

**VOLUSIA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA # 11-014

PERIOD COVERED: September 1, 2011 through November 15, 2011

DATE REPORTED: November 16, 2011

SUBJECT(S) NAME: Lieutenant Michael Odgers ID# 1454

INVESTIGATING OFFICER: Lieutenant Paul Adkins

BASIS FOR INVESTIGATION:

On October 25, 2011, Sheriff Johnson informed Lieutenant Adkins that he had received information that caused him concern regarding Lieutenant Odgers spending extended periods of time at unusual locations during his (Lieutenant Odgers) shifts as the Watch Commander. Sheriff Johnson directed Lieutenant Adkins to conduct surveillance on Lieutenant Odgers during his (Lieutenant Odgers) shifts to determine what actions Lieutenant Odgers was taking while he was at stationary locations.

During the surveillance and upon review of Lieutenant Odgers' CAD and AVL history, significant disparities were observed between Lieutenant Odger's CAD log on time and AVL connection times on numerous occasions.

OFFENSE(S):

26.2.33 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. *(Violation subject up to a 1 day suspension.)*

26.2.119 Code of Ethics for Public Officers and Employees - Employees shall strictly adhere to the code of ethics for public officers and employees and shall not violate the Code of Ethics for Public Officers and Employees as set forth in Florida law and the County Merit System. *(Violation subject up to dismissal.)*

26.2.40 Negligence, Not Endangering - Employees shall not ignore or violate official Directives, orders, or supervisory instructions or knowingly fail to properly

execute the duties and responsibilities of their assigned positions. *(Violation subject up to a 5 day suspension.)*

26.2.143 Use of Equipment: AVL - Employees shall ensure proper maintenance and utilization of the Department AVL (GPS) for its intended purpose and in accordance with installation requirements.

26.2.144 Employees shall not intentionally cause the interruption of AVL equipment through purposeful acts of negligence or inattention. *(Violation subject up to a 1 day suspension.)*

26.2.145 Any employee found to engage in such purposeful acts with intent to deceive the AVL system in order to avoid detection while on duty will be subject to disciplinary action up to dismissal.

26.2.26 Abusing Meal or Rest Periods- To Wit:

26.2.27 Employees working a twelve hour workday are permitted one fifteen minute rest period during the first half of their shift and one fifteen minute rest period during the second half of their shift.

26.2.28 Employees may suspend work activities up to 40 minutes per workday for meal breaks. Employees, with supervisors approval, may combine their rest periods for up to a one hour meal break.

26.2.30 Meal breaks or rest periods may not be taken during the last hour of the workday. *(Violation subject up to a 1 day suspension.)*

26.2.34 Failure to Follow Directive or Order - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)*

Volusia County Merit System Rules and Regulations 86-453 (13). Any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

INVESTIGATIVE SUMMARY:

On October 27, 2011, Lieutenant Adkins was briefed by Captain Mandizha as to locations within the city limits of Edgewater that he has observed Lieutenant Odgers remaining stationary at for long periods of time, specifically West Turgot Drive, Fern Palm Drive, and Kumquat Drive in the of Edgewater.

On October 27, 2011 at approximately 0200 hours, Lieutenant Adkins, with the assistance of Captain Mandizha, attempted to conduct surveillance on Lieutenant Odgers. During this period of time Lieutenant Odgers remained at the District 5 Office until the end of his shift.

On October 28, 2011 at approximately 0200 hours, Lieutenant Adkins, with the assistance of Captain Mandizha, attempted to conduct surveillance of Lieutenant Odgers. During this period of time, Lieutenant Odgers did not remain stationary for any extended period of time.

On November 9, 2011 at approximately 1530 hours, Lieutenant Adkins began surveillance after locating Lieutenant Odgers assigned vehicle parked on Kumquat Drive in Edgewater. At 1610 hours, Lieutenant Odgers and a juvenile were observed leaving Kumquat Drive and traveling to a church on US 1 near Park Avenue in Edgewater where picked up a young child. Lieutenant Odgers then traveled to Woodland Boulevard where he dropped the two children off. Lieutenant Odgers then traveled to US1 and headed north. Although Lieutenant Odgers had logged on to CAD (Computer Aided Dispatch) at 1648 hours, his AVL was not showing connected and Lieutenant Adkins lost sight of Lieutenant Odgers shortly after turning onto US 1. Lieutenant Odgers AVL (Automated Vehicle Locator) did not connect until 2031 hours, showing him traveling on West Turgot Drive in Edgewater where Lieutenant Adkins resumed visual surveillance. From this location, Lieutenant Odgers drove to Woodland Boulevard. From there, Lieutenant Adkins followed Lieutenant Odgers to the District Five Office where he briefly met with Captain Summers in the parking lot at 2100 hours, then drove to the county fuel pumps in New Smyrna Beach arriving at 2109 hours. While there, Lieutenant Odgers met with Deputy Rego and then departed at 2129 hours. Lieutenant Odgers left the New Smyrna Beach area, northbound on I-95 heading to call #P113132421 at US 1 and I-95 in Ormond Beach. Lieutenant Adkins discontinued visual surveillance and continued to monitor Lieutenant Odgers location via Force Watch. At 0033 hours on November 2, 2011, Lieutenant Adkins noticed Lieutenant Odger's AVL signal leaving Central Communications and begin traveling south towards the Edgewater area. Lieutenant Adkins reacquired visual surveillance as Lieutenant Odgers exited I-95 onto Indian River Boulevard in Edgewater and arrived on Kumquat Drive at 0116 hours. Lieutenant Adkins approached Lieutenant Odgers vehicle and determined that he was not inside it. Lieutenant Adkins also noticed that Lieutenant Odger's assigned MDC was not in the vehicle as well. Visual surveillance was maintained until 0345 hours during which Lieutenant Odgers was not seen nor did his assigned vehicle move. A later check of Lieutenant Odgers' AVL revealed that it remained on Kumquat Drive until Lieutenant Odgers logged off at 0519 hours.

On November 10, 2011 at approximately 1530 hours, Lieutenant Adkins began surveillance but was unable to locate Lieutenant Odgers assigned vehicle. At 1649 hours, Lieutenant Odgers logged onto CAD, however, his AVL did not connect until 1734 hours, showing stationary on Fern Palm in Edgewater. Lieutenant Adkins continued to monitor Lieutenant Odgers via Force Watch until 0225 hours on November 16, 2011 when Lieutenant Odgers left Central Communications and began traveling towards Edgewater. Lieutenant Adkins acquired visual surveillance as Lieutenant Odgers traveled eastbound on SR 44 after exiting I-95 in New Smyrna Beach. Lieutenant Adkins followed Lieutenant Odgers into the city limits where he met an Edgewater Police Department Officer at the 7-

11 located at US 1 and Park Avenue at 0255 hours. At 0309 hours, Lieutenant Odgers left the 7-11 and traveled to Fern Palm Drive and 26th Street where he parked at the north end of the recreational facility at this location at 0320 hours. Lieutenant Adkins approached on foot to a position approximately 15 yards from Lieutenant Odger's assigned vehicle. Lieutenant Adkins could hear that the vehicle's engine was running but was unable to see into the vehicle due to its tinted windows and lighting in the area. Lieutenant Adkins was also unsuccessful using a night vision device due to the glare of ambient light on the vehicle's windows. During a period of observation, Lieutenant Adkins could see the periodic glow of the MDC's (Mobile Data Computer) computer screen, indicating that the lid of the computer was being opened and closed. Lieutenant Adkins did not observe any other persons or vehicle in the area of Lieutenant Odgers vehicle. In an attempt to get a visual through the front of the vehicle, Lieutenant Adkins left his stationary position and walked around the facility to a location that would allow him to walk directly down 26th street and in front of Lieutenant Odgers assigned vehicle. Lieutenant Adkins walked down 26th Street and to within 25 yards of Lieutenant Odgers. The headlights on Lieutenant Odgers vehicle were not on, allowing a partial view through the front windshield. Lieutenant Adkins was able to make out the outline of one person sitting in the driver's seat. Lieutenant Adkins discontinued visual surveillance. A later check of Lieutenant Odger's AVL revealed that he remained at this location until 0426 hours when he drove to Kumquat Drive and remained until the end of his shift.

On November 15, 2011 at approximately 1530 hours Lieutenant Adkins began surveillance on Kumquat Drive in Edgewater and maintained a visual watch on Lieutenant Odgers' assigned vehicle. At 1644 hours Lieutenant Odgers logged on to CAD, however, his AVL did not connect until 1652 hours. Once Lieutenant Odgers AVL connected, Lieutenant Adkins discontinued visual surveillance and monitored Lieutenant Odger's activity via Force Watch until 0253 hours on November 16, 2011 when Lieutenant Odgers' AVL was showing stationary at the same recreational facility at the end of Fern Palm Drive and 26th Street in Edgewater. Lieutenant Adkins observed that Lieutenant Odgers' assigned vehicle was parked in the same manner and location as it was on November 15, 2011. There were no other persons or vehicles in the area. Lieutenant Adkins was able to see through the front windshield of Lieutenant Odgers' assigned vehicle and could faintly see one occupant in the vehicle sitting in the driver's seat that was partially illuminated by a light in the vehicle. Lieutenant Odgers remained at this location until 0330 hours when he drove to Kumquat Drive, arriving at 0344 hours. Lieutenant Adkins did not see Lieutenant Odgers exit his assigned vehicle, but did see it remain on Kumquat Drive, unoccupied, until the end of Lieutenant Odgers' shift.

On November 16, 2011, Sheriff Johnson and Chief Deputy Lee instructed Lieutenant Adkins to discontinue surveillance on Lieutenant Odgers and directed that an Internal Affairs Investigation begin to determine the purpose of Lieutenant Odgers' activity while stationary and to determine the cause of Lieutenant Odgers' AVL not connecting and reporting it location.

On November 16, 2011 at 1526 hours, Lieutenant Adkins and Sergeant Tatum served Lieutenant Odgers with a notice of Internal Affairs Investigation, placing him on paid administrative suspension. A copy of the Law Enforcement Officer's Bill of Rights was

also given to Lieutenant Odgers. Lieutenant Odgers was instructed that he was to remain at his residence and by the telephone from 0800 hours until 1600 hours Monday through Friday and was only allowed to leave his residence for the purpose of attending medical appointments or to meet with an attorney regarding this case and only after contacting Lieutenant Adkins and receiving permission to do so. Lieutenant Odgers was told that if he was given permission to leave his residence for one of these reasons, he was to contact Lieutenant Adkins immediately upon his return to his residence. Lieutenant Adkins assisted Lieutenant Odgers with removing personal property from his (Lieutenant Odgers) assigned vehicle and gathering department issued equipment from his residence. Lieutenant Adkins noticed that Lieutenant Odgers appeared to be extremely distraught and suggested that he (Lieutenant Odgers) seek assistance through the Employee Assistance Program. Lieutenant Odgers informed Lieutenant Adkins that he (Lieutenant Odgers) had a very strong support group and would be okay. (See Tab A)

Comparison of Watch Commander Activity: June 15 2011- November 14, 2011:

A review of Lieutenant Odger's CAD (Computer Aided Dispatch) call history from June 15, 2011 through November 14, 2011 reflects that he worked 72 shifts and had 91 calls for service (42 west side, 49 east side) logged in his history, 11 of which were self initiated calls for service. Lieutenant Odgers self initiated activity included 9 traffic stops, 1 suspicious vehicle and 1 suspicious person. Lieutenant Odgers had 13 days of inactivity. (See Tab D)

In comparison, a review of the opposite shift Watch Commander's CAD call history for the same time period shows that he worked 65 shifts and had 237 calls for service (67 west side, 170 east side) of which 94 were self-initiated calls. Lieutenant Westfall's self initiated activity included 64 traffic stops, 17 suspicious persons/vehicle/event calls and extra patrols. Lieutenant Westfall had 1 day of inactivity. (See Tab L)

A review of Lieutenant Odgers' AVL (Automated Vehicle Locator) data was conducted using the replay function of the Force Watch program. The below list indicates times and locations where Lieutenant Odgers' AVL was stationary for significant periods of time while not assigned to a call for service:

06/17/11 1755-1829 Central Communications

06/17/11 2018-2135 Enterprise Road Orange City Texas Roadhouse

06/17/11 2153-2350 District 2

06/18/11 0106-0406 District 5

06/20/11 2047-2221 Daytona Beach International Airport

06/22/11 2238-0221 Central Communications

06/23/11 0332-end of shift Woodland Boulevard Edgewater- Lieutenant Odgers' residence

06/23/11 1811-2048 District 3

06/23/11 2147-2241 District 5

06/24/11 0337-0430 District 5

06/24/11 1203-0123 District 3

06/24/11 0140-0310 Central Communications

07/17/11 1652-1722 Woodland Boulevard Edgewater- Lieutenant Odger's residence

07/17/11 1740-1807 District 5

07/17/11 1820-1850 Victory Palm Edgewater- Melinda Eissler's residence

07/17/11 1954-2054 Mariners Gate Drive Edgewater- Deputy McKnights residence

07/17/11 2102-2209 Victory Palm Edgewater-Melinda Eissler's residence

07/17/11 2237-0005 Central Communications

07/18/11 0220-0336 District 5

07/18/110357-end of shift Woodland Boulevard Edgewater- Lieutenant Odgers' residence

07/20/11 1737-1944 District 5

07/20/11 2055-2159 SR 44/ ICW New Smyrna Beach Outback

07/20/11 2231-0021 District 5

07/21/11 0110-0320 Central Communications

07/21/11 0351- end of shift Woodland Boulevard Edgewater- Lieutenant Odgers' residence

07/21/11 1751-1811 442/ 95 Edgewater

07/12/11 1856-1936 Center and 4th Pierson Restaurant

07/12/11 2215-2355 District 4

07/13/11 0137-0307 Central Communications

07/13/11 0333- end of shift District 5

07/26/11 2259-0016 US 92/415 Daytona Beach -McDonalds

07/27/11 0025-0219 Central Communications

07/27/11 0320-end of shift Woodland Boulevard Edgewater

07/29/11 1700-1733 Woodland Boulevard Edgewater- Lieutenant Odgers' residence

07/29/11 1830-1923 Area of Holly Hill Police Department- Ball Park - Childs game

07/29/11 2017-2027 Woodland Boulevard Edgewater- Lieutenant Odgers' residence

07/29/11 2036-2116 Air Park/442 Edgewater

07/29/11 2135-2215 Victory Palm Edgewater- Melinda Eissler's residence

07/29/11 2242-0106 Central Communications

07/30/11 0132-0212 US 92/15A Deland

07/30/11 0342-end of shift Woodland Boulevard Edgewater- Lieutenant Odgers' residence

08/03/11 1836-1920 Central Communications

08/03/11 1957-2050 Nova/Dunlawton Port Orange - Mexican Restaurant

08/03/11 1226-2259 Daytona Beach International Airport

08/03/11 2315-0036 Central Communications

08/04/11 0155-0402 District 5

08/04/11 1723-1803 SR 44/I-95 New Smyrna Beach

08/04/11 1840-1857 Aviation Deland

08/04/11 1950-2100 SR 44/ High Street Deland - Restaurant

08/04/11 2152-2232 US 92/15A Deland
08/05/11 0326-0440 District 5

08/05/11 1857-1931 US 1/Riverside Edgewater - Park
08/05/11 1937-2054 Victory Palm Edgewater - Melinda Eissler's residence
08/05/11 2124-0027 Central Communications
08/06/11 0052-0132 Avenue I/ Boyles Holly Hill
08/06/11 0207-0434 District 5

08/09/11 1700-1737 Woodland Boulevard Edgewater- Lieutenant Odgers' residence
08/09/11 1805-1935 Victory Palm Edgewater - Melinda Eissler's residence
08/09/11 2113-0016 Central Communications
08/10/11 0040-0107 District 2
08/10/11 0118-0158 Woodland/ Kentucky Deland
08/10/11 0218-0501 Sunset/17-92 Debary Gemini Springs

08/12/11 1813-1933 Center/4th Pierson Restaurant
08/12/11 2013-2300 Central Communications
08/12/11 2317-0017 Daytona Beach International Airport
08/13/11 10135-0435 District 5

08/13/11 1702-1715 Woodland Boulevard Edgewater- Lieutenant Odgers' residence
08/13/11 1758-1845 Victory Palm Edgewater - Melinda Eissler's residence
08/13/11 1932-2102 Central Communications
08/13/11 2145-2221 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
08/13/11 2231-2345 Victory Palm Edgewater - Melinda Eissler's residence
08/14/11 0035-0303 Central Communications
08/14/11 0335-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

08/14/11 2015-2045 District 4
08/14/11 2006-2030 District 5
08/14/11 2043-2153 Victory Palm Edgewater - Melinda Eissler's residence
08/14/11 2325-0209 Central Communications
08/15/11 0244- end of shift Woodland Boulevard Edgewater- Lieutenant Odgers' residence

08/22/11 1755-1812 SR 44/Hidden Pines New Smyrna Beach
08/22/11 1958-2025 Victory Palm Edgewater - Melinda Eissler's residence
08/22/11 2054-2300 Central Communications
08/23/11 0117-0141 Halifax/US 1 Oak Hill
08/23/11 0205-0359 District 5
08/23/11 0417-end of shift Woodland Boulevard Edgewater- Lieutenant Odgers' residence

08/23/11 1700-1737 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
08/23/11 1906-1926 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
08/23/11 1936-1950 Victory Palm Edgewater - Melinda Eissler's residence
08/24/11 0100-0137 District 5

08/24/11 0146-0229 Flagler Beach Approach New Smyrna Beach
08/24/11 0239-0329 District 5
08/24/11 0349-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

08/26/11 1836-1933 Center/ 4th St Pierson restaurant
08/26/11 2016-2112 Veterans Memorial/ E Rhode Island Orange City - Ball fields
08/26/11 2129-0022 District 4
08/27/11 0038-0051 Lake Helen Osteen/ Kicklighter Lake Helen
08/27/11 0113-0337 Central Communications
08/27/11 0408-0504 Woodland Boulevard Edgewater - Lieutenant Odgers' residence

08/27/11 2000-2207 District 5
08/27/11 2222-2249 Victory Palm Edgewater - Melinda Eissler's residence
08/27/11 2323-0337 Hand/ Nova Holly Hill
08/28/11 0413-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

08/28/11 1720-1726 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
08/28/11 1735-1742 Victory Palm Edgewater - Melinda Eissler's residence
08/28/11 1800-1910 District 5
08/28/11 2013-2223 Destination Daytona Ormond Beach - Hooligans restaurant
08/29/11 0026-0123 Central Communications
08/29/11 0153-0203 Williamson/ SR 44 New Smyrna Beach
08/29/11 0218-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

08/31/11 1838-1908 District 5
08/31/11 1915-1932 SR 44 Mission Kmart Plaza New Smyrna Beach
08/31/11 1946-2033 Victory Palm Edgewater-Melinda Eissler's residence
08/31/11 2059-2139 Daytona Beach International Airport
08/31/11 2158-0042 Central Communications
09/01/11 0129-0209 Bethune Beach Park New Smyrna Beach
09/01/11 0350-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

09/01/11 1805-1901 District 5
09/01/11 1938-2106 Trails Plaza Ormond Beach
09/01/11 2143-2302 Center/ 4th Pierson restaurant
09/01/11 2337-0117 Central Communications
09/02/11 0148-0215 District 5
09/02/11 0231-end of shift Woodland Boulevard - Lieutenant Odgers' residence

09/05/11 1818-1952 Central Communications
09/05/11 2009-2220 Daytona Beach International Airport
09/05/11 2226-2242 Volusia Mall Parking Lot
09/05/11 2247-2327 US 92/ Indigo - Ale House
09/06/11 0123-0303 District 5
09/06/11 0319-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

09/06/11 1700-1721 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
09/07/11 0147-0354 Central Communications

09/10/11 1818-1904 District 5
09/10/11 1926-2023 Sonny's Port Orange
09/10/11 2042-2155 Central Communications
09/10/11 2221-2308 Victory Palm Edgewater - Melinda Eissler's residence

09/11/11 1759-1849 District 5
09/11/11 1923-2023 Trails Plaza Ormond Beach
09/11/11 2058-2218 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
09/11/11 2246-2320 Taylor/ Clyde Morris Port Orange
09/11/11 2338-0324 Central Communications
09/12/11 0355-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

09/14/11 1754-1841 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
09/14/11 1959-2052 Mi Mexico Deland
09/14/11 2114-2207 Luis Lane Debary - Lieutenant Don Taylor's residence
09/14/11 2219-2256 Saxon Plaza Deltona
09/14/11 2329-0049 Central Communications
09/15/11 0106-0227 SR 40/ Clyde Morris Ormond Beach - Denny's
09/15/11 0253-0410 District 5
09/15/11 0426-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

09/15/11 1702-1746 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
09/15/11 1842-1918 District 5
09/15/11 1926-2020 Outback New Smyrna Beach
09/15/11 2030-2200 SR 44/ Coates New Smyrna Beach - Denny's
09/15/11 2242-2330 Daytona Beach International Airport
09/15/11 2344-0211 Central Communications
09/16/11 0426-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

09/19/11 1700-1747 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
09/19/11 1802-1905 Turgot Edgewater - Ball Park
09/19/11 1949-2049 Sonny's Port Orange
09/19/11 2121-0001 Central Communications
09/20/11 0103-0213 District 4
09/20/11 0301-0406 District 5
09/20/11 0440 end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

09/20/11 1655-1726 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
09/20/11 1759-1849 District 5
09/20/11 1925-2048 Texas Roadhouse Orange City
09/20/11 2010-2020 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
09/20/11 2238-2405 District 5
09/20/11 2429-0236 Central Communications

09/20/11 0311-0457 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
09/20/11 1700-1719 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
09/20/11 1756-1849 District 5
09/20/11 1925-2048 Texas Roadhouse Orange City
09/20/11 2103-2127 District 4
09/20/11 2210-2220 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
09/20/11 2238-0005 District 5
09/21/11 0029-0236 Central Communications
09/21/11 0311-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

09/23/11 1952-2229 Kumquat
09/23/11 2342-0032 Luis Lane Debary - Lieutenant Don Taylor's residence
09/24/11 0113-0343 Central Communications
09/24/11 0415-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

09/24/11 1700-1845 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
09/24/11 1853-1936 Kumquat Edgewater - Deputy Jackie Mullins' residence
09/24/11 2246-2353 Luis Lane Debary - Lieutenant Don Taylor's residence
09/25/11 0059-0333 District 5
09/25/11 0348-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

09/29/11 1757-1852 Central Communications
09/29/11 1942-2059 1451 Almond Street Orange City
09/29/11 2111-2225 17-92/ Highbanks Debary
09/29/11 2240-0030 Saxon Medical Plaza
09/30/11 01:07-02:37 US 1/ 10th Edgewater- vacant lot
09/30/11 02:53-04:50 US 1/ 10th Edgewater- vacant lot

10/03/11 1655-1914 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/03/11 1948-2258 Chickadee Port Orange - Major Rocky Norris' residence
10/03/11 2322-0235 Central Communications
10/04/11 0335-0409 SR 44/ Mission New Smyrna Beach - Kmart Plaza
10/04/11 0432-end of shift Woodland Boulevard Edgewater - Lieutenant Odgers' residence

10/04/11 1734-1820 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/04/11 1842-1923 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/04/11 2117-2214 Central Communications
10/04/11 2247-2257 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
10/04/11 2306-2353 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/05/11 0007-0046 District 5
10/05/11 0105-0200 SR 44/ Mission New Smyrna Beach - Kmart Plaza
10/05/11 0244-0358 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
10/05/11 0434-0458 Kumquat Edgewater - Deputy Jackie Mullins' residence

10/07/11 1702-1718 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/07/11 1759-1813 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
10/07/11 1830-1842 US1/ Roberts Edgewater
10/07/11 1847-1949 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/07/11 2053-2243 Central Communications
10/07/11 2317-2400 Kumquat Edgewater - Deputy Jackie Mullins' residence

10/08/11 1700-1756 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/08/11 1804-1813 Woodland Boulevard - Lieutenant Odgers' residence
10/08/11 1846-1926 Kumquat Edgewater - Deputy Jackie Mullins residence
10/08/11 1959-2212 Central Communications
10/08/11 2247-0014 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/09/11 0322-0415 District 5
10/09/11 0444- end of shift Kumquat Edgewater - Deputy Jackie Mullins' residence

10/09/11 1700-1847 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/09/11 1917-1944 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/09/11 2019-2111 Sonny's Port Orange
10/09/11 2136-2358 Central Communications
10/10/11 0035-0123 US 1/ Roberts Edgewater - Publix Plaza
10/10/11 0135-0138 Woodland Boulevard Edgewater - Lieutenant Odgers' residence
10/10/11 0144-0203 US 1/ Volco Road Edgewater - Convenience store
10/10/11 0213-0226 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/10/11 0239-0324 US 1/ Center Edgewater
10/10/11 0337-0439 Volco/US 1 Edgewater - Convenience Store

10/12/11 1900-1933 District 5
10/12/11 2007-2144 Sonny's Orange City
10/12/01 2210-2356 Central Communications
10/13/11 0022-0135 District 5
10/13/11 0135-0239 Volco Road/ US 1 Edgewater - Convenience store
10/13/11 0252-0452 District 5

10/13/11 1700-1905 Kumquat Edgewater - Deputy Jackie Mullins residence
10/13/11 2043-1206 Daytona Beach International Airport
10/13/11 2117-2127 US 92/ Thames Daytona Beach
10/13/11 2140-2233 Central Communications
10/14/11 0140-0247 SR 44/ Mission New Smyrna Beach - Kmart plaza
10/14/11 0302-0418 Woodland Edgewater - Lieutenant Odgers' residence
10/14/11 0426-end of shift Kumquat Edgewater - Deputy Jackie Mullins residence

10/17/11 1756-1856 District 5
10/17/11 1904-2017 Outback New Smyrna Beach
10/17/11 2034-2050 Fern Palm Edgewater - Melinda Eissler's parent's residence
10/17/11 2102-2149 Hibiscus/ 442 Edgewater
10/17/11 2218-2344 Central Communications

10/18/11 0115-0308 Hibiscus/ 442 Edgewater
10/18/11 0320-0553 end of Fern Palm Edgewater - Blissett Park

10/18/11 1700-1739 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/18/11 1757-1849 Fern Palm Edgewater - Melinda Eissler's parent's residence
10/18/11 1903-2023 US 1/ 442 Edgewater - Winn Dixie Plaza
10/18/11 2031-2114 Dustin's Edgewater
10/18/11 2338-0031 Central Communications
10/19/11 0111-0421 end of Fern Palm Edgewater - Blissett Park
10/19/11 0429-0523 end of Fern Palm Edgewater - Blissett Park

10/21/11 1730-1750 US 1/10th Edgewater- Vacant lot
10/21/11 1816-1926 Turgot Edgewater - Ball Park
10/21/11 1954-2047 Fern Palm Edgewater - Melinda Eissler's parent's residence
10/21/11 2104-2117 SR 44/I-95 New Smyrna Beach
10/21/11 2219-2339 Central Communications
10/22/11 0020-0107 SR 44/ Mission New Smyrna Beach - Kmart Plaza
10/22/11 0322-0452 end of Fern Palm Edgewater - Blissett Park

10/22/11 1700-1718 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/22/11 1738-1852 Fern Palm Edgewater - Melinda Eissler's parent's residence
10/22/11 1937-2006 Osteen Pumps
10/22/11 2025-2142 Luis Lane Debary - Lieutenant Don Taylor's residence
10/22/11 2153-2217 Dirksen/ Gemini Springs Debary
10/22/11 0000-0117 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/23/11 0204-0451 end of Fern Palm Edgewater - Blissett Park

10/23/11 1700-1722 Kumquat Edgewater - Deputy Jackie Mullins' residence
10/23/11 1733-1829 Dustin's Edgewater
10/23/11 1849-1859 Sugarmill/ Pioneer Trail New Smyrna Beach- Convenience store
10/23/11 2114-2140 District 4
10/23/11 2209-2313 Central Communications
10/24/11 0302-0454 end of Fern Palm Edgewater - Blissett Park

10/26/11 1752-1900 District 5
10/26/11 1922-2009 Sonny's Port Orange
10/26/11 2041-0031 Central Communications
10/27/11 2155-2315 SR 44 near Coates New Smyrna Beach - Denny's
10/27/11 0035-0122 SR 44 near Coates New Smyrna Beach - Denny's
10/27/11 0119-0239 US 1/ Canal Oak Hill
10/27/11 0257-0644 District 5

11/01/11 0234-0324 Silver Circle Edgewater - Lieutenant Odgers' new residence
11/01/11 0331-0441 end of Fern Palm Edgewater - Blissett Park
11/05/11 2018-0141 Central Communications

11/06/11 0216-0330 Nova/ 8th Holly Hill
11/06/11 0424-0508 Kumquat Edgewater - Deputy Jackie Mullins' residence
11/06/11 2010-2053 Texas Roadhouse Orange City
11/07/11 0030-0200 Central Communications
11/07/11 0254-0354 End of Fern Palm Edgewater - Blissett Park
11/07/11 0402-end of shift Kumquat Edgewater- Deputy Jackie Mullins' residence

11/10/11 0116-0519 Kumquat Edgewater - Deputy Jackie Mullins' residence
11/10/11 2126-2243 Hibiscus/ 442 Edgewater

11/10/11 1734-1738 Fern Palm Edgewater - Melinda Eissler's parent's residence
11/10/11 1809-1912 Fern Palm Edgewater - Melinda Eissler's parent's residence
11/11/11 0102-0225 Central Communications
11/11/11 0320-0426 End of Fern Palm Edgewater - Blissett Park

11/15/11 0030-0056 Flamingo Oak Hill
11/15/11 0101-0201 US1 near Library Oak Hill
11/15/11 0221-0309 end of Fern Palm Edgewater - Blissett Park
11/15/11 0316-0412 end of Fern Palm Edgewater - Blissett Park
11/15/11 0423-end of shift Kumquat Edgewater - Deputy Jackie Mullins' residence
(See Tab E)

The following dates and times indicate AVL connections which do not coincide with Lieutenant Odgers' CAD logon time:

10/04/11 Log on 1644 AVL connect 1734 Kumquat Drive Edgewater
10/12/11 Log on 1640 AVL connect 1849 US 1/ Washington Street New Smyrna Beach
10/27/11 Log on 1656 AVL connect 1745 Park Avenue/ Riverside Drive Edgewater
10/31/11 Log on 1647 AVL connect 1947 Brookfield Terrace Deland
11/05/11 Log on 1642 AVL connect 2018 Central Communications
11/06/11 Log on 1641 AVL connect 2010 Enterprise Road Orange City
11/09/11 Log on 1648 AVL connect 2013 West Turgot Drive Edgewater
11/10/11 Log on 1649 AVL connect 1734 Fern Palm Drive Edgewater
11/14/11 Log on 1653 AVL connect 2046 District 2
(See Tab E)

On November 21, 2011, Lieutenant Adkins delivered Lieutenant Odgers' assigned computer to Mr. Eric Bertling at Information Systems with instructions to evaluate the computer's AVL connectivity. Lieutenant Adkins was contacted later that same day by Mr. Jeff Hart stating that he tested Lieutenant Odgers assigned MDC both at Information

Systems and transporting it in a vehicle and did not observe any AVL connectivity interruptions.

On November 22, 2011 Lieutenant Adkins received an email complaint from Ms. Cara Odgers claiming that Lieutenant Odgers blatantly abused his position to manipulate the law, using a "bogus" domestic violence charge to accommodate his affair with Ms. Melinda Eissler, blocked her (Ms. Odgers) from sending photographic evidence of her injuries she suffered on the date she was arrested for domestic violence, and listing Ms. Eissler as residing at her (Ms. Odgers) residence for the purpose of obtaining and injunction against her (Ms. Eissler) husband. (See Tab B)

On November 23, 2011, a copy of Lieutenant Odgers KRONOS Timekeeper record was obtained from Mr. Edgar Burgos. A review of Lieutenant Odgers KRONOS Timekeeper record for the time period of June 11, 2011 through November 23, 2011 indicated that he has taken four days off (July 30, 2011, July 31, 2011, September 25, 2011 , and November 1, 2011) and received pay for two county holidays (July 4, 2011 and September 5, 2011.) (See Tab C)

On November 28, 2011 Lieutenant Adkins obtained Edgewater Police Department report #1103-0240 documenting the arrest of Ms. Odgers for Domestic Battery on March 20, 2011. A review of the report reveals that Officer Anderson developed probable cause to arrest Ms. Odgers for Simple Domestic Battery after interviewing Lieutenant Odgers, Ms. Odgers, and their child and evaluating injuries on Lieutenant Odgers and noting the absence of injuries on Ms. Odgers. (See Tab M)

On December 9, 2011, Lieutenant Adkins began logging on and logging off of CAD using Lieutenant Odger's assigned computer. Lieutenant Adkins logged on and logged off five times and had an AVL connection within two minutes on each log on. Lieutenant Odgers assigned computer was unintentionally left on and unplugged from a power source causing it to shut down without closing the operating system manually.

On December 10, 2011, Lieutenant Adkins logged on to CAD using Lieutenant Odger's assigned computer and noticed that the AVL was not showing that it was connected. Lieutenant Adkins tried to get the AVL to connect by restarting the computer and was successful. After the computer had been reset, the AVL connected within one minute of logging on to CAD. Lieutenant Adkins allowed the computer to shut down on its own by allowing the battery to fully discharge and not manually shutting down the operating system.

On December 11, 2011, Lieutenant Adkins logged on to CAD using Lieutenant Odger's assigned computer and noticed that the AVL was not showing that it was connected once again. Lieutenant Adkins attempted to get the AVL to connect by logging on and logging off of CAD but was unsuccessful. It was not until Lieutenant Adkins restarted the computer that the AVL would connect. This same process was conducted with the same results on December 12, 2011. It appears that if the computer is manually shut down before the battery dies there are no AVL issues, however, if the computer's battery dies prior to

manually shutting down the computer, the AVL will not connect until the computer is restarted again. (See Tab K)

On December 8, 2011, Lieutenant Adkins obtained a sworn recorded statement from Melinda Eissler at the District 5 Office.

Melinda Eissler

During Ms. Eissler's interview, she stated that she has known Lieutenant Odgers for eight years and has been his girlfriend for approximately five to six months and have resided together for two to three weeks. Ms. Eissler said that she is aware of Lieutenant Odgers position within the Volusia County Sheriff's Office and his work schedule.

Ms. Eissler said that Lieutenant Odgers has stopped by locations where she was living while he was on duty to have dinner but never stayed longer than an hour. Ms. Eissler said that she did not recall any specific dates or times but described it as not occurring routinely.

Ms. Eissler stated that Lieutenant Odgers would not visit her during the latter part of the evening or early morning but did say that "once in a blue moon" he would stop by around five in the morning to talk.

Ms. Eissler said that she was not aware that Lieutenant Odgers parked down the road from her parents' residence on Fern Palm Drive in Edgewater while she was staying there. Ms. Eissler stated that when Lieutenant Odgers was visiting her on Fern Palm Drive, he would park in the driveway of the residence.

Ms. Eissler said that she has never witnessed Lieutenant Odgers harass or threaten or curse at anyone during any interaction involving her estranged husband, her estranged husbands family, or Ms. Odgers.

Ms. Eissler described Lieutenant Odgers as "compassionate about his job and very loyal" and for as long as he has known him, Lieutenant Odgers has "always been very cordial, very professional, very nice." (See Tab H)

On December 8, 2011, Lieutenant Adkins obtained a sworn recorded statement from Cara Odgers at her residence in Edgewater.

Cara Odgers

Ms. Cara Odgers said that she has known Lieutenant Odgers since she was eighteen years old and that they have been married for eleven years. Ms. Odgers said that she emailed the Sheriff to make him (Sheriff) aware that she felt that Lieutenant Odgers was using his position in an abusive way to get information that she felt was confidential. Ms. Odgers also said that she believes that Lieutenant Odgers used his position to influence officers

from the Edgewater Police Department to arrest her on March 20, 2011 for Domestic Battery.

Ms. Odgers said that when officers of the Edgewater Police Department responded to their residence on March 20, 2011 she was immediately taken her outside so she did not witness Lieutenant Odgers' actions with the Edgewater officers. Ms. Odgers said that both she and Lieutenant Odgers should have been arrested that night because he had a scratch on his neck and she had marks on her.

It should be noted that even though Ms. Odgers said she read the report documenting this incident, her claims are in direct contradiction with the Edgewater officers' documentation.

Ms. Odgers said that when she went to court in reference to the injunctions that Lieutenant Odgers filed after she was arrested for domestic battery, she would see Lieutenant Odgers enter the courtroom from what she believed to be the Judge's chambers. Ms. Odgers said that she believed that Lieutenant Odgers was having one-on-one conversations with Judge Beck or the State's Attorney because every time she was getting ready to present her case at a hearing, it appeared to her that Judge Beck already knew what she was going to say. Ms. Odgers said that she also feels that the appointment of a special prosecutor from Flagler Beach was unusual because it did not occur until June 24, 2011.

Ms. Odgers stated that on May 1, 2011 she was arrested for Driving Under the Influence and on August 29, 2011 this D.U.I case was tied with her Domestic Battery case. Ms. Odgers advised that she believes that this was done by Lieutenant Odgers.

Ms. Odgers also said that during her court and mediation hearings she was made aware that Lieutenant Odgers had obtained her Pretrial urinalysis results. Ms. Odgers stated that the urinalysis results were not information that Lieutenant Odgers was allowed to obtain.

Ms. Odgers said that she has seen Lieutenant Odgers assigned vehicle at Ms. Melinda Eissler's residence on Victory Palm Drive when he was on duty. Ms. Odgers was unable to recall specific dates or times. Ms. Odgers also said that she did not actually see Lieutenant Odgers at this location, only his assigned vehicle.

Ms. Odgers stated, with the exception of the incidents she mentioned in the interview, that she has never witnessed Lieutenant Odgers act inappropriately or unprofessionally while on duty.

Ms. Odgers added that Lieutenant Odgers has a great work ethic and there was not one flaw that she has ever seen until Ms. Eissler began seeing Lieutenant Odgers. Ms. Odgers said tht Lieutenant Odgers worked hard to get where he is and that it appeared to her that he began slacking when Ms. Eissler came into the picture. (See Tab G)

On December 12, 2011, Lieutenant Adkins obtained a sworn recorded statement from Deputy Jackie Mullins at New Smyrna Beach High School.

Deputy Jackie Mullins

Deputy Jackie Mullins said that she had known Lieutenant Odgers for seven or eight years and is aware that his current assignment is as a Watch Commander. Deputy Mullins said that during his assignment as a Watch Commander, Lieutenant Odgers moved into her residence with her family due to domestic problems with his wife, Cara Odgers. Deputy Mullins advised that over the approximately two months that Lieutenant Odgers lived at her residence; she has observed him at the residence during his shift. Deputy Mullins said that she has observed Lieutenant Odgers log onto his MDC and remain at her residence while getting ready for work or, and remembered once or twice him having dinner before leaving. Deputy Mullins also said that she recalls Lieutenant Odgers returning to her residence during his shift to have dinner or coffee around 2300 hours but "would pay close attention to his watch and be out the door, not staying longer than an hour." Deputy Mullins advised that she did not recall any specific times or dates. Deputy Mullins added that even when Lieutenant Odgers was at her residence during his shift, he would remain attentive to his radio and would leave the residence if he got a call.

Deputy Mullins said that during the period of time that Lieutenant Odgers resided at her residence, she has never observed him doing anything neglectful or inappropriate towards his job or his relationships with Cara Odgers or Melinda Eissler. (See Tab F)

On December 12, 2011, Lieutenant Adkins, along with Sergeant Tatum, obtained a sworn recorded statement from Lieutenant Odgers.

Lieutenant Michael Odgers

When asked about written direction and training given to him to prepare him for his position as the Watch Commander, Lieutenant Odgers said that he was sent a memo via email from Captain Mandizha that outlined his duties and responsibilities as the Watch Commander and said that he met Captain Mandizha for approximately 10 minutes after he (Lieutenant Odgers) was promoted and reiterated what was stated in the memo. In addition to that, Lieutenant Odgers said that he rode with Lieutenant Brown for approximately three quarters of a shift although he said he was under the understanding at the time that he would be training with Lieutenant Brown for two additional days.

When asked if he felt that the amount of time spent with Lieutenant Brown was sufficient, Lieutenant Odgers advised that if there was an FTO (Field Training Officer) program in place it would be better but said that "as long as you do what you say in a memo and follow directives of what you are supposed to respond to I think it's not that difficult."

Lieutenant Odgers identified memo #050M0011.11 as the memo he was sent by Captain Mandizha outlining his duties and responsibilities as the Watch Commander. (See Tab XX)

Lieutenant Odgers describes a typical shift as " I scan all four radios, when calls come in that need my attention I switch over to that radio, I communicate with the sergeants that are on calls, see if they need me there, find out what resources they need. I'll go out to Central see how they're doing out there. Check in with the local sergeants, I'll go to lunch with deputies here and there, sergeants here and there just leave them alone and let them do their job and be there for them if they need me."

When asked if he had received any job performance feedback from Captain Mandizha, Lieutenant Odgers said that on two occasions he received emails questioning why he was not notified of a domestic violence call involving a Lieutenant from Seminole County and for allowing the Florida Highway Patrol to handle a crash where a deputy's vehicle was backed into on a traffic stop. Lieutenant Odgers also said that when he was advising of a call involving a shooting at Deltona High School, Captain Mandizha questioned his (Lieutenant Odgers) decision to back out of the school. Lieutenant Odgers said that all other feedback he has received from Captain Mandizha has been positive.

When asked about shifts where he has no activity documented in CAD, Lieutenant Odgers stated, "Yeah and just because there's no activity doesn't mean I didn't go to calls. There are a lot of calls that I went to that I didn't log out on." When asked if he routinely goes to calls without logging out on them, Lieutenant Odgers said, "Not routine, I mean I like to get credit for it but I've known since I got promoted that there was a chance my AVL would be looked at so I wanted, you know?"

When asked if there has ever been a time when he was having a meal break or meeting with another deputy when a call of a significant nature was occurring that he did not respond to, Lieutenant Odgers advised that on October 27, 2011 Deputy Brian Luoma's K-9 / dog unintentionally bit a subject. Lieutenant Odgers said that when he was gathering information about the dog bite, he was informed that Sergeant Sean Dwan was involved in a pursuit in District Five that continued into Flagler County. Lieutenant Odgers said that at the time this was occurring, he was meeting with Deputy Omar McKnight in Oak Hill. Lieutenant Odgers said that he did not respond to the dog bite because it met the criteria for the shift sergeant to do. Lieutenant Odgers said that he did not respond to the pursuit, because it "would have been all the way up in Ormond by the time I got up there was nothing for us anyway." Lieutenant Odgers said that he never responded to either location and had Sergeant Dwan collect the information in reference to the pursuit and he (Lieutenant Odgers) responded to District Five and completed the paperwork.

Lieutenant Adkins provided print outs of AVL maps indicating that Lieutenant Odgers was at his residence prior to the end of shift and asked what he (Lieutenant Odgers) was doing at those times. Lieutenant Odgers said that if he is at his residence prior to the end of the shift, he is sending emails and making entries into the consolidated report system.

Lieutenant Adkins advised Lieutenant Odgers of dates when his (Lieutenant Odgers) AVL connection time did not coincide with this CAD log on time and asked to explain the disparity.

When asked why a late AVL connect was showing him at his residence on September 14, 2011 until 1841 hours, Lieutenant Odgers replied, "No idea, no idea."

When asked why a late AVL connect was showing him on Kumquat Drive in Edgewater on October 4, 2011 at 1734 hours, Lieutenant Odgers replied, "I have no idea, I might have been having dinner I don't know."

When asked why a late AVL connect was showing him on US 1 near Washington Street in New Smyrna Beach on October 12, 2011 at 1849 hours, Lieutenant Odgers advised he did not know but said he was "probably leaving the district from briefing or something."

When asked why a late AVL connect was showing him at a city park near Park Avenue and Riverside Drive on October 27, 2011 at 1745 hours, Lieutenant Odgers replied, "No idea."

When asked why a late AVL connect was showing him on Brookfield Terrace on October 31, 2011, Lieutenant Odgers advised Ms. Eissler's children were in the area trick or treating and he was looking for them. Lieutenant Odgers advised that prior to being at this location, he was either at Lieutenant Don Taylors residence or Sergeant Austin Hairston's residence in Debary.

When asked why a late AVL connect was showing him on West Turgot Drive in Edgewater on November 9, 2011 at 2013 hours, Lieutenant Odgers advised he was there for his daughters ball game.

When asked why a late AVL connect was showing him at Enterprise Road in Orange City on November 6, 2011 at 2010 hours, Lieutenant Odgers advised that he was having dinner at Texas Roadhouse.

When asked why a late AVL connect was showing him on Fern Palm drive in Edgewater on November 10th 2011 at 1734 hours, Lieutenant Odgers said that he may have been there dropping something off or having dinner with Ms. Eissler.

When asked why a late AVL connect was showing him at the District Two Office on November 14, 2011 at 2046 hours, Lieutenant Odgers advised he was there checking up on the people. Lieutenant Odgers advised that prior to being at this location, he had dinner with Deputy Chuck Whitner in Pierson.

When asked about his CAD log on and AVL connection disparities, Lieutenant Odgers denied unplugging his AVL antenna from his MDC with the exception of one time when he was made aware that it was not working. Lieutenant Odgers said that he unplugged it in order to reset the AVL and when he did so, the AVL began working properly. Lieutenant

Odgers adamantly denies that he made any effort to manipulate or disconnect his AVL in any manner with the intent to conceal his location or activity.

Lieutenant Odgers was asked if he takes his assigned computer inside with him when he goes home early. Lieutenant Odgers advised that he does. When asked if he connects the computer to a power source once inside, Lieutenant Odgers replied "not always." Lieutenant Odgers said he has, in the past, not plugged the computer in and it has died. Lieutenant Odgers said that he did not recall any specific dates that this occurred.

Lieutenant Odgers said that he only remains at his residence after the beginning of his shift or returns to his residence or where Ms. Eissler is staying during his shift to care for his children or eat dinner. Lieutenant Odgers said that he has only gone home early in excess of 2 hours on one occasion in the past two months. Lieutenant Odgers advised on this one occasion he went to his residence on Kumquat Drive in Edgewater at approximately 0100 hours because he was not feeling well. Lieutenant Odgers said that he did not let Captain Mandizha know he was doing so and just stayed by the radio.

Lieutenant Adkins provided additional print outs of AVL maps indicating his presence at Fern Palm Drive and 26th Street in Edgewater, Lieutenant Odgers identified the location as Blissett Park and stated initially that he was there doing paperwork and listening to the radio. Upon further inquiry by Lieutenant Adkins, Lieutenant Odgers said, "It's close to where Melinda (Ms. Eissler) was staying, there was no reason for that." Lieutenant Odgers said that he did not go to see Ms. Eissler while he was stationary at this location.

Lieutenant Odgers said that the reason he spends the majority of his time at Central Communications is because according to the directives the Watch Commander is in charge of the communications center at night time and this is a central location where he can monitor the radios.

Lieutenant Adkins provided additional print outs of AVL maps indicating his presence at Woodland Boulevard, Kumquat Drive, and Fern Palm at specific dates and times. Lieutenant Odgers said that he would only be at these locations during his shift to have dinner or care for his children.

Lieutenant Adkins asked Lieutenant Odgers to review copies of his consolidated reports that were completed during his (Lieutenant Odgers) shifts and asked him to advise if he responded to the calls associated with the entries or provide his reasoning for not responding. Below are listed significant calls that Lieutenant Odgers did not respond to:

September 6, 2011 @ 1920 hours ,Case #11-26838, CID and Major Case called out in reference to an unattended death with extensive decomposition. Lieutenant Odgers advised, "There was nothing suspicious or anything like that would rise to the level of me needing to be there."

October 8, 2011 @ 1722 hours, Case #11-30129, CID and Major Case called out in reference to a deceased elderly male who was lying, tangled in a bicycle, in a pool of blood. Lieutenant Odgers said that Sergeant Sean Dwan told him (Lieutenant Odgers) that he (Sergeant Dwan) "didn't need him (Lieutenant Odgers) for that" because "it didn't look like a homicide."

September 23, 2011 @ 2311 hours, Case #11-2867, CID called out in reference to a female that claimed she was sexually battered by a known subject over a period of three days during which she was not allowed to leave and denied food. Lieutenant Odgers advised that he did not respond to this call saying, "I don't think it rose to the need for me to be there according to the directives."

September 5, 2011 @ 0203 hours, Case#11-26742, Patrol responded to the CVS Pharmacy after the pharmacist was robbed at gun point. Lieutenant Odgers said that he was en route but never showed up because the suspect had already left the scene.

October 13, 2011 @ 2037 hours, Case #11-30667, Narcotics Investigators responded to assist New Smyrna Beach Police Department with an active meth lab within their jurisdiction. Lieutenant Odgers said, "There was no reason for me to be there it was another jurisdiction that requested our resources."

October 12, 2011 @ 2059 hours, Case #11-30532, Patrol responded to an explosion of a mailbox believed to have been caused by a commercial grade firework. Lieutenant Odgers said, "That was just an acid bomb no need for me to be there, one of those acid bombs."

October 21, 2011 @ 0232 hours, Case #11-31588, CID responded to an armed robbery where the victim was cut with a knife and hit with a pipe. Lieutenant Odgers said, "That armed robbery turned out to be BS also, I think it was over pills if I remember correctly, I think I was headed to it when Sean (Sergeant Sean Dwan) told me I didn't have to anymore."

When asked if he would get out during his shift and talk with the sergeants and deputies on a regular basis, Lieutenant Odgers said:

"Yeah I try to, my philosophy in the whole thing was and I sent out an email to them at each shift change I'm not going to micromanage them. Even though they are sergeants I'm not going to micromanage per say but I'm still watching and listening to what they do. I call Ted (Sergeant Ted Richard) a lot out at Central, are they doing this the way I think they are just to make sure. And I'll call them up and I always give them a chance to gather all their information, all of the facts before they get with me. And I told them all, in fact I think I saved it in my email. I am there for you, these are the things I'll call you about, if you need me let me know if I'm not going to respond because I don't want to take over the calls, that's their job."

Lieutenant Odgers said, "If there's something in the policy and procedure that I had to be at I was."

When asked about Ms. Odgers claims that he (Lieutenant Odgers) was using his position with the Sheriff's Office to obtain what she claimed to be confidential information regarding her urinalysis results from Pretrial Services, Lieutenant Odgers said that those results are public information and that he obtained that information directly from Pretial Services when he was off duty and not in uniform.

When asked about Ms. Odgers' concerns that he (Lieutenant Odgers) appeared to enter the courtroom from the Judge's Chamber during their injunction hearing, Lieutenant Odgers said that he was asked to wait in the State's Attorney witness waiting room and that he did not meet Judge Beck in his chambers. Lieutenant Odgers added that he requested to have Judge Beck recues himself from the proceedings and have their case moved to Flagler County due to both he (Lieutenant Odgers) and Ms. Odgers close association with the courts.

At the conclusion of the interview, Lieutenant Odgers was asked if he felt he violated any of the policies listed in notice of investigation. Lieutenant Odgers replied no to all alleged policy violations. (See Tab I for Transcript)

On December 14, 2011, Sergeant Tatum contacted Ms. Valerie Trunzo who is the Senior Court Officer in charge of Pretrial Services. Ms. Trunzo told Sergeant Tatum that Pretrial Services records, including urinalysis results, of persons under pretrial supervision are public record; however, this fact is not publicized.

On December 14, 2011, Lieutenant Adkins contacted Information Systems and requested access to review Lieutenant Odgers' email to verify his claim of sending email and making consolidated report entries at the end of his shift. Mr. Clay Vedder informed Lieutenant Adkins that the time stamp function of the consolidated report system was not enabled so it would not be possible to verify the times Lieutenant Odgers made entries into this system. A review of Lieutenant Odgers' email activity did indicate that emails were sent during the last hour of his shift, however, these emails were neither numerous nor intricate in nature.

Lieutenant Adkins also reviewed Lieutenant Odgers' AVL history again in order to verify his statement that he responded to calls that he did not log in CAD. Although there were locations where Lieutenant Odgers was stationary where active calls for service were taking place, this was infrequent and the vast majority of Lieutenant Odgers' stationary periods were at locations and times where there were no active calls for service.

Conclusion:

On January 3, 2012, this Internal Investigation was presented to the Sheriff at his Administrative Staff meeting. After review, the Sheriff determined the violation of Department Standards Directives:

26.2.33 Inattention to Duties, Loafing, Sleeping	Sustained
26.2.119 Code of Ethics for Public Officers and Employees	Sustained
26.2.40 Negligence, Not Endangering	Sustained
26.2.143 Use of Equipment: AVL	Not Sustained
26.2.144 Employees shall not intentionally cause the interruption of AVL equipment through purposeful acts of negligence or inattention.	Not Sustained
26.2.145 Any employee found to engage in such purposeful acts with intent to deceive the AVL system in order to avoid detection while on duty will be subject to disciplinary action up to dismissal.	Not Sustained
26.2.26 Abusing Meal or Rest Periods	Sustained
26.2.27 Employees working a twelve hour workday are permitted one fifteen minute rest period during the first half of their shift and one fifteen minute rest period during the second half of their shift.	Sustained
26.2.28 Employees may suspend work activities up to 40 minutes per workday for meal breaks. Employees, with supervisor's approval, may combine their rest periods for up to a one hour meal break.	Sustained
26.2.30 Meal breaks or rest periods may not be taken during the last hour of the workday.	Sustained
26.2.34 Failure to Follow Directive or Order	Sustained
Volusia County Merit System Rules and Regulations 86-453 (13).	Sustained

EXHIBIT(S):

- A) Official Correspondence
- B) Email complaint from Cara Odgers
- C) Copy of Lieutenant Odgers' Timecard 06/11/11-11/23/11,
Copy of email from Captain Mandizha to Lieutenant Odgers with
memo #50M0011.11, personnel forms
- D) CAD records
- E) AVL records
- F) Transcript of interview with Deputy Jackie Mullins
- G) Transcript of interview with Cara Odgers
- H) Transcript of interview with Melinda Eissler
- I) Transcript of interview with Lieutenant Michael Odgers
- J) Consolidated Report records
- K) AVL and CAD test history
- L) CAD history for Lieutenant Eric Westfall
- M) Copy of Edgewater Police report# 1103-2040
- N) Audio recordings

WITNESSES:

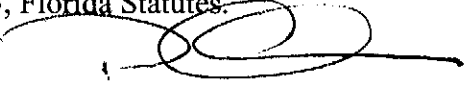
Deputy Jackie Mullins
Volusia County Sheriff's Office

Cara Odgers
Edgewater, Florida


Melinda Eissler
Edgewater, Florida

Lieutenant Michael Odgers
Volusia County Sheriff's Office

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 suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

INVESTIGATOR:  DATE: 02/20/12

Lieutenant Paul Adkins
Internal Affairs

APPROVED BY:  DATE: 02/24/12

Chief Deputy Mike Coffin
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA