

REPORT OF GRIEVANCE
VOLUSIA COUNTY SHERIFF'S DEPARTMENT
(Attach additional sheets, if necessary)

5/31/02
Orig. delivered
Personnel and
Administration file

Forward to: Administrative Services Division

Employee's Name: Jody Palermo
Job Title: Lieutenant
Division: Law Enforcement Services
Unit: Central Dispatch
Immediate Supervisor (Name): Major Burns
Date/Time occurred: February 11, 2002
Step: Number One

Explanation of grievance:

- See attached summary of events.
- See attached FSS 394.463- Involuntary Examination.
- See attached Letter of Reprimand File: 054M045.01
- See attached VCSO Incident Report # 01-27433.
- See attached VCSO Memo - File # 054M044.01

The incident discussed (attached) was handled correctly and lawfully with the best interest of the Deputy, The Department and the County in mind. An issued order to Baker Act a person without probable cause is an unlawful order. The Deputy involved has since been exonerated, cleared and returned to work.

Respectfully request this resolution:

The incident that occurred and the subsequent actions taken by this writer were done in a manner that was consistent with the law as it pertains to the Baker Act. This writer further acted to first attend to the Deputy and resolve the issue in the best interest of the Volusia County Sheriff's Department and the County of Volusia. VCSO Policy states a Deputy shall execute an order then resolve the issue after the fact unless the order is unlawful at which time the Deputy shall make a judgement call. I spent hours with the Deputy and observed his actions and listened to him speak. I have dealt with people and the Baker Act as a Law Enforcement Officer for nineteen years.

This reprimand is based on an unlawful order / premise and should be withdrawn without further retribution to this writer.

Date: 2/22/2002 Employee's Signature: LT. Jody P. Palermo

Supervisory Acknowledgement

Date Received: 2/22/02 Time Received: 1206
Signature: Kaliper Title: Major

received
5-31-02 ec

Sergeant Socha and I began collecting VCSO equipment from Pare to include his vehicle, duty and off-duty weapons with ammunition. We walked outside and observed Captain Jones and Sergeant Brown standing in the front yard. The equipment was placed into Sergeant Socha's Cruiser. Sergeant Ralph Brown did not speak with this writer.

I was on scene with Pare from approximately 1440 hours through 1800 hours and did not observe nor hear anything that would meet the Baker Act criteria. I have dealt with the Baker Act and people who it was designed for approximately nineteen years. I also know probable cause can not be transferred from one person to another concerning a Baker Act under the Law Enforcement section of the Act.

Pare spoke with Captain Jones outside prior to being transported in my unmarked County vehicle. The conditions of Pare's admission to ACT was not discussed while outside. Captain Jones did not indicate, nor state the conditions of the admission to ACT with this writer at this time. Sergeant Socha had stated the conditions that we were to follow therefore I had no reason to believe an involuntary Baker Act was to be made, nor did Sergeant Socha. Pare was placed in the front seat while Sergeant Socha sat directly behind Pare during transport to ACT in Daytona Beach.

We arrived at ACT in Daytona Beach when a b/f emerged and stated she had no beds at this facility or Halifax Hospital. Sergeant Socha went inside with the b/f and returned approximately five minutes later. The b/f stated ACT had a small secure facility in Deland and we were to transport Pare to West Volusia Hospital.

We arrived at West Volusia Hospital and submitted Pare for medical screening prior to being admitted into the ACT portion of the hospital. Dr. Knight asked that Sergeant Socha and I leave the room while he spoke to Pare privately. We were summoned to return approximately 45 minutes later. Dr. Knight stated he would Baker Act Pare and suggested he (Pare) would have to submit himself for screening or we (VCSO) would have to involuntarily Baker Act Pare. Pare stated he would submit himself for screening to clear himself. Dr. Knight stated Pare would be locked in a room and if he were to attempt to leave would trigger a telephone call to Sergeant Socha at which time he (Pare) would be held against his will with a Law Enforcement Baker Act. Sergeant Socha and this writer left.

Sergeant Socha and this writer returned to Pare's home to retrieve his County vehicle and take it to District Four. We also had to return to retrieve Sergeant Socha's vehicle. Sergeant Socha and this writer sat in my County vehicle and telephoned Captain Jones to let him know that we were finished and ready to go home. Captain Jones speaking on my vehicle speaker phone stated: "they" would be angry because Pare was not involuntarily Baker Acted. Captain Jones then stated "it appears you treated Pare differently because he is your friend." Sergeant Socha told Captain Jones we treated Pare the same as citizens we deal with on a daily basis. Captain Jones then stated he had not dealt with Baker Acts over the years and said to wait within District Four while he called Major Burnsed.

Captain Jones telephoned Sergeant Socha and this writer at District Four. Captain Jones stated Major Burnsed was extremely angry and ordered this writer to return to the hospital and involuntarily Baker Act Pare at Halifax Hospital in Daytona Beach. Tempers slightly flared at this time due to the long hours worked and the accusations made by Captain Jones. This was the first time I was given a direct order by Captain Jones regarding Pare. The order was unlawful. I told Captain Jones that the issue was resolved in the best interest of the Deputy and the Department. Captain Jones again ordered that we return to West Volusia and Baker Act Pare. Sergeant Socha and this writer went back to West Volusia Hospital and transported Pare to Halifax Hospital where he was involuntarily admitted as a Baker Act on a Law Enforcement Baker Act form initiated and signed by Sergeant Socha.

Conclusion

I did not enter the residence as the Captain states. Entrance to the residence was made with Lieutenant Osowski after it was determined that a threat did not exist. I did not make any determination and merely relayed information that I had received while spending approximately four hours with Pare while others conducted an investigation. I was not uncomfortable with the situation as the Captain states. I was uncomfortable with the fact that a Baker Act with transferred probable cause from an ex lover (Deputy) would not be in the best interest of the Deputy and the Department. I stayed on scene to avoid any possible problems that could have occurred if I had to leave the residence. Pare and his sister could have ordered me out at any time and I would have had to leave. I made a decision based on the best interests of a human being and a Department member that may need help in a crisis.

Captain Jones did not direct this writer with clear and concise direction while this writer sat within the Pare residence or prior to transporting him to the hospital. The only direct order this writer received from Captain Jones was to go back to West Volusia Hospital and take Pare to Halifax Hospital for an involuntary Baker Act. I had no reason to believe Sergeant Socha and I did the wrong thing based on Sergeant Socha's initial statement to Pare. We were shocked at Captain Jones' reaction when contacted at 2230 hours, at District Four.



Sheriff's Office

Volusia County

Ben F. Johnson, Sheriff

To: LT. R. Matusick

Date: 02-06-2003

From: Sgt. D. Amendolare *Da*

File:

Subject: Meeting with LT. J. Palermo

Per your request I submit this memo that you have requested concerning a meeting that occurred with LT. Palermo and myself.

On Sunday 02-02-03 at approximately 2130 hrs. LT. Palermo contacted myself via the radio and requested to meet at a location in Deltona. Sgt. Amendolare advised LT Palermo that I could meet him at Providence Blvd and Tivoli Dr. The meeting lasted approximately twenty minutes.

Lt. Palermo advised that he had his meeting with the County review board, and lost his appeal on his five day suspension. He was genuinely upset over the outcome of the review and made several comments slandering the process by which he was judged. He advised that an issue was raised in the hearing as to whether or not Major Burnsed was under the influence of alcohol when Lt. Palermo was given "the order". Lt. Palermo advised that they "flat out lied, knowing they were all at a party drinking together that night. He felt that he lost his appeal based on "The Good Ole Boys" and Nancy Jones wanting to ruin his career.

As I stated previously this was a relatively short meeting with Lt. Palermo, where he continued to convey the same displeasure with the system and process.