

**VOLUSIA SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA 21-003

PERIOD COVERED: February 14, 2021
DATE REPORTED: February 26, 2021
SUBJECT(S) NAME: Deputy Patrick Omelia #8317
INVESTIGATING OFFICER: Sergeant Brian Cobb #7550

BASIS FOR INVESTIGATION:

On February 14, 2021, Deputy Patrick Omelia was dispatched to 1865 South County Road 3, Pierson, in reference to two individuals trespassing on private property.

Once on scene, Deputy Omelia contacted both individuals who were standing outside the front gate to the property, near a burgundy Ford Ranger truck. The victim, Tamara Wilkes, provided dispatch with a description of the two suspected trespassers. The description of the suspects matched the description of the individuals Deputy Omelia contacted on scene.

Throughout the course of the investigation, Deputy Omelia identified both suspects; they were identified as Dwayne Mathews, and Michael Oglesby. Both Mathews and Oglesby are known criminals, and throughout Deputy Omelia's contact with them he acknowledges their prior criminal history.

At the conclusion of the call for service, Deputy Omelia determined he was not going to make an arrest for trespassing, or loitering and prowling.

On February 15, 2021, at approximately 0428 hours, the victim called the Volusia Sheriff's Office for a second time. At this time, Wilkes advised two suspects returned to 1865 South County Road 3, Pierson, and stole the game camera which captured the suspects earlier in Deputy Omelia's shift.

Ultimately, it was determined that Dwayne Mathews and Michael Oglesby returned to the property, stole the game camera, and burglarized the structure within the gated property.

On February 26, 2021, a supervisor inquiry was completed which identified Volusia Sheriff's Office General Orders violations.

On March 15, 2021, Chief Deputy J. Gallagher initiated an internal affairs investigation due to the nature of the allegations.

OFFENSES:

Volusia Sheriff's Office General Orders:

GO-026-02.IV.C.5.f – Inattention to Duties, Loafing, Sleeping – Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty.

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operation Procedure, or Order – Employees shall adhere to all official general orders, standard operational procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position.

GO-026-02.IV.C.5.h – Submission of Reports and Documents – Employees shall originate, complete, and submit all reports and documents required in the execution of their duties prior to concluding a tour of duty except as authorized by a supervisor.

GO-026-02.IV.C.5.n – Negligence Associated with Safety of Persons or Property – Employees shall be attentive to job duties and shall not violate official general orders, orders, supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property.

GO-026-02.IV.G.1.a – General Proficiency – VSO personnel are required to maintain the job knowledge, skills and abilities required for the performance of the duties and responsibilities attendant to their positions.

GO-026-02.IV.G.1.c – General Proficiency – Incompetent or unsatisfactory performance of duties, as deemed by the Sheriff or designee, shall result in disciplinary actions.

GO-026-02.IV.G.2.a – Knowledge of Official General Orders and Pertinent Standard Operating Procedures – VSO personnel are required to maintain the job knowledge, skills and abilities required for the performance of the duties and responsibilities attendant to their positions.

GO-026-02.IV.G.2.b – Knowledge of Official General Orders and Pertinent Standard Operating Procedures – Frequent, or repeated violation of policies and procedures

established by General Orders and standard operating procedures shall be deemed as indicative of careless disregard by the employee.

GO-026-02.IV.G.2.d – Knowledge of Official General Orders and Pertinent Standards Operating Procedures – Subsequent violations and recurrent failure to maintain and demonstrate knowledge of general orders, rules & regulations, or standard operating procedures may be cause for dismissal.

INVESTIGATION:

On March 17, 2021, Sergeant Cobb served Deputy Patrick Omelia with a “notice of internal investigation”. Deputy Omelia was also provided a copy of his law enforcement officer’s bill of rights. Deputy Omelia signed both documents acknowledging his receipt of the documents.

On March 18, 2021, Sergeant Cobb reviewed the supervisor inquiry authored by Sergeant Teske and obtained a copy of all the relevant documents.

Sergeant Teske’s supervisor inquiry documented the following:

“Sergeant Teske reviewed BWC video related to the incident. On 02/14/2021 at 2216 hours, Deputy Omelia responded to 1865 S County Road 3, Pierson, in reference to suspicious people trespassing on the victim’s property. When Deputy Omelia arrived on scene (Omelia BWC 2:05) he made contact with Dwayne Matthews and Michael Oglesby who are known burglars in the District Two area. When Deputy Omelia made contact with the males, Oglesby was seen wearing a headlamp. Deputy Omelia made contact with Matthews and Oglesby in the driveway of the property, just outside the property’s gate next to a red Ford Ranger bearing Florida tag Z446WD. The suspects advised Deputy Omelia they were parked there to meet someone to pick up a weed eater for a job the following day. Deputy Omelia stands with the males until Deputy Chavez arrived on scene. (Omelia BWC 7:56) Deputy Omelia informed Deputy Chavez that the males did not have any relation to the property (Omelia BWC 8:00). Deputy Omelia then asked the suspects for the phone number of the male they are there to meet in order to verify the story; however, the phone number provided was not a working number (Omelia BWC 9:50). Deputy Omelia is observed just standing with the suspects, making small talk, instead of conducting a Loitering and Prowling investigation. The suspects were not able to dispel his alarm as to why they were on the property. During the conversation with the suspects, they make a comment about all of the “No Trespassing” signs (Omelia BWC 9:06), when they just got out of jail. Deputy Omelia (BWC 22:19), confronts the suspects about their story not making sense (Omelia BWC 24:23) but later tells them he thinks they are telling the truth (Omelia BWC 25:30). Deputy Omelia also makes a comment to the males that he has knowledge Dwayne Matthews is known to run from law enforcement (Omelia BWC 25:45) and has personal knowledge of both suspects.

Deputy Omelia locates the Trail Camera (Omelia BWC 30:10) and then shines his flashlight on the camera showing the males where the camera was located (Omelia BWC 30:49). Deputy Omelia continues with his small talk providing his knowledge that they are known criminals, talking about Dwayne Matthews being on probation for Dealing in Stolen Property and Michael Oglesby on probation for Dealing in Stolen Property, Trafficking in Stolen Property, Burglary, and Grand Theft, along with his seven-year stay in prison.

Deputy Berriozabal responded to 1175 W Minnesota Avenue Apt 43, Deland, and made contact with Tamara Wilkes who is the power of attorney of the property of 1865 S County Road 3, Pierson. Tamara said they just put up trail cameras due to recent burglaries since her father passed away. Tamara provided Deputy Berriozabal with a copy of the photograph of the males on the other side of the closed and locked gate. Deputy Berriozabal made a phone call to Deputy Omelia to inform him there was not supposed to be anyone on the property and nobody had permission to be on the property (Berriozabal BWC 5:30). Deputy Berriozabal explained to Deputy Omelia the males are clearly on the other side of the fence, on the property (Berriozabal BWC 6:30). Deputy Berriozabal consults with Tamara about the dynamics of the property and explained the males had to jump the gate to get on the property where the camera was able to pick up their motion. Deputy Berriozabal confirmed the males jumped the gate and were trespassing on the property at the time the photograph was taken (Deputy Berriozabal BWC 9:30). Deputy Berriozabal sent the photograph to Deputy Omelia. Deputy Omelia called Deputy Berriozabal and advised he did not believe the males jumped the fence and were not trespassing on the property at the time of the photograph (Berriozabal BWC 13:17/Omelia BWC 45:01). Deputy Berriozabal once again attempted to explain the Deputy Omelia that they jumped the fence and were trespassing at the time of the photograph. Deputy Omelia said he disagreed and was going to release them after completing a Field Interview Contact Card. Deputy Omelia quickly terminated the phone call, obtained photographs of the males and let the males leave. The photograph shows the two males on the property with the gate and fence behind them. The top of the gate is seen behind the males and the backside of the "No Trespassing" signs can be seen.

On 02/15/2021 at 0428 hours, Tamara called back, advising the suspects had returned to her property, and stole the Trail Camera after the initial call. Tamara advised she received an alert for movement at approximately 0341 hours but there was not a clear image. At 0443 hours, Tamara received another notification and the image appeared to be the inside of a vehicle. It was determined at this time the Trail Camera had been stolen. On 02/15/2021 at 0843, Deputy Speller responded to the location to conduct an investigation and found the barn on the property was burglarized.

Michael Oglesby was later located and confessed to the incident. Oglesby advised they returned to the property because Dwayne was upset the camera captured them on the property and

ultimately burglarized the barn as well when they returned. Michael was arrested for Burglary of a Dwelling and Petit Theft.

On 02/20/2021 at 1700 hours, Dwayne was located and confessed to trespassing on the property but denied burglarizing the barn. Dwayne also admitted to returning to the property to steal the camera. Dwayne was arrested for Burglary of a Dwelling and Petit Theft.”

On April 05, 2021, Sergeant Cobb reviewed the charging affidavits for Michael Oglesby and Dwayne Mathews.

Sergeant Cobb determined the charging affidavit authored by Deputy Berriozabal was thorough, and accurate. Sergeant Cobb concurred with Deputy Berriozabal’s determination of probable cause, and the subsequent arrest of Michael Oglesby. Sergeant Cobb also concurred with the arrest of Dwayne Mathews, which was completed by Deputy Bivone, and Sergeant Tucker based on Deputy Berriozabal’s charging affidavit.

On April 06, 2021, Sergeant Cobb reviewed Deputy Patrick Omelia’s body worn camera footage, which captured the incident’s encounter in its entirety.

Sergeant Cobb’s observation of Deputy Omelia’s body worn camera yielded the same observations that were authored by Sergeant Teske. Upon reviewing the body worn camera footage, it was Sergeant Cobb’s interpretation that there were obvious signs of suspicious activity which were occurring at a time, and in a manner not usual for law-abiding individuals, under circumstances that warranted a justifiable alarm and immediate concern for the safety of the property in the near vicinity. Furthermore, while reviewing Deputy Omelia’s body worn camera footage, the photograph Deputy Berriozabal sent to Deputy Omelia became visible. Sergeant Cobb paused the video and analyzed the photograph at the 43 minute, 02 second mark. Sergeant Cobb observed the recorded photograph to be clear enough to make a determination the defendants were in front of the gate. To be thorough, Sergeant Cobb then reviewed the printed version of the same photograph. After reviewing the printed photograph, Sergeant Cobb ascertained, with one-hundred percent certainty that both defendants were on Mrs. Wilkes property at the time of the photograph. The property was cultivated, properly posted, fenced, less than five acres and had a locked gate affixed to the driveway. The defendants were stopped by Deputy Omelia moments after they were captured on camera, and still in the process of committing the crime of trespass. With that, there was sufficient probable cause to support a charge of trespass. Furthermore, Deputy Omelia had sufficient information to start a loitering and prowling investigation through his observations of Michael Oglesby wearing a headlamp while staying partially out of Deputy Omelia’s view when he came on scene.

It should be noted, Deputy Berriozabal notified Deputy Omelia that he believed there was sufficient information to initiate a loitering and prowling investigation. This was captured on Deputy Berriozabal's body worn camera. Additionally, Deputy Omelia is captured on his body worn camera indicating he did not believe the story Oglesby and Mathews were conveying.

Also on April 06, 2021, Sergeant Cobb reviewed Deputy Omelia's disciplinary file and his previous arrests made since being a sworn deputy.

Sergeant Cobb observed the following:

Deputy Omelia has been the subject of four previous supervisor disciplinary actions. The two most recent supervisor discipline reports are memorialized in report SD 19-008, SD 21-029 respectively, and contain similar facts that are relevant to this investigation.

In report SD 19-008, it is documented that Deputy Omelia failed to capture the entire conversation he had with the victim of a burglary on his body worn camera. Furthermore, Deputy Omelia failed to properly conduct a criminal investigation by completing a detailed report of the investigation. Both Volusia County Sheriff's Office Standards and Directives 26.2.156 [Improper Conduct] and 42.2.62 (L) [Criminal Investigations Operations] were sustained. Deputy Omelia received a Letter of Reprimand for these violations. The Letter of Reprimand concluded with the following warning:

“Any subsequent activity of a similar nature will result in more severe administrative action, up to and including dismissal. Take due care and govern yourself accordingly. Be especially aware of Progressive Discipline 26.1.1.”

Deputy Omelia acknowledged his Letter of Reprimand in BlueTeam on January 17, 2019.

In report SD 21-029, it is documented that Deputy Omelia failed to complete a thorough investigation involving a domestic violence incident. Deputy Omelia conducted an 8 minute, 50 seconds investigation and then cleared the call with comments.

While on scene another unrelated call, Deputy Omelia approached Deputy Berriozabal and asked him to follow up on the possible domestic disturbance call he had just cleared. Deputy Omelia requested Deputy Berriozabal's assistance because he needed a Spanish interpreter. It should be noted, Sergeant Galarza was on his way to back up Deputy Omelia while he was still on scene but was ultimately canceled by Deputy Omelia. Sergeant Galarza speaks fluent Spanish and Deputy Omelia was fully aware of this information.

Sergeant Teske requested the oncoming shift conduct a follow up investigation. During this follow up investigation, probable cause was obtained to arrest the victim's wife.

It is noted that Deputy Omelia never made any attempt to contact the female involved in the incident, even with the victim's face having visible injuries.

The following Sheriff's Office General Orders were sustained:

GO-026-02.IV.C.5.f- Inattention to Duties, Loafing, Sleeping - Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty.

GO-026-02.IV.C.5.n- Negligence Associated with Safety of Persons or Property - Employees shall be attentive to job duties and shall not violate social general orders, orders, supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property.

Deputy Omelia received a Letter of Reprimand for the violations.

Documented within the report, Sergeant Teske indicates she reviewed Deputy Omelia's disciplinary files and observed two previous incidents with similar circumstances from 2018, and 2019.

The report concluded with a warning to Deputy Omelia, reminding him of GO-026-01.IV.A.1; Progressive Discipline.

Deputy Omelia acknowledged his Letter of Reprimand on February 13, 2021.

It should be noted, Deputy Omelia acknowledged his Letter of Reprimand on February 13, 2021, which is just one day prior to him mishandling the call for service that resulted in the assignment of this internal affairs investigation.

Including this incident, Deputy Omelia's mishandling of various investigations has resulted in his fellow deputies having to conduct follow up investigations. Two of such incidents resulted in Deputy Omelia's fellow deputies needing to make arrests for crimes that Deputy Omelia failed to properly handle or identify.

While conducting this search, Sergeant Cobb located an arrest Deputy Omelia made for loitering and prowling in 2019. This case was memorialized under VCSO case number 190025727. The facts and circumstance to this case were similar in nature to the call at 1865 South County Road 3, Pierson. In the 2019 arrest, Deputy Omelia immediately began a loitering and prowling investigation after contacting a male at a residence that he did not belong at. The male was unable to dispel his alarm and he made a physical arrest for loitering and prowling.

This illustrates Deputy Omelia's understanding of the loitering and prowling statute and his ability to apply it correctly.

Additionally, Deputy Omelia understands and has been trained on conducting loitering and prowling investigations as he has acknowledged the Volusia Sheriff's Office Legal Bulletin LB 16-14, which covers the loitering and prowling statute. Then Volusia Sheriff's Office General Counsel, Peter McGlashan, created this legal bulletin.

On April 15, 2021, Sergeant Cobb obtained Deputy Omelia's personnel file from the Volusia Sheriff's Office Human Resources Department. Sergeant Cobb reviewed Deputy Omelia's personnel file and observed the following:

Deputy Omelia was hired by the Volusia County Sheriff's Office on July 07, 2014, and assigned to Judicial Services. Deputy Omelia began working in a patrol capacity on, or about, January 17, 2015. Deputy Omelia successfully completed his probationary period as a patrol deputy on January 17, 2016. Deputy Omelia received an "end of probation" evaluation of "meets standards" from Sergeant Pagliari III.

Every year since Deputy Omelia completed probation, Deputy Omelia has received an annual evaluation from his supervisor. The following four years, from 2016 to current, Deputy Omelia has received annual evaluations that rated him as "exceeds standards". Different sergeants authored all the evaluations. Each evaluation highlights Deputy Omelia's relationship with the community and his positive attitude. In Deputy Omelia's 2018 annual evaluation, Sergeant Mike Anderson advised, "[Deputy Omelia] has proven himself to be a valued member of the shift, district, and agency."

Many of Deputy Omelia's evaluations note his ability to utilize his customer service abilities to garnish donations for people he encounters while working on patrol. One example was emphasized in his 2018-19 evaluation when Deputy Omelia conducted a traffic stop on a driver who did not have their child secured in a car seat. Deputy Omelia located a car seat and had it properly installed in the vehicle for the driver.

Deputy Aaron Chavez

On March 17, 2021, at approximately 1001 hours, Sergeant Cobb conducted a sworn recorded interview with Deputy Aaron Chavez. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Deputy Chavez, Sergeant Cobb and Lieutenant Shivers. Below is a synopsis of the audio recorded interview:

Deputy Chavez was working in a patrol capacity on the night of February 14, 2021 in the 21 zone area of responsibility.

Deputy Chavez was requested as a backup unit to Deputy Omelia who was out with two individuals believed to be trespassing at 1825 South County Road 3, Pierson.

While on scene at the call, Deputy Chavez acted in a backup capacity to Deputy Omelia. At the time, Deputy Chavez believed that Deputy Omelia completed a thorough and complete investigation; however, later in the same shift, Deputy Chavez spoke with Deputy Berriozabal who indicated they could have utilized the loitering and prowling statute to make an arrest in the case. After having that conversation with Deputy Berriozabal, Deputy Chavez concluded that Deputy Berriozabal was likely correct in his evaluation of the call for service and conceded that he was right.

Throughout the interview, Deputy Chavez essentially distanced himself from any of the decision making process throughout the call for service on the night in question, and advised multiple times throughout the interview that it was not his call, which is why he did not intervene.

Deputy Chavez did not contact Deputy Omelia after they cleared the first call for service at 1865 South County Road 3.

Deputy Chavez did not author any reports for either call for service, and Deputy Chavez was unsure if Deputy Omelia completed Field Contact Cards on Oglesby and Mathews.

Prior to concluding the interview, Sergeant Cobb showed Deputy Chavez a printed picture from the night of the incident. Deputy Chavez indicated he was still unable to determine which side of the gate Oglesby and Mathews were on. However, on body worn camera footage the night of the incident, Deputy Chavez concurred with Deputy Omelia that the individuals were not trespassing in the photograph.

Sergeant Cameron Tucker

On April 07, 2021, at approximately 0923 hours, Sergeant Cobb conducted a sworn recorded interview with Sergeant Cameron Tucker. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Sergeant Tucker, Sergeant Cobb and Lieutenant Shivers. Below is a synopsis of the audio recorded interview:

On February 15, 2021, Sergeant Tucker received a phone call from Sergeant Katie Teske, who was the outgoing nightshift sergeant. Sergeant Teske advised Sergeant Tucker she needed some assistance in reviewing body worn camera footage from an incident the night prior. Sergeant Teske briefed Sergeant Tucker on her concerns and requested he assist Deputy Berriozabal in completing two charging affidavits when he came in service later in the day.

To be clear, Sergeant Cobb asked Sergeant Tucker specifically what he recalled from the phone call. Sergeant Tucker provided the following synopsis:

“That Dep. Omelia failed to recognize that we might have had confirmed charges for trespassing and loitering and prowling at a minimum and that it was possible that maybe a burglary or a theft could have occurred that wasn’t fully investigated because it wasn’t looked at. She discussed that there was a disagreement between Dep. Berriozabal and Dep. Omelia during the original call via telephone that she wasn’t privy to and that the report that was being done and authored by Berriozabal would discuss the basis for the original call and what happened there as far as a crime. And she said that the video wasn’t able to be viewed by her that night or at that moment so she asked me to look at it to see what was missing, what we could do as following up because if someone had indeed stolen that stuff and we were out in contact with him we needed to arrest him as soon as possible. So I did, I reviewed it and what I saw was that we clearly had a loitering and prowling incident and none of the proper steps to address that issues were done. They weren’t read Miranda they were kind of allowed to just freely move about. None of the right questions were asked as far as probing to ascertain information that either would or wouldn’t dispel your alarm. I didn’t see any actual inspection or walk through of the property which was asked for by the victim and then Dep. Omelia actually pointed out to the two suspects that there was a camera that had captured their time on the property and where that camera was. So I then went and viewed Dep. Berriozabal’s report noting that within about three hours of leaving that call where nothing happened other than I believe a field contact card was done she had called back into the Sheriff’s Office to say well now her camera’s missing and that she wanted to have a deputy accompany her the following day out to the property to inspect it. So after I had finished doing all that it was now about 8:00 in the morning I called her with Dep. Speller and agreed to have her meet us out there and inspect the property. Dep. Speller went out and inspected the property and were able to identify that a burglary had actually occurred. There’s a pole barn and there’s an enclosed section of the pole barn. The two office doors within there were open and there was some stuff in the open air part that had been moved and where the camera that was actually stolen is a game camera was probably about 125 feet from that and would have been discovered if any investigation had been done then at that scene. So we documented all of that. Dep. Berriozabal came back into work because he was working a swing shift. I gave him all the information that we had discovered through the supplements and kind of guided him in how he needed to write the affidavit so that it would, it would convey the probable cause but it wouldn’t make us look silly that we were out with two bad guys.”

Sergeant Tucker could not say for certain if the burglary occurred prior to Deputy Omelia contacting Oglesby or Mathews due to Deputy Omelia not canvassing the property during his investigation.

Sergeant Tucker stated that upon his review of the photograph captured by Deputy Berriozabal, it was immediately apparent both subjects were on Wilkes property. Furthermore, Sergeant Tucker confirmed the property located at 1865 South County Road 3, Pierson, met the statutory requirements for trespass.

Sergeant Cobb asked Sergeant Tucker how he believed Deputy Omelia should have handled the call for service. Sergeant Tucker provided the following description:

“When he got out of the car he should have immediately requested somebody else respond for him up there and then he should have tried to begin what I call a loiter and prowler investigation. Because just from the call information alone when he arrived he probably didn’t have the full story until he was able to actually talk to Dep. Berriozabal so if he would have started with an L and P investigation there would have been you know an acknowledgement of detainment, the Miranda would have been read and he could have started asking them questions that would have either dispelled his alarm or you know raised it even more. And then at that point when they couldn’t dispel the alarm as to what they were doing there they could have been secured in handcuffs and arrested and then the investigation could have progressed from there to fulfill the trespassing, confirm whether or not there had been a burglary or a theft and everything would have been taken care of right then and there and it would have been done in the safest way.”

Sergeant Tucker went onto confirm that based on his review of Deputy Omelia’s body worn camera footage, Oglesby and Mathews explanation of why they were at that location did not dispel his alarm.

It was Sergeant Tucker’s observation that Oglesby and Mathews, who are known criminals, did not flee or fight with Deputy Omelia because they felt like Deputy Omelia was not going to do anything.

Sergeant Tucker had no additional information to add to the investigation. The interview was concluded.

Deputy Brandon Bivone

On April 08, 2021, at approximately 1358 hours, Sergeant Cobb conducted a sworn recorded interview with Deputy Brandon Bivone. The interview was conducted at 123 West Indiana

Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Deputy Bivone and Sergeant Cobb. Below is a synopsis of the audio recorded interview:

Deputy Bivone was working for Sergeant Tucker in a patrol capacity / crime suppression team capacity the days following the investigation into the burglary at 1865 South County Road 3, Pierson.

Deputy Bivone indicated in his interview that he was not involved in the investigation reference to case number 210002076. Deputy Bivone did not interview either suspect and was only involved in the apprehension of Dwayne Mathews.

Deputy Bivone advised Mathews did not make any pertinent comments to him prior to being turned over to prisoner transport.

The interview was recorded in its entirety and concluded.

Deputy Daniel Berriozabal

On April 09, 2021, at approximately 0903 hours, Sergeant Cobb conducted a sworn recorded interview with Deputy Daniel Berriozabal. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Deputy Berriozabal, Sergeant Cobb and Lieutenant Shivers. Below is a synopsis of the audio recorded interview:

Deputy Berriozabal was working in the capacity of a patrol deputy in the 22 zone area of responsibility when he heard a trespassing call get dispatched at 1865 South County Road 3, Pierson.

Deputy Berriozabal began to respond to the call but while en-route, Deputy Omelia requested he go to a DeLand address to contact the property owner. Deputy Berriozabal turned around and made contact with the Power of Attorney for the estate.

Deputy Berriozabal confirmed with the victim that she in fact was the power of attorney. The victim provided documents to support her claim. She was identified by Deputy Berriozabal as Ms. Tamara Wilkes.

Ms. Wilkes provided Deputy Berriozabal a photograph of two suspects she believed to be trespassing on the property. The photograph was captured by the game camera surreptitiously placed on the property to monitor activity.

After collecting the photograph, Deputy Berriozabal determined the two suspects captured on camera did appear to be trespassing. Deputy Berriozabal was able to make this determination because the properties gate, truck and signs were all behind the suspects in the photograph.

Deputy Berriozabal contacted Deputy Omelia and advised him he believed the two people he was out with were trespassing. Deputy Berriozabal sent Deputy Omelia the photograph he obtained from the victim.

Deputy Omelia disagreed with Deputy Berriozabal's determination after looking at the photograph for himself. Deputy Berriozabal attempted to give Deputy Omelia advice on how to handle the call and brought up the loitering and prowling statute. Deputy Omelia told Deputy Berriozabal the subjects' story checked out and he was going to release them. Deputy Berriozabal requested they at minimum be trespassed.

Deputy Berriozabal informed Ms. Wilkes of Deputy Omelia's decision. Deputy Berriozabal advised Ms. Wilkes he did not agree with the decision but he was not up there to investigate the call himself. Ms. Wilkes was unhappy with the outcome of the investigation, as was Deputy Berriozabal.

Later in the shift, a call was dispatched at the same location and Ms. Wilkes was advising her camera was stolen. She determined it to be stolen because it captured a photograph of the inside of a vehicle.

Deputy Berriozabal handled the second call for service and established probable cause to arrest both subjects Deputy Omelia was previous in contact with.

After dealing with the second call for service, Deputy Berriozabal informed Sergeant Teske of his displeasure with how the first call was handled. Deputy Berriozabal informed Sergeant Teske of the following:

"I believe there was enough to hit them with or get them with loitering and prowling and it just in essence I guess re-victimizes the RP and that it was kind of like that's not what we do."

To conclude the interview, Deputy Berriozabal advised he used the call as a training tool for the trainee he had and that he felt like there was sufficient probable cause to make an arrest while Deputy Omelia was out with the subjects.

The interview was audio recorded in its entirety.

Sergeant Katie Teske

On April 15, 2021, at approximately 2134 hours, Sergeant Cobb conducted a sworn recorded interview with Sergeant Katie Teske. The interview was conducted at the District 6 substation, Debary. Present for the interview was Sergeant Katie Teske and Sergeant Cobb. Below is a synopsis of the audio recorded interview:

Sergeant Teske was working in the capacity of a patrol sergeant on February 14, 2021. During her shift, she heard the trespassing call dispatched to Deputy Omelia and Deputy Chavez. While checking the status of the call, Sergeant Teske saw that Deputy Omelia was in contact with Dwayne Mathews and Michael Oglesby; two known burglars in the District II area of responsibility.

Prior to Deputy Omelia going home, Sergeant Teske asked Deputy Omelia about the circumstances surrounding the call and why the two known criminals did not go to jail. Deputy Omelia proceeded to tell Sergeant Teske a minimized version of events which did not depict any probable cause for an arrest.

At approximately 0430 hours, Sergeant Teske heard the second call for service dispatched at the same location. Deputies again responded to Ms. Wilkes home, at which time they discovered the game camera stolen. Upon further investigation, it was determined that Mathews and Oglesby burglarized the structure on the property of 1865 South County Road 3, and stole the game camera.

Throughout the course of the investigation, Sergeant Teske spoke with Deputy Berriozabal who told her he tried to tell Deputy Omelia he had charges on the two defendants the first time they were out with them.

Sergeant Teske then reviewed Deputy Omelia's body worn camera footage and noted a number of failures.

Sergeant Teske authored a supervisor's inquiry and forwarded it through the chain of command. Sergeant Teske advised the supervisor's inquiry captures all of her observations in reference to this particular event.

Sergeant Teske advised Deputy Omelia has already received a letter of reprimand for not conducting proper criminal investigations and has been advised of his errors. Since receiving his letter of reprimand, Deputy Omelia has been reassigned to 23 zone. Since his reassignment, Deputy Omelia frequently calls Sergeant Teske to ask for guidance on how to handle calls for service.

Sergeant Teske does not feel like Deputy Omelia is performing at a level that is acceptable for a seven year deputy. Sergeant Teske also does not believe that Deputy Omelia is capable of making

sound decisions during a criminal investigation without significant supervision. An example Sergeant Teske provided in support of her performance opinion was regarding a domestic violence call in Astor. Sergeant Teske advised she and another deputy arrived on scene prior to Deputy Omelia. It was determined there was probable cause to make an arrest for domestic violence. Upon Deputy Omelia's arrival, he contacted Sergeant Teske on the side and expressed his concern with making the arrest. Deputy Omelia indicated he did not believe there was probable cause, and was hoping to convince Sergeant Teske of this perspective. Sergeant Teske advised Deputy Omelia that she was the one who established probable cause and an arrest was going to be made.

Sergeant Teske stated that she believed, had Deputy Omelia gone to that call by himself, he would not have made an arrest for domestic violence.

Sergeant Teske believes Deputy Omelia's decision-making process in criminal investigations is substandard, and could potentially cause the agency liability.

Tamara Wilkes

On April 21, 2021, at approximately 1409 hours, Sergeant Cobb conducted a sworn recorded interview with Tamara Wilkes. The interview was conducted over the telephone. Present for the interview was Sergeant Cobb and Tamara Wilkes. Below is a synopsis of the audio recorded interview:

Wilkes contacted the Sheriff's Office because she is the power of attorney for the property at 1865 South County Road 3, Pierson. The property belong to Wilkes' mother who is no longer able to care for the property.

On the night of February 14, 2021, Wilkes received a notification from her game camera that there was activity on the property. She contacted the Sheriff's Office in reference to the trespassers being on her property.

Wilkes advised Deputy Berriozabal that the camera she placed on her property only captured motion if something moved within the property boundaries. Wilkes provided Deputy Berriozabal a copy of the subject captured on her property. Wilkes believe it was visually obvious the subject were located on her property, and not on the easement.

Wilkes articulated she wished to have the subjects arrested if they were trespassing on the property. Wilkes indicated the two officers disagreed on the subject's location on the property and the officer in Pierson was going to release them.

In the early morning hours of February 15, 2021, Wilkes received another notification from her

game camera. This time the camera captured the inside of the vehicle. Wilkes assumed her camera was stolen. It was later determined both subject burglarized the structure and stole the camera.

To conclude the interview, Wilkes advised the following:

“Yeah I can understand how he looking at the picture he didn’t quite, he wasn’t quite able to tell that they were across the fence. I mean I could because I grew up there and I know you know and I know where I put the cam.”

“Yeah I don’t, I don’t hold anything against that officer that was up there I think he did what he thought was right at the time.”

The interview was audio recorded in its entirety.

Deputy Zakariah Bacon

On April 21, 2021, at approximately 1409 hours, Sergeant Cobb conducted a sworn recorded interview with Deputy Bacon. The interview was conducted over the telephone. Present for the interview was Sergeant Cobb and Deputy Bacon. Below is a synopsis of the audio recorded interview:

Deputy Bacon was in the Field Training Program and riding with Deputy Berriozabal during the call for service on night of February 14, 2021.

Throughout the investigation, Deputy Berriozabal and Deputy Bacon split the responsibilities of the call. Deputy Bacon concluded independently that both subjects were trespassing in the photograph Wilkes provided, and then corroborated his theory with Deputy Berriozabal.

Deputy Bacon indicated he believe the subjects had committed a crime and that releasing them was not the proper course of action.

The interview was audio recorded in its entirety.

Supervisors Inquiry 21-034

Throughout the course of internal investigation 21-003, Sergeant Cobb was advised of an additional supervisor’s inquiry into Deputy Omelia’s handling of a domestic violence call for service.

The new supervisor's inquiry was memorialized under SI 21-034. The accompanying Volusia Sheriff's Office case number is VP210007247.

On April 28, 2021, Sergeant Cobb obtained a copy of SI 21-034 and reviewed the facts and circumstances documented therein. Sergeant Cobb noted the allegations contained within the supervisor's inquiry were similar to the documented General Order violations contained in the complaint that initiated IA 21-003.

Sergeant Teske is Deputy Omelia's patrol supervisor and authored the new supervisor's inquiry after noticing discrepancies within Deputy Omelia's body worn camera footage from the incident on April 19, 2021 involving a domestic violence call for service.

In the supervisor's inquiry, Sergeant Teske concludes the report Deputy Omelia authored did not make sense, nor did it match what was observed in the body worn camera footage. After review, Sergeant Teske determined the information written in lines 8, 10-11 and 25-26 are not supported by Deputy Omelia's body worn camera footage. Furthermore, Deputy Omelia failed to obtain any information for the children who were present for the altercation. Sergeant Teske concluded her inquiry with the following information:

"Deputy Omelia failed to complete his lawful duties by not fully investigating the call for service and subjected additional persons to harm due to his willful neglect. Deputy Omelia did not follow GO-041-19 when it comes to investigating domestic violence. Pursuant to Florida State Statute, if a deputy investigates an allegation of domestic violence and if an arrest is not made or criminal charges are not filed, a detailed incident report must be completed which details the reason(s) that an arrest was not made. Deputy Omelia provided no victim support for Nicholas or Tamika, also failing to provide them with a Victim Information Rights Pamphlets."

Based on the new information contained in SI 21-034, and the behavior being reoccurring and similar in nature, Sergeant Cobb was directed to investigate the new incident concurrently with the ongoing internal investigation.

With that, Sergeant Cobb authored an amended notice of investigation, which included a new date of incident, April 19, 2021, and the allegation of a new General Order violation. The added General Order violation is below:

GO-026-02.IV.F.2 Non-Criminal Violations – VSO personnel shall adhere to all federal, state and local laws and ordinances including those punishable by no other penalty than a fine, forfeiture or other civil penalty. (Includes but is not limited to traffic infractions.)

The General Order violation stems from Deputy Omelia failing to make the required Department of Children and Families notification as a mandatory reporter. All of the previous General Order violation allegations are also pertinent to the incident dated April 19, 2021.

Also on April 29, 2021, Sergeant Cobb obtained a copy of Deputy Omelia's Volusia Sheriff's Office report VP210007247.

Below is a copy of Deputy Omelia's authored report:

“***BWC***

*****MARSY'S LAW WAS NOT INVOKED*****

On April 19, 2021, at approximately 2347 hours, Deputy OMelia was dispatched to 5560 Audalusia Avenue, Deleon Springs, FL, in reference to a battery that had just occurred. Upon arrival, Deputy OMelia made contact with Lemuel Courson (V1) who advised the following:

Lemuel stated a known female, Britney Christiana Adams (D1), came to his residence intoxicated in search of Nicholas Hiatt(W1). Lemuel explained he has never lived as a family unit or does not have a child in common with Britney. Lemuel advised Britney began to bang on the front door demanding Nicholas to answer. Lemuel explained Nicholas rents a room at the residence and was ignoring the demands of Britney. Lemuel stated he finally had enough of the Britney's disruptive behavior so he opened the door and confronted Britney in the courtyard. Lemuel advised he was immediately struck by Britney several times in the face and the back of his neck. Lemuel advised at one point an empty beer bottle was thrown in his direction and hit the adjacent wall. Lemuel explained he did not return strikes because she is a female and a friend of one his roommates. Lemuel stated he sustained two small scratches, one under his right eye about 1.5 inches long and a small cut on his fore head about an .5 inches. Lemuel explained the incident was witnessed by Nicholas Hiatt who remained in the house. Lemuel advised the reason for the altercation is because he would not let Britney in the residence so she could locate Nicholas Hiatt. Lemuel was offered medical assistance by VCFs to which he declined. Lemuel completed a Marsy's Law confidentiality form in which he requested his information to be made public.

Lemuel was provided a victims rights pamphlet. Lemuel advised he could not read or right; he provided a verbal only statement that was captured on BWC in which he raised he right hand and swore was the truth. Lemuel stated he would pursue criminal charges against Britney Adams for simple battery.

Deputy OMelia observed two scratches on Lemuel's face, one under his right eye about 1.5 inches long and a small cut on his fore head about an3 .5 inches. Deputy OMelia obtained two digital photographs which he later uploaded to VSO Digital Crime Scene.

Deputy OMelia made contact with Nicholas Hiatt who advised he did not get involved in the physical altercation between Lemuel and Britney. He stated he remained inside the residence. Hiatt explained Britney is completely irrational when she is intoxicated. Hiatt provided a verbal statement in which he swore was the truth. The statement was captured on BWC.

Deputy OMelia determined Britney committed the offense of simple battery when she actually and intentionally struck Lemuel against his will and caused minor visible injury.

Britney Adams' criminal history: one conviction on 3/1/21 out of Daytona Beach for a disorderly conduct (misdemeanor). Case # 642021MM301849XXXAOB.

Deputies where unable to locate Britney Adams at the her address of record on her FL drivers license (407 E Easy St, Deland, Fl.)

Deputy OMelia at approximately 0220 hours, made contact with Britney via phone (386-747-6882) who advised she was currently in Putnam County. Britney stated she couldn't return to Volusia County tonight because she did not have child care. Britney would not disclose her exact location.

Case status: Affidavit filed with the State Attorney's Office."

Breaking the report down into manageable pieces, Sergeant Cobb found similar discrepancies Sergeant Teske identified in the supervisor's inquiry. Below is a detailed description of the inaccurate reporting:

Lines 8 through 10: *Lemuel stated a known female, Britney Christiana Adams (D1), came to his residence intoxicated in search of Nicholas Hiatt (W1). Lemuel explained he has never lived as a family unit or does not have a child in common with Britney. Lemuel advised Britney began to bang on the front door demanding Nicholas to answer. Lemuel explained Nicholas rents a room at the residence and was ignoring the demands of Britney.*

After reviewing Deputy Omelia's body worn camera footage from the night of the incident, Sergeant Cobb determined that Lemuel advised Nick Hiatt's "baby mama Britney" showed up at the house beating on the door because she was drunk, looking for her child. Furthermore, Lemuel advised Deputy Omelia that he rents a room from Hiatt, not the other way around.

Line 11 through 14: *Lemuel stated he finally had enough of the Britney's disruptive behavior so he opened the door and confronted Britney in the courtyard. Lemuel advised he was immediately struck by Britney several times in the face and the back of his neck. Lemuel advised at one point an empty beer bottle was thrown in his direction and hit the adjacent wall. Lemuel explained he did not return strikes because she is a female and a friend of one his roommates.*

Lemuel actually indicates that Britney beats on the door and Hiatt answered the door. Hiatt advised Britney their son was asleep. Lemuel comes down the stairs and stands behind Hiatt. Britney then throws a beer bottle at both of them prior to attacking Hiatt. Lemuel tries to break up the altercation and Britney then attacks him. Two additional unknown females join Britney and continue to batter Lemuel. The altercation involving all three females did occur in the courtyard area; the remaining portion occurred in the doorway and could likely have been sufficient to establish probable cause for burglary with battery.

Lines 18 through 20: *Lemuel advised he could not read or right; he provided a verbal only statement that was captured on BWC in which he raised he right hand and swore was the truth. Lemuel stated he would pursue criminal charges against Britney Adams for simple battery.*

Sergeant Cobb determined lines 18 through 20 left a large portion of information undocumented. Lemuel did offer a verbal statement, but it included information that Hiatt was also battered by Britney, which would fall under the domestic violence statute. Additionally, when Deputy Omelia told Lemuel this would rise to domestic violence, Lemuel recanted his statement about Hiatt being battered. Deputy Omelia offered no follow up questions as to why Lemuel lied to him, nor did he document any of the above information in his report.

Lines 25 through 27: *Deputy OMelia made contact with Nicholas Hiatt who advised he did not get involved in the physical altercation between Lemuel and Britney. He stated he remained inside the residence. Hiatt explained Britney is completely irrational when she is intoxicated. Hiatt provided a verbal statement in which he swore was the truth. The statement was captured on BWC.*

Deputy Omelia's interview with Hiatt lasted one minute and fifteen seconds. Hiatt never explained that Britney was irrational but this could be inferred through his mannerisms. Hiatt did indicate that only Lemuel got involved in the incident, but also stated that a beer bottle was thrown which leads credibility to Lemuel's statement he recanted. It was obvious in watching the body worn camera footage that Lemuel was only recanting because he did not want to involve Hiatt. Deputy Omelia should have identified all of these indicators.

It should be noted, at the 29 minute, 34 second mark, Lemuel gets upset with Deputy Omelia's handling of the incident by saying, "*What if she comes back here and attacks me again? Y'all ain't gonna go find her ass? Y'all just gonna give me a number and din 24 hours....[unintelligible]*"

After analyzing Deputy Omelia's body worn camera footage, and comparing it to the report he authored, it appeared as though Deputy Omelia conducted an incomplete criminal investigation. Deputy Omelia focused only on actions which constituted a crime against Lemuel. Deputy Omelia, at minimum, failed to recognize the overt signs that Nicolas Hiatt was the victim of domestic violence and allowed Lemuel to blatantly lie to him regarding his statement. Furthermore, it was made abundantly clear by Lemuel that children were present during the incident, and that one of the children was the subject of the altercation. Based on the report Deputy Omelia authored, it appears as though he failed to notify the Department of Children and Families; as required by Florida State Statute. It was also evident that Deputy Omelia failed to identify possible dangers the children were placed in, and conduct a necessary check of their well-being.

Sergeant Katie Teske
(Second interview)

On May 04, 2021, at approximately 0951 hours, Sergeant Cobb conducted a sworn recorded interview with Sergeant Katie Teske. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Sergeant Teske, Sergeant Cobb and Lieutenant Shivers. Below is a synopsis of the audio recorded interview:

Sergeant Teske authored a supervisor's inquiry into Deputy Omelia's actions involving a domestic violence incident in DeLeon Springs. While working as the District II patrol sergeant, Sergeant Teske reviewed the reports authored by her assigned deputies. While reviewing case number 210007247, she noted some issues that did not make sense. Sergeant Teske did not approve the report during that tour of duty.

The following day, the same issues were noted by the District II CID Sergeant, Todd Smith. Upon returning to duty, Sergeant Teske reviewed the accompanying body worn camera footage of the incident. This footage was captured by Deputy Omelia's body worn camera. Sergeant Teske documented her findings in the previously described supervisor's inquiry.

Throughout the same shift, Sergeant Teske conducted a second investigation into the domestic violence incident. Sergeant Teske determined Nicolas Hiatt was battered by his child's mother. Sergeant Teske completed the investigation and determined there was sufficient information rising to a level of probable cause for an arrest. With that, Sergeant Teske completed a second charging affidavit for domestic violent related offenses.

Deputy Patrick Omelia

On May 18, 2021, at approximately 1248 hours, Sergeant Cobb conducted a sworn recorded interview with Deputy Patrick Omelia. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Deputy Omelia, Attorney Gary Wilson, Sergeant Cobb and Detective Morgan. Below is a synopsis of the sworn recorded interview:

Prior to conducting the interview, Deputy Omelia signed a copy of his Garrity Warning, acknowledging his understanding of the document. This was completed in the presence of the previously mentioned personnel. Deputy Omelia was read a Volusia Sheriff's Office Administration of Oath / Perjury Warning. This document was signed by Sergeant Cobb in the presence of the same previously mentioned personnel.

February 14, 2021 Incident:

Deputy Omelia was working as the Pierson patrol unit on the night of February 14, 2021. Deputy Omelia had a body worn camera affixed to his person for the duration of the call for service. Deputy Omelia advised the body worn camera accurately depicts the events which took place on the night of the incident.

Ultimately, Deputy Omelia responded to a possible trespassing complaint. Deputy Omelia was reasonably familiar with the two individuals he encountered and had prior knowledge of them having access to the property. Deputy Omelia was presented with physical evidence on the night of the incident which indicated the two were trespassing, however, Deputy Omelia did not interrupt the evidence in that manner. Throughout the course of the interview, Deputy Omelia was able to see the evidence that depicted the two subjects trespassing. Deputy Omelia advised he did not find the subjects behavior suspicious and determine no crime had been committed. Deputy Omelia admitted to having received EPN's in the past for not properly investigating calls for service.

April 19, 2021 Incident:

In reference to the April 19, 2021 incident, Deputy Omelia was working as a patrol deputy in the DeLeon Springs area of responsibility. Deputy Omelia was wearing a body worn camera for the duration of the call. Deputy Omelia advised the body worn camera footage accurately depicts what occurred through the call for service.

Deputy Omelia summarized the call for service and advised he was dealing with an intoxicated subject and believed the discrepancies in the statements was due to the subject being intoxicated. Deputy Omelia admits to not asking any follow up investigative questions or looking for any tangible evidence on scene. Deputy Omelia indicated he did not complete the investigation because he was ordered not to the following day. Furthermore, Deputy Omelia did not know the dispute

was over the custody of a child and never identified any of the children on scene. Deputy Omelia failed to make the proper notifications to the Department of Children and Families as well.

Prior the conclusion of the interview, Deputy Omelia was asked if he felt he violated the following General Orders:

GO-026-02.IV.C.5.f – Inattention to Duties, Loafing, Sleeping	Yes
GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operation Procedure, or Order	No
GO-026-02.IV.C.5.h – Submission of Reports and Documents	Yes
GO-026-02.IV.C.5.n – Negligence Associated with Safety of Persons or Property	No
GO-026-02.IV.G.1.a – General Proficiency	No
GO-026-02.IV.G.1.c – General Proficiency	No
GO-026-02.IV.G.2.a – Knowledge of Official General Orders and Pertinent Standard Operating Procedures	No
GO-026-02.IV.G.2.b – Knowledge of Official General Orders and Pertinent Standard Operating Procedures	No
GO-026-02.IV.G.2.d – Knowledge of Official General Orders and Pertinent Standards Operating Procedures	No
GO-026-02 F2 Non-Criminal Violations – VSO personnel shall adhere to all federal, state and local laws and ordinances including those punishable by no other penalty than a fine, forfeiture or other civil penalty.	No

On May 21, 2021, this investigation was presented to the Sheriff and his staff. After careful review, the Sheriff determined the violation of the below listed Volusia Sheriff’s Office General Orders to be:

GO-026-02.IV.C.5.f – Inattention to Duties, Loafing, Sleeping	Sustained
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GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operation Procedure, or Order **Sustained**

GO-026-02.IV.C.5.h – Submission of Reports and Documents **Sustained**

GO-026-02.IV.C.5.n – Negligence Associated with Safety of Persons or Property **Sustained**

GO-026-02.IV.G.1.a – General Proficiency **Sustained**

GO-026-02.IV.G.1.c – General Proficiency **Sustained**

GO-026-02.IV.G.2.a – Knowledge of Official General Orders and Pertinent Standard Operating Procedures **Sustained**

GO-026-02.IV.G.2.b – Knowledge of Official General Orders and Pertinent Standard Operating Procedures **Sustained**

GO-026-02.IV.G.2.d – Knowledge of Official General Orders and Pertinent Standards Operating Procedures **Sustained**

GO-026-02 F2 Non-Criminal Violations – VSO personnel shall adhere to all federal, state and local laws and ordinances including those punishable by no other penalty than a fine, forfeiture or other civil penalty **Sustained**

On June 3, 2021, Deputy Omelia met with the Sheriff and his staff. Upon completion of the meeting, the Sheriff sustained the aforementioned General Order violations against Deputy Omelia.

GO-026-02.IV.C.5.f – Inattention to Duties, Loafing, Sleeping **Sustained**

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operation Procedure, or Order **Sustained**

GO-026-02.IV.C.5.h – Submission of Reports and Documents **Sustained**

GO-026-02.IV.C.5.n – Negligence Associated with Safety of Persons or Property **Sustained**

GO-026-02.IV.G.1.a – General Proficiency	Sustained
GO-026-02.IV.G.1.c – General Proficiency	Sustained
GO-026-02.IV.G.2.a – Knowledge of Official General Orders and Pertinent Standard Operating Procedures	Sustained
GO-026-02.IV.G.2.b – Knowledge of Official General Orders and Pertinent Standard Operating Procedures	Sustained
GO-026-02.IV.G.2.d – Knowledge of Official General Orders and Pertinent Standards Operating Procedures	Sustained
GO-026-02.F.2 – Non-Criminal Violations – VSO personnel shall adhere to all federal, state and local laws and ordinances including those punishable by no other penalty than a fine, forfeiture or other civil penalty	Sustained

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Supervisor Inquiries
- D. Official Reports, CAD History, & Affidavits
- E. Transcript of Interview with Deputy Aaron Chavez
- F. Transcript of Interview with Sergeant Cameron Tucker
- G. Transcript of Interview with Deputy Brandon Bivone
- H. Transcript of Interview with Deputy Daniel Berriozabal
- I. Transcript of Interview with Sergeant Katie Teske
- J. Transcript of Interview with Tamara Wilkes
- K. Transcript of Interview with Deputy Zakariah Bacon
- L. Transcript of Second Interview with Sergeant Katie Teske
- M. Digital Evidence

WITNESSES:

Volusia Sheriff's Office
123 West Indiana Avenue
DeLand, FL 32724
(386) 736-5961

Sergeant Cameron Tucker, Sergeant Katie Teske, Deputy Zakariah Bacon, Deputy Daniel Berriozabal, Deputy Brandon Bivone, Deputy Aaron Chavez

Civilian Witness

Tamara Wilkes
1175 W. Minnesota Avenue, Unit 43
DeLand, FL 32720

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

AND

I, the undersigned, do hereby swear, under the 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 suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

DETECTIVE: [Signature] DATE: 6-10-2021
Sergeant Brian Cobb
Internal Affairs Sergeant

STATE OF FLORIDA
COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of physical presence or online Notarization this 10th day of June, 2021 by Sergeant Brian Cobb

[Signature]
SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA


PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: [Signature] 2267 DATE: 06-18-2021
CHIEF DEPUTY JOSEPH GALLAGHER
VOLUSIA COUNTY FLORIDA