




## MEMORANDUM

**To:** Robert J Godfrey, Chief of Police  
**From:** Thomas Elkins, Criminal Investigations Unit Sergeant   
**Date:** September 4, 2018  
**Subject:** Level Two (2) Internal Affairs Investigation IA 18-005

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### Complainant

Ormond Beach Police Department, 170 West Granada Boulevard, Ormond Beach, FL 32174

### Officer Involved

Officer Justin Pereira, 170 West Granada Boulevard, Ormond Beach, FL 32174

### Witnesses

Aramis Sauers, 825 North Oleander Ave #1, Daytona Beach, FL 32118. 386-262-0710

Carmen Parrillo, 5562 W Bayshore Dr, Port Orange, FL 32127 386-795-4421

### Officer Witnesses

Deputy Corey Rittenour, Volusia County Sheriff's Office

Sergeant Michelle Willis

Sergeant John Borzner

Officer Jake Howard

Officer Keaton LaBrie

Officer Burt Stanley

Officer Tony Kavanaugh

### Allegation Summary

On May 9, 2018, Officer Pereira responded to a call for service reference to a disturbance between Mr. Aramis Sauers and Ms. Carmen Parrillo. During the initial response to the

original call no arrest was made and both parties remained on scene. Later in the day a VCSO Deputy was flagged down reference to a second incident. Additional officers responded to the scene and determined the incident to be considered a dating violence situation and Mr. Sauers was subsequently arrested. However during the initial response by Officer Pereira that incident was not investigated as a dating violence situation.

### **Investigation**

On June 18, 2018, I met with Captain Roos reference to this Level 2 Internal Affairs Investigation and was advised it was in reference to disturbance call that Officer Pereira investigated.

On June 19, 2018, I reviewed all of the supplied documents to include reports, 707s, CAD calls, Incident Reports, etc.

On June 20, 2018, I met with Officer Pereira and served him the signed memo from Chief Godfrey putting him on notice reference to the internal affairs investigation.

On June 21, 2018, I began my investigation by attempting to contact both parties involved in the original incident. I attempted to contact Mr. Aramis Sauers; however his phone was disconnected. I attempted to contact Ms. Carmen Parrillo at the phone number listed on the report; however the call went directly to a generic voicemail. I left a message stating that I was attempting to contact Ms. Parrillo and to please return my phone call.

On July 2, 2018, I attempted to contact Ms. Parrillo again on the phone number listed on the report; however this time the voicemail advised that it was full and was no longer accepting incoming messages. I attempted to contact Mr. Sauers again; however his phone was still disconnected. I located a possible e-mail address for Mr. Sauers. I sent Mr. Sauers an e-mail advising that I would like to speak to him about the incident.

On July 3, 2018, Mr. Sauers called me and advised that he got my message. He advised that he had since moved and got a new cell phone number because of this incident. Mr. Sauers stated that he has not had any contact with Ms. Parrillo since the incident and does not know how to contact her any longer. Mr. Sauers advised that I could contact him the following week and he may be able to meet with me the following Monday or Tuesday.

On July 9, 2018, I left a message for Mr. Sauers to contact me about setting up a possible date for an interview.

On July 10, 2018, after not being able to contact Ms. Parrillo I looked up her information in CJIS and discovered that she has an open pending criminal case. She was scheduled to be in court on July 23, 2018. I located her Public Defenders information and contacted Attorney Joseph St. Angelo. I advised Mr. St. Angelo of the pending investigation and inquired if he had a way to contact her. Mr. St. Angelo stated the only contact information he had for her was the same cell phone number that I had for her. Mr. St. Angelo stated that he has had a very difficult time contacting her; however if/when he speaks with her again he will give her the message. I inquired about her pending court date on July 23, 2018, and he stated that he asked for a continuance. As of the time of this writing I have never received a return call from Ms. Parrillo.

On July 11, 2018, I received an e-mail back from Mr. Sauers that advised that he was very busy and that we may possible be able to meet in the upcoming days.

On July 17, 2018, I e-mailed Mr. Sauers again; however I did not receive any response.

On July 20, 2018, I attempted to contact Ms. Parrillo on the phone number I had for her; however now the phone was disconnected.

On July 20, 2018, I called and spoke with Mr. St. Angelo's assistant; she advised that there were no notations in her file that Mr. St. Angelo was able to make contact with her.

On July 20, 2018, I was finally able to meet with Mr. Sauers reference the incident. Mr. Sauers was not able to come to the Police Department and requested that I meet him somewhere other than his new residence. I met Mr. Sauers at the park at University Drive and North Halifax in Daytona Beach. I conducted a formal interview reference the incident. A digital copy of the interview is included to the investigative file.

On July 23, 2018, I received information that Ms. Parrillo's family may own a business on US1 in South Daytona. I responded to Permcraft Signs at 1644 S Ridgewood Ave in South Daytona. I spoke with an employee at the business and was advised that Ms. Parrillo's father does in fact own the business. I inquired on a way to contact Ms. Parrillo and if the supplied address and phone number I had for her was correct. I was informed that the address I had was for her parent's residence and she no longer stays there. I was informed that Mr. Parrillo was unavailable to speak with. I left my card for Ms. Parrillo's father to contact me; however I never received a return call.

On July 26, 2018, I met with Captain Roos reference to an update on the case so far. I advised him of the difficult time I was having contacting some of the witnesses. I was advised that continue with the investigation without Ms. Parrillo's statement.

On July 27, 2018, I sent an extension request to Captain Roos. Due to the delay in attempting to contact witnesses an extension was needed to complete the investigation.

On July 27, 2018, I met with Deputy Rittenour at the Volusia County Sheriff's Office District Three North Office. I conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On July 27, 2018, I met with Sergeant Willis and conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On July 30, 2018, I went to the Volusia County Sheriff's Office IT Department and obtained a copy of Deputy Rittenour's body camera. A copy of the video is included in the investigative file.

On July 30, 2018, I met with Officer Howard and conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On July 30, 2018, I met with Officer Stanley and conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On July 30, 2018, the extension request was granted. I sent the granted extension request to Officer Pereira via e-mail and placed a copy in the investigative file.

On August 1, 2018, I met with Sergeant Borzner and conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On August 1, 2018, I met with Officer Keaton LaBrie and conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On August 1, 2018, I met with Officer Anthony Kavanaugh and conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On August 1, 2018, I met with Officer Pereira and supplied an entire copy of the paperwork to him and obtained a signed receipt. Scheduled interview was set for August 6, 2018.

On August 6, 2018, I met with Officer Pereira and conducted a formal interview reference the incident. Officer Pereira was accompanied to the interview by Mr. Ned Golden from the Fraternal Order of Police and Sergeant Larsen as his union representative.

### **Witness Interview**

On July 20, 2018, I conducted a formal taped interview with Mr. Sauers reference the incident. Mr. Sauers advised during the first incident he was in a disturbance with Ms. Parrillo in front of his residence. Mr. Sauers advised that he and Ms. Parrillo were basically dating; however she does not like to admit it. Mr. Sauers stated that Ms. Parrillo hit him and two officers arrived to investigate the incident. Mr. Sauers stated that the officers inquired if he wanted to pursue charges, which he indicated yes. However after it was discovered that Ms. Parrillo would have to locate someone to take her child he changed his mind. Mr. Sauers stated that he was being rushed by the officers to make a decision.

Mr. Sauers stated that the officers did ask several times what his relationship status was. Mr. Sauers told me that he was with Ms. Parrillo every day and their relationship was sexual in nature, up to in including that morning. Mr. Sauers stated that they have lived together in the past. Mr. Sauers stated that he did not advise the original officers all of those details because he was not specifically asked.

Mr. Sauers stated that during the second incident the officers also inquired about his relationship status with Ms. Parrillo. However the questioning was not specific either but it appeared that the officers assumed it was a domestic violence case.

A digital copy of the interview is included to the investigative file for review.

\*Note- Several attempts were made to contact Ms. Parrillo over a 30 day period to obtain a statement reference to this investigation. All attempts were met with negative results and Ms. Parrillo was not able to be interviewed.

### **Officer Witness Interview**

On July 27, 2018, I conducted a formal taped interview with Deputy Rittenour reference the incident. Deputy Rittenour advised he was flagged down from a citizen reference to a disturbance in progress. Deputy Rittenour located Mr. Sauers and Ms. Parrillo outside the

residence. He stated that both subjects were yelling and it appeared that the female had been battered. Deputy Rittenour stated that the female had a child with her and it appeared to be a domestic violence situation. Due to the fact that the incident occurred in Ormond he requested OBPD respond. Deputy Rittenour stated that he turned the investigation over to OBPD but he did recall speaking with Officer K LaBrie and was advised that it was going to be a "DV" case.

A digital copy of the interview is included in the investigative file for review.

On July 27, 2018, I conducted a formal taped interview with Sergeant Willis reference the incident. Sgt. Willis stated that she completed the incident report reference to this incident. Sgt Willis advised she was running the shift and recalled Officer Pereira responding to the call. Sgt Willis stated she inquired with Officer Pereira over the radio if the case was "DV", which he responded no. Sgt Willis stated that she did not have any contact with either the male or the female. Sgt Willis also advised that at no time did she respond to the incident location.

Sgt Willis stated that she was aware that Charlie shift was called back to the scene. She inquired with Officer K LaBrie about the findings of the second call and was advised to contact Sgt Borzner. Sgt Willis was advised that the case was clearly a "DV" and arrest was made. According to Sgt Willis the original incident report was not documented as a DV. Sgt Willis stated the following morning Officer Pereira pulled the report back and added a line to the report that in her opinion made the report appear to be a DV. Sgt Willis stated that after reading the report she believed "Without a doubt it was a DV".

Sgt Willis stated that she completed the incident report and served Officer Pereira the paperwork. Sgt Willis stated that she was under the impression that Officer Pereira still did not believe it was DV.

A digital copy of the interview is included in the investigative file for review.

On July 30, 2018, I conducted a formal taped interview with Officer Howard reference the incident. Officer Howard stated that he was dispatched as a back-up officer to Officer Pereira. Officer Howard stated that he made contact with the male half who advised he was arguing with the female. Officer Howard stated that Officer Pereira spoke with the female. Officer Howard stated that he inquired with Mr. Sauers what his relationship status was with Ms. Parrillo. Officer Howard stated that Mr. Sauers told him that she was not his girlfriend and they "occasionally hook up". According to Officer Howard neither party admitted to being in a dating situation.

Officer Howard stated that Officer Pereira made the decision on how to proceed with the case. However Officer Howard stated that in his opinion the case was not a DV case.

A digital copy of the interview is included in the investigative file for review.

On July 30, 2018, I conducted a formal taped interview with Officer Stanley reference the incident. Officer Stanley advised that his was in the FTO process with Officer K Labrie and was dispatched to the flag down with Deputy Rittenour. Officer Stanley advised upon arrival he spoke with both the male and female. Officer Stanley stated that he remembered the female had marks on her. Officer Stanley stated that Officer K LaBrie made the arrest.

Officer Stanley stated that Officer K LaBrie asked Mr. Sauers if he was in a relationship with Ms. Parrillo and he said "yes and he loved her". Officer Stanley stated he recalled Mr. Sauers advise that he was in a sexual relationship with Ms. Parrillo; however the female was very vague when answering questions about her relationship status with Mr. Sauers.

Officer Stanley advised when he completed the paperwork he checked the DV box because Mr. Sauers expected affection from Ms. Parrillo and it was clearly a DV call.

A digital copy of the interview is included in the investigative file for review.

On August 1, 2018, I conducted a formal taped interview with Sergeant Borzner reference the incident. Sgt Borzner advised that Officer K LaBrie responded to the call and he responded as well. Sgt Borzner stated that he spoke with both the male and the female. Sgt Borzner stated that the female was at the residence to retrieve her personal property that she had in the male's residence.

Sgt Borzner stated that he has had previously dealings with both Mr. Sauers and Ms. Parrillo and he has always known for them to be a couple. Sgt Borzner stated that Officer K LaBrie deemed the case to be DV, which he concurred with.

Sgt Borzner stated that he did talk with Sgt Willis after the fact because the previous shift advised that it was not a DV. However, Sgt Borzner stated that there was an obvious primary aggressor and it was clearly a dating violence case.

A digital copy of the interview is included in the investigative file for review.

On August 1, 2018, I conducted a formal taped interview with Officer Keaton LaBrie reference the incident. Officer K LaBrie stated that he was dispatched to the flag down call with his trainee, Officer Stanley. Officer K LaBrie stated that he spoke with both the male and female. According to male he advised that the disturbance was not physical; however Officer K LaBrie deemed him to be the primary aggressor. Officer K LaBrie stated that he recalled Ms. Parrillo's belongings were inside Mr. Sauer's residence. According to Officer K LaBrie, Mr. Sauers stated that he has had a sexual relationship with Ms. Parrillo within the last six months and he "loves" her.

Officer K LaBrie stated that he has had dealings with both the male and female in the past and they have always been together. Officer K LaBrie advised in his opinion the case was obvious and apparent it was clear DV call.

A digital copy of the interview is included in the investigative file for review.

On August 1, 2018, I conducted a formal taped interview with Officer Kavanaugh reference the incident. Officer Kavanaugh stated that he responded to the call as a back-up officer. He stated that he spoke with the male half and that he had previous knowledge of the male from other cases. Officer Kavanaugh stated Mr. Sauers advised that Ms. Parrillo stays with him and he buys her drugs. Mr. Sauers also advised that he "loves" Ms. Parrillo. Officer Kavanaugh advised he only did the transport for Officer K LaBrie but from what he saw it was without question a DV case.

A digital copy of the interview is included in the investigative file for review.

## **Employee Interview**

On August 6, 2018, I conducted a formal taped interview with Officer Pereira. Officer Pereira was accompanied by Sergeant Larsen as his union representative and Mr. Ned Golden from the Fraternal Order of Police.

Officer Pereira advised he responded to the disturbance call with Officer Howard. Officer Pereira stated he spoke with the female half of the call. At first the female advised that she and the male were arguing and it was all verbal. However, the investigation later determined that the argument was physical. Officer Pereira then advised that he spoke with male. Officer Pereira advised that he had one other dealing with the male and was familiar with the subject. According to Officer Pereira the male half only wanted the female half to leave and did not want to pursue criminal charges.

Officer Pereira stated that he spoke with Officer Howard and that both the male and the female denied any type of relationship. After speaking with Officer Howard, Officer Pereira determined that the case was a battery case that was non-DV.

Officer Pereira stated that Officer Howard concurred and the female half was leaving the residence. Officer Pereira stated that he did not contact Sgt Willis to seek her opinion prior to making the decision, nor did not seek the opinion from anyone else. Officer Pereira stated that Sgt Willis did inquire over the radio if the case was DV, which he responded no. Officer Pereira stated that Sgt Willis did not come to the scene.

Officer Pereira stated upon returning to the station he heard that night shift was responding back to the scene. Officer Pereira stated that he did not speak to anyone from night shift about what had occurred during the second call.

Officer Pereira stated that the following morning he did pull the report back and added some additional information to the original report. Officer Pereira stated that upon thinking about the incident he felt that the additional information was pertinent.

Officer Pereira stated that he feels that he absolutely has a good working knowledge of DV investigations. Officer Pereira stated that he felt he handled the case well with the information he had on hand at the time.

Officer Pereira stated that he felt the interview with Mr. Sauers was inaccurate. Officer Pereira stated that he did in fact ask the proper questions, at which time Mr. Sauers denied and relationship. Officer Pereira stated that he still believes that the case was not a DV.

A digital copy of the interview is included in the investigative file for review.

## **Finding of Fact**

On May 9, 2018, Officer Pereira was on duty and responded to a disturbance call at 524 S Yonge Street.

Officer Pereira spoke with both Mr. Sauers and Ms. Parrillo reference to the disturbance.

Officer Howard was a backup officer for Officer Pereira and was on scene for the investigation.

At the conclusion of the call Officer Howard and Officer Pereira spoke about what Mr. Sauers and Ms. Parrillo stated. Officer Pereira determined that the case did not rise to the level of a dating or domestic violence.

Officer Pereira deemed Ms. Parrillo as the primary aggressor.

Officer Pereira completed an assault/battery report and exceptionally cleared the report as neither party wanted to pursue the matter.

Officer Pereira made the decision not to make a physical arrest.

Officer Pereira did not contact his supervisor (Sergeant Willis) reference the incident.

Later that evening a Volusia County Sheriff's Deputy was flagged down reference to another disturbance.

Officer Keaton LaBrie and his trainee, Officer Stanley responded to the second call for service.

At the conclusion of the second investigation Officer K LaBrie deemed Mr. Sauers to be the primary aggressor and arrested Mr. Sauers for Felony Battery/Dating Violence and also completed an additional dating violence affidavit reference to the earlier investigation that Officer Pereira handled.

The following morning Officer Pereira unapproved/pulled back his assault/battery report and added additional information that was not included in the original report.



## Conclusion/Recommendation

1. As to the allegation that Officer Pereira failed to follow general orders, directives (C-1-18, Code of Conduct Section 2.8). I recommend that this allegation be **SUSTAINED** as the investigation disclosed that the accused member committed all or part of the alleged act.

Officer Pereira violated the general orders and directives by violating other additional directives.

2. As to the allegation that Officer Pereira was negligent and endangered others (C-1-18, Code of Conduct Section 2.25). I recommend that this allegation be **SUSTAINED** as the investigation disclosed that the accused member committed all or part of the alleged act.

Officer Pereira's failure to properly investigate the original incident and take someone into custody lead the female to becoming a victim of physical violence during the second incident.

3. As to the allegation that Officer Pereira was not Generally Proficient (C-1-18, Code of Conduct Section 6.3). I recommend that this allegation be **SUSTAINED** as the investigation disclosed that the accused member committed all or part of the alleged act.

Officer Pereira failed to maintain the job knowledge necessary to make the proper decision to make an arrest on a dating violence situation.

4. As to the allegation that Officer Pereira failed to affect an arrest when required by law (A-6-18, Arrest Procedures Section 3.1). I recommend that this allegation be **SUSTAINED** as the investigation disclosed that the accused member committed all or part of the alleged act.

Officer Pereira failed to take all of the steps reasonable, necessary, and consistent to affect an arrest when required by law.

5. As to the allegation that Officer Pereira failed to properly investigate a domestic/dating violence investigation and make a custodial arrest (D-5-16, Domestic/Dating Violence Investigation Section 4.1). I recommend that this allegation be **SUSTAINED** as the investigation disclosed that the accused member committed all or part of the alleged act.

Officer Pereira failed to make a custodial arrest which is the preferred law enforcement response in cases related to domestic/dating violence.



**ORMOND BEACH POLICE DEPARTMENT**  
Sergeant Thomas Elkins, Criminal Investigations Unit



## MEMORANDUM

**To:** Robert J Godfrey, Chief of Police  
**From:** Thomas Elkins, Criminal Investigations Unit Sergeant  
**Date:** September 4, 2018  
**Subject:** Level Two (2) Internal Affairs Investigation IA 18-005

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### NOTIFICATION OF INVESTIGATIVE FINDINGS AND NOTICE OF INTENT

1. As to the allegation that Officer Pereira failed to follow general orders, directives (C-1-18, Code of Conduct Section 2.8). I recommend that this allegation be **SUSTAINED** as the investigation disclosed that the accused member committed all or part of the alleged act.

Officer Pereira violated the general orders and directives by violating other additional directives.

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Officer Pereira failed to take all of the steps reasonable, necessary, and consistent to affect an arrest when required by law.

5. As to the allegation that Officer Pereira failed to properly investigate a domestic/dating violence investigation and make a custodial arrest (D-5-16, Domestic/Dating Violence Investigation Section 4.1). I recommend that this allegation be **SUSTAINED** as the investigation disclosed that the accused member committed all or part of the alleged act.

Officer Pereira failed to make a custodial arrest which is the preferred law enforcement response in cases related to domestic/dating violence.

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

Sgt. [Signature]  
Investigator

9/4/18  
Date

**Lieutenant Comments:**

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\_\_\_\_\_

\_\_\_\_\_  
Lieutenant

\_\_\_\_\_  
Date

**Captain Comments:**

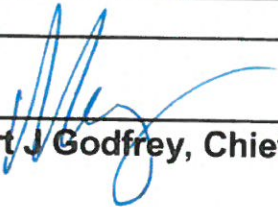
CONCUR WITH INVESTIGATORY FINDINGS  
\_\_\_\_\_  
\_\_\_\_\_  
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[Signature]  
Captain

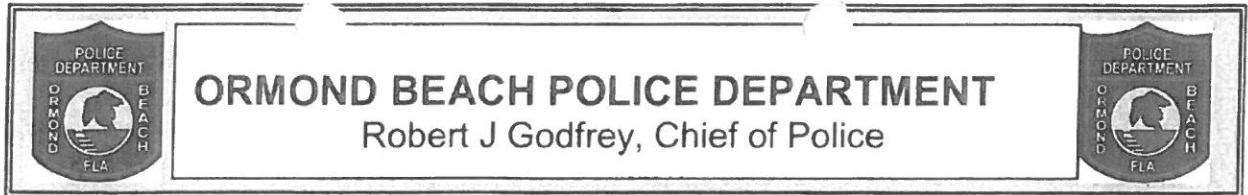
090618  
Date

**Chief of Police Comments:**

I concur with the investigative findings. Employee to serve a three (3) day, thirty-six (36) hour suspension for his actions during this incident.

  
Robert J. Godfrey, Chief of Police

9/7/18  
Date



## MEMORANDUM

**To:** Justin Pereira, Patrol Officer  
**From:** Robert J Godfrey, Chief of Police  
**Date:** August 30, 2018  
**Subject:** Level Two (2) Internal Affairs Investigation IA 18-006

Pursuant to the provisions of The City of Ormond Beach Human Resource Policy and the Departmental Standards Directive A-3-17, you are hereby informed that the Department is conducting a level two internal affairs investigation into a complaint regarding improper sex offender checks over a period of several months from January 2018 to July of 2018.

The following Ormond Beach Police Department policy(s) may be applicable to this complaint:

**C-1-18, Code of Conduct Section 2.8 Failure to Follow General Orders, Directives:** Members will adhere to general orders, policies, and directives, and will faithfully execute all duties and responsibilities of their assigned position.

**C-1-18, Code of Conduct Section 2.25 Negligence, endangering others or property through neglect:** Members will be attentive to job duties and will not knowingly refrain, or cause another to refrain, from performing lawful duties required for the safety of persons or property. Members will take appropriate action in response to emergencies when there is a known danger to the lives of others, or in response to serious crimes (particularly those of a violent nature), which come to their attention while on or off duty.

**C-1-18, Code of Conduct Section 6.3 General proficiency:** Members are required to maintain job knowledge and skills necessary for performing official duties. Members will maintain and demonstrate their knowledge of state law and criminal procedure, and will maintain proficiency in required interpersonal skills, care and use of vehicles and equipment, and the use of firearms by demonstrating proficiency in accordance with established standards and qualification requirements.

**P-7-18, Public Information Section 8 Sexual Predators/Offenders & Career Criminals:** Sexual Offenders/Predators who register a permanent address in the city limits will be checked monthly as part of the department's Sexual Predator/Offender Tracking (SPOT) program. Personal contact will be made at least one time per calendar month with each offender/ predator. An address verification form will be completed

and turned in to the CIU Admin Assistant after contact is made, prior to the end of the calendar month. Persons designated as Career Criminals will be checked once per calendar year in the same manner.

**C-1-18, Code of Conduct Section 3.50 Untruthfulness:** Members will not knowingly make untrue statements, except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities.

**C-1-18, Code of Conduct Section 6.1 Careless Disregard:** Repetitious violation of Police Department rules and regulations and/or official directives or procedures will be indicative of careless disregard. Such disregard may be established whenever three or more sustained violations occur within one year.

Per Section 112.532(1c), Florida Statutes, you are informed that Lieutenant Doggett has been assigned to conduct this investigation.

Per Section 112.533(2a2), Florida Statutes, you may review all written statements, if any, made by the complainant or witnesses immediately prior to the beginning of your investigative interview.

Per Section 112.533(4), Florida Statutes, any person involved in this investigation who willfully discloses any information in reference to the nature or context of this investigation, before such investigation has become public record, commits a misdemeanor of the first degree.

Per written directive D-3-18 Section (7) Discipline Resolution Process, an employee may wish to acknowledge having violated agency policy and accept discipline, rather than proceed with a formal investigation and disciplinary appeal. Such cases may be appropriate for a Disciplinary Resolution Process (DRP), which affords the employee and agency an opportunity to negotiate a mutually acceptable resolution to policy violations. Any time prior to receiving a Notice of Intent applicable to the case, an employee may request DRP by submitting to the appropriate Captain through the Chain of Command. The member is responsible for confirming delivery to and receipt by the Captain.

Lieutenant Doggett will advise you in writing of the date and time of your scheduled investigative interview. You will be entitled to representation of your choice thereat in accordance with Section 112.532(1), Florida Statutes.

You are entitled to all the rights and protections afforded to you in FS 112.532 the Police Officer's Bill of Rights, Ormond Beach Police Department Standards Directive A-3-17, and the current labor contract.

Receipt: I, the undersigned, do hereby acknowledge receipt of the foregoing this

30 day of August, 2018

Employee: 

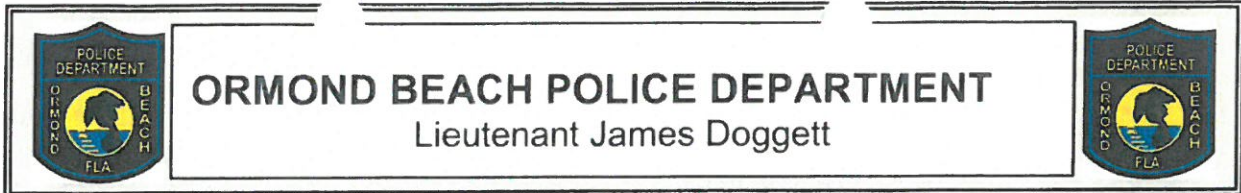
Justin Pereira

Print Name

Witness: 

L. D. W. Smith

Print Name



## MEMORANDUM

**To:** Robert J. Godfrey, Chief of Police  
**From:** James Doggett, Lieutenant *JD*  
**Date:** 09/19/2018  
**Subject:** IA 18-006

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On 08/30/2018 and Internal Affairs Investigation was initiated regarding the actions of Officer Justin Pereira regarding his actions related to a Sex Offender/Predator Check that had been assigned to him. I received the assignment of the investigation and the memorandum that outlined the potential violations. Included in the memorandum list of violations were:

C-1-18, Code of Conduct Section 2.8 Failure to Follow General Orders

C-1-18, Code of Conduct Section 2.25 Negligence, endangering others or property through neglect.

C-1-18, Code of Conduct Section 6.3 General proficiency.

C-1-18, Code of Conduct Section 3.50 Untruthfulness.

C-1-18, Code of Conduct Section 6.1 Careless Disregard, and

P-7-18 Public Information Section 8 Sexual Predators/Offenders & Career Criminals.

I began the Investigation and contacted Hector Herrera. Mr. Herrera is the subject that Officer Pereira was to have checked on. I set up a meeting with him on 8/31/2018 in the evening. Prior to having the meeting I was advised to toll the investigation until further notice due to Officer Pereira through his FOP Representative had begun discussions regarding entering the Disciplinary Resolution Process. I contacted Mr. Herrera back and advised him that the situation had changed and that I would not need to speak with him. I asked if I could contact him again if the situation changed again. He advised that was fine. I apologized for any inconvenience.



At the conclusion of the Disciplinary Resolution Process the above violations were sustained and Officer Pereira served a Forty Eight (48) hour Suspension.

Chris Roos  
Police Department Captain - Operations  
City of Ormond Beach  
170 W. Granada Blvd.  
Ormond Beach, FL. 32175

**Reference: Discipline Resolution Process**


Captain Roos,

Pursuant to City of Ormond Beach Police Department Policy, Policy D-3-16 Discipline Section 7 Discipline Resolution Process, I, Officer Justin Pereira, request that IA 18-006 be considered for the Discipline Resolution Process. In accordance with the Discipline Resolution Process I, Officer Justin Pereira, acknowledge my violation of Ormond Beach Police Department Policy(s). These policy violations are regarding improper sex offender checks during the months of January 2018 through July 2018. Reference IA 18-006 I, Officer Justin Pereira, acknowledge violations of Ormond Beach Police Department Policy(s) C-1-18, Code of Conduct Section 2.8 Failure to Follow General Orders, Directives, C-1-18, Code of Conduct Section 6.3 General Proficiency, and P-7-18, Public Information Section 8 Sexual Predators/Offenders & Career Criminals.


The Discipline Resolution Process will allow IA 18-006 to be expedited, thus enabling, as discussed, due to professional and personal reasons me to tender my resignation from the City of Ormond Beach Police Department after I have completed and served all assigned discipline.

Respectfully,

Justin Pereira  
Patrol Officer

  
Chris Roos /Date  
9/11/18

RECOMMEND ACCEPTANCE

  
JESSE GODFREY 9/11/18 DATE  
see my final notice of  
discipline memo - 18-006



**ORMOND BEACH POLICE DEPARTMENT**  
Christopher Roos, Operations Captain



## MEMORANDUM

**To:** Robert J. Godfrey, Chief of Police  
**From:** Christopher Roos, Captain  
**Date:** 9/11/2018  
**Subject:** IA18-006, Justin Pereira

On Tuesday, September 4th, 2018, a meeting was held in the Police Department conference room pursuant to Internal Affairs investigation marked as IA18-005. Present during this meeting were: Chief Jesse Godfrey, Captain Chris Roos and F.O.P. representatives Ned Golden and Tom Larsen. At the request of your F.O.P. representatives, the meeting was called to discuss waiving any and all pre-determination, grievance, and appeal rights associated with discipline imposed and resulting from IA18-006 in an effort to expedite the process.

The meeting on September 4<sup>th</sup>, 2018, was not attended by Justin Pereira even though policy indicates that the member must attend. The F.O.P. Representatives indicated that he was aware that a meeting was being held on his behalf in his absence.

During the meeting on September 4<sup>th</sup>, 2018, FOP Representatives Ned Golden and Tom Larsen indicated that Justin Pereira wished to enter into the Disciplinary Resolution Process regarding IA18-006. Justin Pereira has completed a memorandum that indicates he is willing to enter into the Disciplinary Resolution Process and acknowledge that he violated the following policies/directives.

- C-1-18, Code of Conduct, Section 2.8; Failure to Follow General Orders, Directives.
- C-1-18, Code of Conduct, Section 6.3; General Proficiency.
- P-7-18, Public Information, Section 8; Sexual Predators/Offenders and Career Criminals.

As part of the Disciplinary Resolution Process, it is agreed that the police department will toll any further investigation into this complaint, accept the above acknowledgement and close the investigation. The member also agreed that he will serve any disciplinary action assigned by the agency and at the conclusion of any disciplinary action, he will resign from his position with the police department.

After careful consideration I recommend that the agency accept Justin Pereira's request to enter into the Disciplinary Resolution Process and accept his letter of resignation. I also recommend that he serve a four day suspension without pay, prior to his resignation taking place.

  
JESSE GODFREY  
9/11/18  
DATE



## ORMOND BEACH POLICE DEPARTMENT

Jesse Godfrey, Chief of Police

### MEMORANDUM

**To:** Justin Pereira, Officer  
**From:** Jesse Godfrey, Chief of Police  
**Date:** 9/11/2018  
**Subject:** IA 18-006, Final Disciplinary Action

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In response to Captain Roos' recommendations that your request to enter into the Discipline Resolution Process be granted I am compelled to write more than simply checking a box agreeing to such. In this instance, IA18-006, you have once again made a poor decision by not properly conducting your monthly Sexual/Predator Offender Tracking Program checks. You have violated the trust of the public and your co-workers to complete a relatively simple task of physically verifying a person's identity and address. By allowing you to enter into a Discipline Resolution Process the investigation is essentially closed.

What we do know, by virtue of call logs, GPS software on your vehicle and the witness statement, all gathered to determine what level of Internal Affairs investigation to initiate, is that you did at least one of six Sexual/Predator Offender Tracking Program checks over a six month period. Of the remaining five, we know that you logged out on the computer, drove throughout the offenders neighborhood and by his residence which is located in a gated community and reported that you completed your checks. What puzzles me is the fact that physically you went through all those actions and didn't somehow finish the job correctly.

After weighing the possibilities of continuing with the internal investigation or granting the Discipline Resolution Process request there was one compelling factor that led me to my decision to accept your Discipline Resolution Process request. That is that fact you will tender your resignation after you have served your discipline for this incident. I have insisted that you serve your discipline prior to resigning due to the serious nature of the violations.

Based on the information agreed upon as presented by Captain Roos and my concurrence with same, I find that your actions have violated the following Departmental Standards Directives:

1. As it pertains to you violating Departmental policy.

I find that you violated Departmental Standards Directive **C-1-18, Code of Conduct, Rules and regulations, Section 2.8, Failure to follow general orders, directives:** Members will adhere to general orders, policies and directives, and will faithfully execute all duties and responsibilities of their assigned position.

2. As it pertains to you failing to properly perform your monthly Sexual/Predator Offender Tracking Program checks.



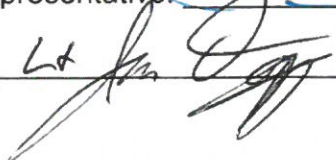
I find that you violated Departmental Standards Directive **P-7-18, Public Information Section 8 Sexual Predators/Offenders & Career Criminals:** Sexual Offenders/Predators who register a permanent address in the city limits will be checked monthly as part of the department's Sexual Predator/Offender Tracking (SPOT) program. Personal contact will be made at least one time per calendar month with each offender/ predator. An address verification form will be completed and turned in to the CIU Admin Assistant after contact is made, prior to the end of the calendar month. Persons designated as Career Criminals will be checked once per calendar year in the same manner.

3. As it pertains to you failing to maintain the job knowledge necessary to make the proper decision to complete your monthly Sexual/Predator Offender Tracking Program checks.

I find that you violated Departmental Standards Directive **C-1-18, Code of Conduct, Job Knowledge and Performance, Section 6.3, General proficiency:** Members are required to maintain job knowledge and skills necessary for performing official duties. Members will maintain and demonstrate their knowledge of state law and criminal procedure, and will maintain proficiency in required interpersonal skills, care and use of vehicles and equipment, and the use of firearms by demonstrating proficiency in accordance with established standards and qualification requirements.

Based on the above sustained findings you are being issued a **four (4) day, forty-eight (48) hour suspension without pay** as final discipline for your actions as documented within the Discipline Resolution Process request and the sustained violations of Departmental Standards Directive as noted. Captain Roos and your immediate supervisor will determine the dates you will be required to serve this suspension.

It has been agreed upon by all parties below that you have **waived the right** to grieve my decision regarding final discipline in this matter pursuant to the City Human Resources Policy and your collective bargaining agreement.

Employee:  Date: 9/11/2018  
F.O.P. Representative:  13 Date: 9-11-18  
Witness:  Date: 9/11/2018