

# Sheriff

**MICHAEL J. CHITWOOD**

OFFICE  
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**VOLUSIA COUNTY SHERIFF'S OFFICE**

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June 8, 2021

Deputy Patrick Omelia #8317  
Volusia Sheriff's Office  
SOD / DeLand Courthouse

## **Final Suspension and Transfer**

Deputy Omelia:

Volusia Sheriff's Office General Order GO-026-02 requires that all "Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position." Because of your actions or inactions documented in IA 21-003, I have determined you violated the following Sheriff's Office General Orders:

### **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.

**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. (Includes but is not limited to traffic infractions.)

**To Wit:**

On March 17, 2021, you were served with a notice of internal investigation regarding two incidents occurring on February 14, 2021, and April 19, 2021, respectively.

**February 14, 2021:**

On February 14, 2021, you responded to a call for service at 1865 South County Road 3, Pierson, in reference to two subjects potentially trespassing on private property.

As you arrived on scene, you contacted two individuals who were standing outside the front gate to the property, near a burgundy Ford Ranger. 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 you contacted on scene.

At the conclusion of the call for service, you determined there was insufficient evidence 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 your shift.

Ultimately, it was determined that both suspects returned to the property, stole the game camera, and burglarized the structure within the gated property.

Throughout the course of the investigation, you missed multiple cues, which should have led you to ask more thorough and detailed questions of both subjects you encountered. A few examples of details you failed to identify during your investigation are as follows:

Upon arrival, one of the subjects was wearing a headlamp and standing slightly concealed from your view. You did not recognize this as suspicious and did not take charge of the scene as you arrived. Your inattention to both of these observations resulted in you not starting a loitering and prowling investigation, and compromised your officer safety.

Additionally, after being provided a picture of the two subjects trespassing on the property by Deputy Berriozabal, you failed to recognize which side of the gate the two subjects were on. Within the picture, there were obvious clues which should have been identified which should have led you to realize both subject were captured on camera trespassing.

Furthermore, while on scene, you notified both subjects of the general location of the concealed game camera, which was later stolen.

The result of your inattention to detail and limited criminal investigation culminated in the victim having to call the Sheriff's Office at approximately 0428 hours because she was victimized for a second time.

In hindsight, you testified that you could have done a better job and illustrated the proper technique to conducting a criminal investigation. Furthermore, you testified that you have received previous discipline for similar offenses in the recent past. In each of these prior discipline procedures you have been advised the following:

*"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."*

#### **April 19, 2021**

On April 19, 2021, you responded to 5560 Audalusia Avenue, DeLeon Springs, in reference to a domestic disturbance.

At the conclusion of the call for service, you authored a written police report that outlined the facts, which rose to a level of probable cause to arrest Brittney Adams for battery.

When Sergeant Teske reviewed your report, she noted the narrative did not make sense based on her observations when reviewing your body worn camera footage of the incident.

Ultimately, it was determined you failed to recognize when a witness was lying to you regarding his roommate's involvement in the dispute. You failed to ask any follow-up questions in an effort to disprove the witness' statements, and you did not make any effort to locate physical evidence to support the statements, which were provided to you.

Your lack of follow-up questioning, and your poor on scene investigation, led to a number of facts being missed and Brittney only being charged with simple battery.

On the following day, Sergeant Teske had to conduct a follow-up investigation because you did not complete the criminal investigation properly throughout your previous shift. In doing so, Sergeant Teske developed probable cause to charge Adams with aggravated battery – domestic violence. Based on Sergeant Teske’s follow-up investigation, she was able to obtain a felony arrest warrant for Adams.

In regards to this incident, you also testified you were inattentive to the details of the investigation, you failed to identify physical evidence on scene and where advised by your supervisor not to complete the investigation.

Furthermore, you did not attempt to determine the cause of the disturbance, or identify any children who were involved in the disturbance. By not doing so, you failed to notify the Department of Children and Families, which is in violation of the mandatory reporter statute.

Your conduct is likely to have adversely affected the good order and reputation of the Volusia Sheriff’s Office, and created undue work to be placed on your fellow co-workers. This behavior will not be tolerated.

**You have previously been the subject of the following disciplinary action:**

02/19/2016	26.2.098	Careless Handling of Equipment & Vehicles	Sustained
06/21/2018	26.2.033	Inattention to Duties, Loafing, Sleeping	Sustained
08/07/2018	26.2.156	Improper Conduct	
	42.2.62	Criminal Investigation Operations	Sustained
01/30/2021	GO-026-02.IV.V.5.f	Inattention to Duties, Loafing, Sleeping	Sustained
	GO-026-02.IV.V.5.c	Negligence w/Safety or Persons/Property	Sustained

In determining your discipline, I have considered your prior disciplinary history, performance, length of service with VSO, and seriousness of the circumstances of the most recent violations.

Based upon the foregoing, and due to your lack of a discernable improvement, along with your failure to comply with the Volusia Sheriff’s Office General Orders, it is my final decision to **suspend you from duty without pay for twenty four (8) work hours**. In lieu of serving the suspension without pay for its entirety, you may elect to use your personal leave for a one time maximum allotment of sixty hours (60); if you so elect, your remaining balance of the one-time allotment would be fifty-two hours (52). You are also hereby ordered to attend the upcoming domestic violence training at the New Deputy Training Academy. The date and time of your suspension is to be determined by your Division Chief, and the Training Commander will determine the dates and times of the upcoming training.

During the period of suspension, you are instructed to not act in any capacity as an employee of the Sheriff’s Office.

**You may not voluntarily work any additional hours (i.e., scheduled days off) during the pay period in which the suspension is taken.**



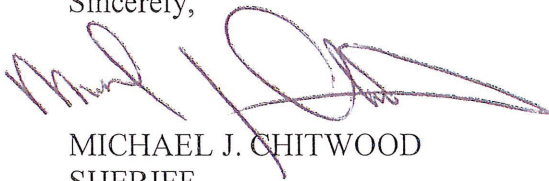
Additionally, per your request, you are hereby transferred from Law Enforcement Services Division – District Two to Support Operation Division – DeLand Courthouse. It should be noted, you still have the ability to transfer to different duty stations by request in accordance with General Orders.

If there are any concerns or questions troubling you that I am not aware of, please advise me so I will have the opportunity to assist you in correcting this problem.

Pursuant to the Volusia Sheriff's Office General Orders, VSO's General Counsel and Human Resources Director have reviewed and concurred with this intended action.

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 GO 26-01**.

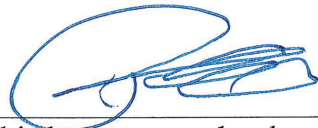
Sincerely,



MICHAEL J. CHITWOOD  
SHERIFF

cc: Human Resources  
VSO Legal  
Internal Affairs

MC/dws 040L0122.21



OMELIA  
8317

This letter was read and received by:

Deputy Patrick Omelia #8317

Date: 6/8/21

Time: 1415 hrs

Served by: PO SHIVERS 6842