular incident.” Cardwell stated, “I think, not being aware of where my fingers were on the inside of the trigger, obviously an accident happened that I'm at fault for. In hindsight, I wish we could have slowed it down and done a thousand things differently. I wish I could get training on how to do that dominantly and non-dominant hand.” Internal Affairs asked Cardwell if she believed she was negligent, despite not believing she received specific training on disarming individuals with firearms. Cardwell stated, “We are trained to not put our finger in the trigger guard, yes.”*

Internal Affairs finds that Cardwell did not follow basic gun safety principals as outlined in Order 552 (Weapons), to include being mindful of where her hands are placed on a firearm. Cardwell did not ensure that her fingers were on the frame of the weapon rather than inside the trigger guard when pulling on the weapon to attempt to remove the weapon from Arrington. Cardwell admitted she used her non-dominant hand and a physical position that placed her at a disadvantage. Internal Affairs finds that given that the firearm was on Arrington, Cardwell should have been further cognizant of where her hands were placed on the firearm. Internal Affairs finds that Cardwell failed to utilize due caution and basic gun safety principals which resulted in a negligent discharge of Arrington's firearm.

As such, Internal Affairs finds a preponderance of evidence to prove that Cardwell demonstrated gross incompetence during this incident, violating **Order 501 (Code of Conduct) II.F.1** to wit:

### **Order 501 (Code of Conduct)**

#### **II. Procedures**

## F. Performance of Official Duties

1. **Members shall maintain sufficient competence and knowledge of JSO policy to carry out their duties and responsibilities in accordance with policy and training.**

Accordingly, Internal Affairs recommends that the charge of **INCOMPETENCE** against **Police Officer Mindy Cardwell #73735** be classified as **SUSTAINED**.

### **Improper Action**

Beginning July 1, 2023, Florida began allowing individuals to carry concealed weapons without a concealed weapons license if they would qualify to obtain a concealed weapons license and are in possession of valid identification. Additionally, the burden of proof in proving an individual satisfies the eligibility requirements is on the investigating officer. As such, an officer cannot detain an individual without obtaining articulable reasonable suspicion that they committed a crime, for the sole reason of verifying their eligibility to carry a concealed firearm. Lowry provided testimony in his administrative interview that as he made contact with Arrington while Arrington was still in his vehicle, he observed that the steering column cover was removed, and the steering column and associated wiring was exposed. Additionally, Lowry observed that Arrington did not appear to be utilizing a key to start his vehicle. Photograph One (1) and Photograph Two (2) corroborate Lowry's testimony that the steering column cover was missing from Arrington's vehicle. Lowry testified that because of his observations, he had suspicion that Arrington could be in possession of a stolen vehicle. Lowry stated, *"Removing him from the vehicle was because I thought it was a stolen vehicle. That he was operating it."* Lowry stated he could not tell from Arrington's demeanor if the vehicle was stolen stating, *"I've encountered individuals that have been calm with his demeanor that he had, and I've also had individuals that have been completely out of their minds."* Lowry further stated, *"I knew that he had a pistol on him, and I prefer to have him outside the vehicle. I prefer to not have him flee the scene, because then we would have a bigger issue."* Lowry testified that if he did not suspect that Arrington was potentially in possession of a stolen

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vehicle, he would not have instructed Weippert and Cardwell to remove Arrington from the vehicle.

Internal Affairs finds that the absence of a steering column cover provided Lowry with reasonable suspicion that the vehicle could have been stolen. Internal Affairs finds that it is reasonable for an officer to detain an individual for further investigation when evidence is present that a vehicle may have been stolen. Additionally, disarming an individual in the process of detaining them, when an officer has reasonable suspicion that they have committed a crime, is a prudent measure for officer safety. Lowry testified that if he did not have reasonable suspicion that the vehicle was stolen, he would not have had Weippert and Cardwell remove Arrington from the vehicle or attempt to disarm him, and he would have completed the traffic stop with Arrington remaining in the vehicle.

Accordingly, Internal Affairs recommends the charge of **Improper Action** against **Police Officer Shaun Lowry** be classified as **EXONERATED**.

### **Improper Action**

Lowry did not communicate his reason for wanting to remove Arrington from his vehicle with Cardwell or Weippert. Lowry only informed Cardwell and Weippert that Arrington was armed, and he was being removed from the vehicle. Weippert stated, *"If I'm backing up an officer, if he tells me something, you know I'm trusting him. So, I went around because I wasn't sure what he had going on with the vehicle, but I just moved to get the driver out of the driver's seat and disarm him."* Internal Affairs finds that both Weippert and Cardwell believed Lowry had a justifiable reason to remove Arrington from his vehicle and disarming him. Additionally, if Lowry believed that Arrington was in the process of committing a crime, Lowry communicating that information to Cardwell and Weippert in Arrington's presence could have compromised officer safety as well as Arrington's safety. Internal Affairs finds that it was not necessary for Cardwell or Weippert to verify Lowry's reasoning for wanting to have Arrington removed from the vehicle and disarming him.



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Accordingly, Internal Affairs recommends the charge of **Improper Action** against **Police Officer Austin Weippert #84193 and Police Officer Mindy Cardwell #73735** be classified as **EXONERATED**.

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*Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true based upon my personal knowledge, information and belief.”*  
*“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 rights contained in ss. 112.532 and 112.533, Florida Statutes.”*

Respectfully Submitted,



Detective R.L. Green #61820

January 9, 2025

Internal Affairs Unit Review		
	Signature	Date
Sergeant	<i>Sgt. B. H. Jordan</i>	<i>1-10-25</i>
Lieutenant	<i>Lt. R.L. Green</i>	<i>01-13-25</i>
Commander	<i>Comdr. [Signature]</i>	<i>1/12/25</i>