

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-18-011

PERIOD COVERED: January 2018 – March 2018
DATE REPORTED: August 7, 2018
SUBJECT(S) NAME: Deputy Patrick Omelia #8317
INVESTIGATING OFFICERS: Detective Tara Burke #1465

BASIS FOR INVESTIGATION:

On August 7, 2018, Lieutenant Justin Sawicki, Assistant Commander of the Investigative Services Section, completed a criminal investigation regarding Deputy Patrick Omelia. The State Attorney's Office determined there was insufficient information to file criminal charges on Deputy Omelia. This inquiry was forwarded to the Internal Affairs Unit for an administrative investigation into Deputy Omelia's behavior.

OFFENSES:

This investigation is relevant to an alleged violation of Department Standards Directives and Volusia County Merit Rules and Regulations:

Volusia County Merit System Rules and Regulations 86-453. *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.*

RE: (1) Willful neglect in the performance of the duties of the position to which the employee is assigned.

- (2) Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.

- (8) Criminal, dishonest, or other conduct, which interferes with effective job performance or has an adverse effect of the efficiency of county service.

- (9) Violation of privileged information or its use for private gain.

- (10) Incompetent or unsatisfactory performances of duties.

- (13) Any conduct, on or off duty that reflects unfavorably on the county as an employer.

- (21) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

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.)*

26.2.68 Interference in Official Investigation - Employees shall not interfere with cases being processed by other Deputies or other governmental agencies, nor undertake any investigation or other official action not part of their regular duties unless ordered to do so by a superior, unless the intervening Deputy reasonably believes that failure to act would result in an injustice, or the exigencies of the situation require immediate action. Such action will be immediately reported to a superior. *(Violation subject up to a 5 day suspension.)*

26.2.70 Dissemination of Information - Employees shall treat the official business of the VCSO as confidential. Information regarding official business shall be disseminated only to those for whom it is intended and in accordance with established procedures. Employees may remove or

copy official records or reports only in accordance with the provisions of Chapter 82. *(Violation subject up to a demotion.)*

26.2.96 Processing Property and Evidence - Property and evidence which have been received in connection with official duties shall be processed in accordance with the provisions of Chapters 83 and 84. VCSO personnel shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. *(Violation subject up to dismissal.)*

26.2.118 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.)*

26.2.151 Access, Use of Secure/ Restricted Databases* – Only authorized employees who have acknowledged in writing the confidentiality, restrictions and legal ramifications associated with access to such data/information are permitted to access and utilize agency designated secure/restricted databases and only for specific law enforcement/ criminal justice purposes. Unauthorized use includes, but is not limited to, queries not related to a legitimate law enforcement purpose, personal use, improper dissemination to non-law enforcement personnel and sharing, copying or distributing information to unauthorized users. Unauthorized access, use or disclosure of data from secure/restricted databases is a serious matter and may result in civil and/or criminal penalties. *(Violation subject up to 5 days suspension.)*

26.2.152 Improper Conduct Offense- Official Conduct- No employee shall use this authorized access as a privilege or means to gain access to protected information about others for any purpose other than law enforcement business directly associated with their assignment and shall do so during scheduled/ required work hours. Due to the sensitive nature of the information being accessed and the potential for legal ramifications associated with a violation, employees

who violate this standard shall be subject to disciplinary action up to and including dismissal. *(Violation subject up to dismissal.)*

26.2.156 Improper Conduct Offense- Official Conduct- Employees shall not intentionally- through acts of negligence or inattention- cause interruption or defeat of the BWC for its intended purpose of recording law enforcement encounters. *(Violation subject up to 5 days suspension.)*

26.2.157 Improper Conduct Offense- Official Conduct- Any employee found to engage in purposeful acts with intent to defeat the purpose of the BWC in order to avoid, or manipulate the recording of events while on duty will be subject to disciplinary action up to dismissal. *(Violation subject up to dismissal.)*

42.2.62 Criminal Investigations Operations- Burglary investigations should include:

(L) A complete and detailed report of the investigation will be made.

(Violation subject up to 5 days suspension.)

INVESTIGATIVE SUMMARY:

On August 7, 2018, the above incident was assigned to the Internal Affairs Unit. On August 17, 2018, Deputy Omelia was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights. This report details the internal affairs investigation conducted by Detective Tara Burke.

On March 28, 2018, Lieutenant Sawicki commenced a criminal investigation into alleged criminal activity by Deputy Patrick Omelia. Lieutenant Sawicki was provided with a typed document completed by Sergeant Eric Powers, regarding the alleged criminal behavior, specifically tampering with a witness by Deputy Omelia. Sergeant Powers completed the document as an informal supervisor's inquiry (a copy was provided to internal affairs). The following is a summary of Sergeant Powers' typed document:

On March 15, 2018, Deputy Bivone notified Sergeant Powers that he (Deputy Bivone) had been flagged down by Michael Evans at the Walmart Supercenter at 1699 North Woodland Boulevard in Deland (Event number for the flag down: P180742256). Mr. Evans informed Deputy Bivone of a pending burglary case in which Mr. Evans was the victim. Franklin "Guy" Giddens was the defendant in the case, and he is allegedly friends with Deputy Omelia. Mr. Evans informed Deputy Bivone, since Mr. Giddens arrest, Deputy Omelia has been harassing him in an effort to get Mr. Evans to drop the criminal charges. According to Mr. Evans, the alleged harassment had been occurring over a three-month timeframe from January of 2018 to March of 2018. Mr. Evans said he was hesitant to complete a formal complaint due to fear of retaliation from law enforcement.

Sergeant Powers made contact with Mr. Evans via telephone. Mr. Evans informed Sergeant Powers; on numerous occasions, Deputy Omelia has contacted him in what he perceives to be an attempt to drop the charges on Mr. Giddens. The encounters between Mr. Evans and Deputy Omelia have occurred at a gas station, Mr. Evans' residence, and on traffic stops.

On March 16, 2018, Sergeant Powers contacted Mr. Evans at 239 North Center Street in Pierson, FL. Mr. Evans informed the sergeant his vehicle was burglarized on December 24, 2017, and Mr. Giddens was subsequently arrested for the crime. Mr. Evans said Deputy Omelia came to his residence on three occasions on December 24, 2017. On the first encounter, Deputy Omelia queried Mr. Evans regarding his vehicle alarm activating, even though the trunk had preexisting damage. According to Mr. Evans, he felt as though Deputy Omelia was being "pushy," as he continually asked him (Mr. Evans) to activate his vehicle alarm. Mr. Evans said Deputy Omelia told him he should dismiss the charges on Mr. Giddens because he (Mr. Giddens) has a family. Mr. Evans believed that during these interactions, Deputy Omelia refrained from recording the conversations on his body worn camera (BWC). Mr. Evans pointed out to Sergeant Powers (who had his BWC activated during the interaction with Mr. Evans) his BWC showed a red sticker to indicate it was powered on and Deputy Omelia's BWC unit did not display the red sticker. Mr. Evans informed Sergeant Powers of the following subsequent interactions he had with Deputy Omelia after December 24, 2017:

- Traffic stop unknown date in January 2018, in the area of US Highway 17 and Emporia Road in Pierson, FL. Deputy Omelia inquired about the pending case with Mr. Giddens.
- Mr. Evans stopped at the gas station at 1717 South US Highway 17 in Barberville, FL on his way home from work in the beginning of February 2018. Deputy Omelia asked Mr. Evans if he was going to press charges on Mr. Giddens.
- Mr. Evans stopped at the gas station at 1717 South US Highway 17 in Barberville, FL in early March 2018. Deputy Omelia requested Mr. Evans produce his driver's license. Deputy Omelia, again brought up the criminal case with Mr. Giddens and insisted Mr. Evans drop the charges. Deputy Campbell was present and informed Mr. Evans to "*do what you feel is right.*" It should be noted Deputy Coker was also present during this interaction.

On March 12th or 13th of 2018, Mr. Evans received a telephone call from an unknown number. Upon answering the telephone call, a male addressed Mr. Evans and told him it was "*Franklin*" (presumably Mr. Giddens). Mr. Giddens informed Mr. Evans he received his (Mr. Evans) telephone number from Deputy Omelia. Mr. Giddens said Deputy Omelia instructed him to make contact with Mr. Evans to try and come to a deal outside of the criminal justice system to avoid prosecution. Mr. Evans did not agree with Mr. Giddens, at which time, he became enraged and threatened to have Mr. Evans' vehicle repossessed. Mr. Evans was unsure how Deputy Omelia obtained his telephone number as he never provided it to the deputy.

The final interaction between Deputy Omelia and Mr. Evans occurred in mid-March 2018, again at the gas station in Barberville, FL. Deputy Omelia inquired about a newly acquired motorcycle Mr. Evans owned, that he kept in a shed on his property. Mr. Evans found this disturbing, because he keeps his shed closed and the only way to see the motorcycle in the shed would be to open the shed doors. When Mr. Evans queried Deputy Omelia about his knowledge of the motorcycle, the deputy said he observed it on traffic cameras at North Center Avenue and East Washington Avenue in Pierson, FL.

Sergeant Powers interviewed Mr. Evans girlfriend, Elizabeth Tardella. Ms. Tardella stated several times she was on the telephone with Mr. Evans when he had interaction with Deputy Omelia; however, she was unable to decipher what was being said between the two. Ms. Tardella overheard the telephone conversation between Mr. Evans and Mr. Giddens. She indicated she heard Mr. Giddens tell Mr. Evans that if he dismissed the criminal charges, he would not contact the repossession company regarding the whereabouts of Mr. Evans' vehicle.

On March 23, 2018, Sergeant Powers interviewed Deputy Coker regarding the interaction with Deputy Omelia and Mr. Evans in early March 2018. Deputy Coker recalled Deputy Omelia asking Mr. Evans about the status of his driver's license. Mr. Evans said his license was not suspended and freely turned it over to Deputy Omelia. Deputies then inquired about Mr. Evans' motorcycle; Mr. Evans asked how the deputies knew about the motorcycle because he had just purchased it. Deputy Coker was unaware Mr. Evans had purchased a new motorcycle and assumed they were speaking of an older motorcycle owned by Mr. Evans. Deputy Coker could not recall if Deputy Omelia inquired about the criminal case involving Mr. Giddens.

On March 23, 2018, Sergeant Powers interviewed Deputy Campbell regarding his interaction with Deputy Omelia and Mr. Evans in early March 2018. Deputy Campbell recalled a conversation regarding Mr. Evans' driver's license. Mr. Evans provided Deputy Omelia with his driver's license at which time, Deputy Omelia walked to his patrol car and appeared to do a driver's license check. Mr. Evans followed Deputy Omelia to his patrol car and began a conversation with him. Deputy Campbell said he stayed with Deputy Coker, and he was unable to overhear the conversation between Deputy Omelia and Mr. Evans. During his interview with Sergeant Powers, Deputy Campbell said he had one other interaction with Mr. Evans at the gas station in Barberville, FL on March 13, 2018 at approximately 2154 hours. Mr. Evans approached Deputy Campbell and asked him if Deputy Omelia was on duty because he (Mr. Evans) had a problem. Deputy Campbell could not recall all of the details; however, he stated Mr. Evans was concerned because Deputy Omelia may have given Mr. Evans' telephone number to Mr. Giddens. According to Deputy Campbell, this interaction with Mr. Evans was captured on BWC recording.

On March 23, 2018, Sergeant Powers interviewed Deputy Seaman to determine why Deputy Omelia was involved in the initial burglary case from December 24, 2017. Deputy Seaman indicated he was unsure why Deputy Omelia began to conduct his own investigation because Deputy Seaman had already conducted the investigation and made an arrest. Deputy Seaman stated on an unknown date, Mr. Evans had approached him and said Deputy Omelia had given Mr. Giddens his (Mr. Evans') telephone number. Deputy Seaman said during the conversation, Mr. Evans became upset and walked away from the interaction.

Sergeant Powers reviewed Deputy Omelia's BWC footage from the December 24, 2017 interaction. Deputy Omelia made numerous inquiries regarding Mr. Evans' vehicle alarm and how it activates. Deputy Omelia had Mr. Evans arm the alarm and had Mr. Evans strike the trunk lid to try and activate the alarm. Deputy Omelia later deactivated his BWC prior to leaving the residence; therefore, it is unknown what conversation(s) may have occurred after the deactivation of the BWC.

The next BWC footage reviewed by Sergeant Powers was an interview Deputy Omelia conducted with Carlos Barrera (he was the passenger in the vehicle with Mr. Giddens at the time he was arrested on December 24, 2017). Mr. Barrera described to Deputy Omelia how Mr. Giddens cut the strap holding the trunk closed on Mr. Evans' vehicle. Mr. Giddens then instructed Mr. Barrera to crawl through the trunk and unlock a door in the cabin of the vehicle. Once Mr. Barrera unlocked a vehicle door, Mr. Giddens proceeded to open the door, at which time the vehicle's alarm was activated. Mr. Barrera crawled out of the vehicle and fled the scene with Mr. Giddens. It should be noted, this information was not written in the initial report, nor did Deputy Omelia complete a supplemental report articulating his findings and the apparent confession of Mr. Barrera, who was never charged in the case. According to Sergeant Powers' writing, Deputy Omelia either employed or had a deal with Mr. Giddens to remove scrap metal off his property where Mr. Evans' vehicle was parked, which is how Mr. Giddens came into contact with Mr. Evans' vehicle, because Deputy Omelia and Mr. Evans are neighbors.

Sergeant Powers reviewed Deputy Campbell's BWC from his interaction with Mr. Evans on March 13, 2018 at approximately 2154 hours. Mr. Evans informed Deputy Campbell that Deputy

Omelia gave Mr. Giddens his telephone number, and Mr. Giddens had been calling him to try and have Mr. Evans dismiss the criminal charges. Mr. Evans informed Deputy Campbell that Mr. Giddens said Deputy Omelia would be speaking with Mr. Evans to have him dismiss the charges or he (Deputy Omelia) would have Mr. Evans' car repossessed since Mr. Evans was delinquent in payments. Deputy Campbell informed Mr. Evans that if this was occurring, it could be tampering with a witness and he would talk to Deputy Omelia.

Sergeant Powers traveled to the gas station in Barberville, FL and inquired about exterior surveillance video. Staff at the gas station indicated the external cameras do not record video footage.

Sergeant Powers conducted an audit on inquiries into Mr. Evans' driver's license from December 01, 2017 to March 23, 2018 via FCIC/NCIC, and Deputy Omelia did not make any queries. Sergeant Powers then audited Deputy Omelia's Florida Drivers and Vehicle Information Database (DAVID) queries from December 08, 2017 to March 19, 2018. Deputy Omelia viewed Mr. Evans' vehicles, current photographs, signature, driver history, and DL transactions on February 02, 2018. Sergeant Powers cross-referenced the date and time of the DAVID queries to the VCSO Computer Aided Dispatch (CAD), and Deputy Omelia created a call for service at Mr. Evans' residence (123 East Orange Avenue, Pierson) call number: P180331831; the type of call was labeled as a "miscellaneous law enforcement call." There were no comments or other information in the call history and there is no BWC to accompany the call.

A review of the initial report (completed by Deputy Seaman) and the only supplemental report (completed by Deputy Skrzypinski) histories were conducted. Deputy Omelia viewed both reports as recently as March 01, 2018 and February 22, 2018.

According to the report, after reviewing Sergeant Powers' typed document, Lieutenant Sawicki reviewed the BWC footage and confirmed everything written by the sergeant was correct and accurate. Lieutenant Sawicki did however, observe in the BWC footage from December 24, 2017, while Deputy Omelia was interacting with Mr. Evans, the deputy located a cellular telephone on the ground near Mr. Evans' car. Deputy Omelia asked Mr. Evans if the telephone was his, and Mr.

Evans said it was not. After reviewing all BWC footage, at no time does Deputy Omelia retrieve the telephone to determine the owner. It is unknown if the telephone was potential evidence of the car break or abandoned property.

Copies of the incident reports, body worn camera (BWC) videos, and recorded interview with Mr. Evans, were reviewed by Internal Affairs Detectives. *(See Tab-L for Digital Media)*

Michael Evans

On April 27, 2018, Lieutenant Sawicki conducted a sworn video recorded interview with Mr. Evans. The interview was conducted at the VCSO Operations building located at 1330 Indian Lake Road in Daytona Beach, FL. The following is a summary of that interview:

Mr. Evans stated he resides at 123 East Orange Avenue in Pierson, FL. Mr. Evans works for a construction company and does construction work throughout Central Florida. According to Mr. Evans, he has lived in Pierson for four years and did not have any interaction with Deputy Omelia until he moved from Deltona to Pierson.

Mr. Evans was asked to describe what transpired on December 24, 2017, and any subsequent interactions with Deputy Omelia. Mr. Evans informed Lieutenant Sawicki on December 24, 2017, he was inside his residence and heard his car alarm activate. Mr. Evans stated he is neighbors with Deputy Omelia and had his car parked near the back of Deputy Omelia's property line. Mr. Evans said when he went outside to investigate, he observed a male only known to him at the time as Franklin (Mr. Giddens) near his car. Mr. Giddens fled the area on foot in a direction towards a local gas station. Mr. Evans then called 911 for law enforcement assistance. Mr. Evans attempted to follow Franklin down the dirt road toward the gas station on foot; however, Franklin entered a truck and fled the area. While Mr. Evans was on the telephone with the Communications Center, he examined his car and determined a green strap he used to seal his trunk (damage from a prior crash prevented the trunk from securing) had been cut. At the time of the initial report, Mr. Evans believed a tablet had been stolen from the trunk of the vehicle; however, he later found the tablet

elsewhere. Responding deputies later located Mr. Giddens and completed a show-up, in which Mr. Evans positively identified Mr. Giddens as the person he saw in and around his car.

After Mr. Evans positively identified Mr. Giddens, he thought the ordeal was over until Deputy Omelia came to the Evans' residence. Deputy Omelia asked Mr. Evans to show him how the car alarm activated numerous times, and the deputy's actions made Mr. Evans feel like Deputy Omelia did not believe him.

Mr. Evans said on December 24, 2017, Deputy Omelia left and returned to his residence approximately four times. On the third encounter, Deputy Omelia informed Mr. Evans he was going to speak with Mr. Berrera as he was with Mr. Giddens at the time of his arrest. After interviewing Mr. Berrera, Deputy Omelia returned to the Evans' residence. According to Mr. Evans, Deputy Omelia asked him if he was sure he wanted to press charges. Deputy Omelia made a comment about how Sheriff Chitwood was on the call on his day off and that it was Christmas Eve. Deputy Omelia said, *"Are you sure you really want to go through with this because he has kids at home. He's not even going to be home for his kids..."* Mr. Evans said Deputy Omelia's demeanor became rude when he refused to drop charges. Mr. Evans asked Deputy Omelia to leave his residence because he felt the deputy was disrespecting him.

Mr. Evans was asked about the relationship between Mr. Giddens and Deputy Omelia. Mr. Evans was unsure of the relationship; however, he did state Mr. Giddens owned Deputy Omelia's house prior to Deputy Omelia moving in. Deputy Omelia informed Mr. Evans that Mr. Giddens was in the area on December 24, 2017 because he was collecting his personal belongings from Deputy Omelia's property.

Lieutenant Sawicki asked Mr. Evans if he was aware if Deputy Omelia activated his BWC. Mr. Evans said the first interaction he was not sure; however, on the second and/or third interaction he did not observe a red light illuminated on Deputy Omelia's BWC device. Mr. Evans reiterated that he was unsure if Deputy Omelia had his BWC activated; he merely recalls not observing a red light illuminated during some of the interactions he had with him.

Mr. Evans was asked if he could recall any interactions with Deputy Omelia after December 24, 2017. Mr. Evans said there were up to four other encounters he had with Deputy Omelia, the first being at the gas station in Barberville, FL. Mr. Evans stated on an unknown date in February 2018, he stopped at the gas station to refuel his car when he observed Deputy Omelia, Deputy Coker, and Deputy Campbell in the parking lot. While at the gas station, Deputy Omelia asked Mr. Evans for his driver's license and returned to his VCSO patrol car with Mr. Evans' license in hand (presumably to conduct a driver's license check on his Mobile Data Computer). After returning the driver's license to Mr. Evans, Deputy Omelia congratulated Mr. Evans on having a valid driver's license; however, he instructed him to speak with Deputy Coker to have him issue a citation for not updating his address. Mr. Evans declined and walked into the convenience store. When Mr. Evans exited the store, Deputy Omelia began to question him regarding the ongoing criminal case with Mr. Giddens. Mr. Evans said Deputy Omelia asked the following questions: "*How's the case going? Are you really going to pursue charges? You really think he stole your tablet?*" According to Mr. Evans, during this interaction, which was in the presence of Deputies Campbell and Coker, Deputy Omelia informed Mr. Evans he should drop the charges on Mr. Giddens, and Deputy Campbell informed Mr. Evans to do "*whatever you feel is right.*" Mr. Evans said he felt harassed by Deputy Omelia's behavior. The conversation then turned to Mr. Evans motorcycle. Deputy Omelia and Deputy Coker asked about Mr. Evans' motorcycle. During the conversation, Mr. Evans asked how the deputies were aware he had purchased a new motorcycle and Deputy Omelia said there were traffic cameras in the area that captured Mr. Evans riding the motorcycle.

Mr. Evans recalled being stopped in his car by Deputy Omelia, because an air freshener was hanging from the rearview mirror. According to Mr. Evans, Deputy Omelia did not check his driver's license nor did he issue Mr. Evans a traffic citation during this encounter. Deputy Omelia did however question Mr. Evans regarding the criminal case with Mr. Giddens. At the end of the traffic stop, Deputy Omelia told Mr. Evans to get his "*ass home.*" Mr. Evans was unable to provide a date of the traffic stop; however, he said it was late in the evening on US Highway 17 near Emporia Road in Pierson, FL.

There were several other encounters between Mr. Evans and Deputy Omelia that occurred at the Barberville gas station; however, Mr. Evans could not recall specific dates or times. The crux of all the encounters involved Deputy Omelia questioning Mr. Evans regarding the status of the criminal case with Mr. Giddens.

In mid-March, Mr. Evans received a telephone call from Mr. Giddens. Upon answering the call, Mr. Giddens introduced himself as, “*Guy, the one that broke into your car on Christmas Eve*” and stated “*Pat*” (Deputy Omelia) had given him Mr. Evans’ telephone number. Mr. Giddens informed Mr. Evans if the two don’t come to a deal regarding the criminal charges, Mr. Giddens would have Mr. Evans’ car repossessed. Mr. Giddens also told Mr. Evans that Deputy Omelia had given him the contact information to the repossession company. Mr. Evans said he felt as though he was blackmailed during this telephone call.

This investigation and all case documents were forwarded to the State Attorney’s Office (SAO) for review. The SAO completed a review of all documents and recordings. At the conclusion of the review, the SAO determined there was insufficient information to file charges on Deputy Omelia; however, there may be administrative action that need be taken. *(See Tab-D for Official Transcript)*

Deputy Brandon Bivone

On September 24, 2018, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Deputy Bivone. The following is a summary of that interview:

Deputy Bivone has been employed with the Volusia County Sheriff’s Office approximately two years. Deputy Bivone is currently assigned to District-2, patrol.

During his interview with internal affairs, Deputy Bivone recalled being flagged down by Mr. Evans at the Walmart Supercenter in Deland on March 15, 2018. Deputy Bivone advised he was flagged down in reference to Deputy Omelia, he believes it was in reference to harassment. Deputy Bivone was informed by Mr. Evans of two issues, one was a burglary case, and the other was a

couple traffic stops where Deputy Omelia asked Mr. Evans not to pursue charges on the burglary case. Deputy Bivone was not aware of the relationship between Deputy Omelia and Mr. Evans because he doesn't work much with Deputy Omelia. Deputy Bivone couldn't recall the exact timeframe Mr. Evans told him about Deputy Omelia harassing him.

Deputy Bivone was asked if Mr. Evans was hesitant to complain or file a formal complaint; he could not recall, but he did remember Mr. Evans being afraid of retaliation against him. He was not certain if Mr. Evans was talking about retaliation from Deputy Omelia or the other party (Mr. Giddens) involved. Deputy Bivone was told that Deputy Giddens called him, or spoke with him about the car break, and believed he got his telephone number from the tow company.

Deputy Bivone believed it was two or three traffic stops on Mr. Evans made by Deputy Omelia, he wasn't certain what the violations for the traffic stops were and stated, *"It was kind of like a brief flag down about it because I had no idea what to do with it. But he said that he stopped him a couple times just asking him to drop the charges on the other half, Mr. Giddens, about it. I don't know exactly how many times he did traffic stops and asked him, I just from what he was telling sounded like a couple."*

Deputy Bivone denied having any involvement in the burglary call involving Mr. Evans and Mr. Giddens and had not met Mr. Evans prior to March 15, 2018. Deputy Bivone never spoke with Deputy Omelia about his contact with Mr. Evans, he advised he only spoke with Sergeant Powers. Deputy Bivone denied knowing of any other complains about Deputy Omelia. Deputy Bivone advised once he told Sergeant Powers about his contact with Mr. Evans, they got in contact with Mr. Evans again because they needed to resolve some things. *(See Tab-E for Official Transcript)*

Deputy Christopher Campbell

On September 24, 2018, Detective Burke, Detective Glen Bennett, and Sergeant Ryan Mills conducted a sworn recorded interview with Deputy Campbell. The following is a summary of that interview:

Deputy Campbell has been employed with the Volusia County Sheriff's Office since April 2016. Deputy Campbell is currently assigned to District-2, patrol.

Deputy Campbell recalled being at the Circle K gas station located at SR17 and SR40 in early March 2018, with Deputy Omelia and Deputy Coker. Deputy Campbell advised it was night time but he could not recall the specific date. Deputy Campbell recalled Deputy Omelia being in contact with Mr. Evans, he believes it was in reference to Mr. Evans not having a valid driver's license, but he could not be certain. Deputy Campbell explained he was talking with Deputy Coker, their vehicles were parked up by the gas station and Deputy Omelia's vehicle was a little further back in the parking lot. He advised Mr. Evans pulled into the gas station and Deputy Omelia went back to his vehicle to verify his driver's license.

Deputy Campbell was unaware of the relationship between Deputy Omelia and Mr. Evans, he assumed that Deputy Omelia knows a lot of people in Pierson from working the area for a long time.

Deputy Campbell advised he knew about the burglary after Mr. Evans mentioned it to him when he contacted him on a different day at the same gas station. Deputy Campbell was asked what he was told by Mr. Evans at the gas station on March 14, 2018. He advised Mr. Evans asked for him to call Deputy Omelia in regards to another person (Giddens) involved in a car burglary case that was contacting him. Mr. Evans mentioned Deputy Omelia gave his number to the other person (Giddens), but Deputy Campbell couldn't recall the details of the whole conversation. Deputy Campbell was asked what he meant when he told Mr. Evans this might be tampering with a witness; he stated, *"I said it might be. From what I recall is that his biggest thing was he just wanted Patrick to give him a call in regards to it."* Deputy Campbell never told Deputy Omelia

about his contact with Mr. Evans, he advised he had food in his car and didn't think about it, he forgot. Deputy Campbell advised Mr. Evans didn't make it seem it was a pressing issue, he thought he was just talking to him at the gas station. Deputy Campbell didn't tell a supervisor about the contact, he explained once he broke contact with Mr. Evans he didn't think anything of it.

Deputy Campbell advised he was not involved in the initial burglary call, and other than the two contacts he had with Mr. Evans at the gas station in Pierson, he only had contact one other time when he wrote him a ticket for expired registration. Deputy Campbell believes the ticket was written prior to him making contact with him at the gas station, but he couldn't be certain. Deputy Campbell denied having any other complaints or issues concerning Deputy Omelia. *(See Tab-F for Official Transcript)*

Sergeant Theodore Seaman

On September 24, 2018, Detective Burke, Detective Glen Bennett, and Sergeant Ryan Mills conducted a sworn recorded interview with Sergeant Seaman. The following is a summary of that interview:

Sergeant Seaman has been employed with the Volusia County Sheriff's Office for eleven years. Sergeant Seaman is currently assigned to District-3, Patrol Sergeant. Prior to being promoted to Sergeant he was assigned to District-2, patrol.

Sergeant Seaman recalled the burglary case on December 24, 2018, involving Mr. Evans and Mr. Giddens; Mr. Giddens was arrested that night in connection with the burglary. Sergeant Seaman advised Deputy Omelia was involved in the case, he put out a BOLO for the truck, located and stopped the truck with Mr. Giddens. Sergeant Seaman did not recall Deputy Omelia making contact with Mr. Giddens in the holding cell, he wasn't certain of any other involvement by Deputy Omelia. Sergeant Seaman explained Deputy Omelia knows everybody in Pierson because it's a small community, Mr. Giddens is a local scrapper and Mr. Evans is known from past contact over the years.

Sergeant Seaman responded to the truck where Deputy Omelia stopped Mr. Giddens, he did not talk to Deputy Omelia about the case. Sergeant Seaman was asked about Carlos Barrera, he said he was the witness, the passenger, who was in the truck with Mr. Giddens. Sergeant Seaman was aware Deputy Omelia contacted Mr. Barrera, Deputy Omelia said he received conflicting statements from Mr. Barrera, which he passed on to Sergeant Seaman. Sergeant Seaman couldn't recall if Deputy Omelia made contact with Mr. Evans again at his house after Mr. Giddens was arrested on December 24, 2017; he couldn't recall if he gave him any additional information. Sergeant Seaman was the case agent on the burglary case and denied giving Deputy Omelia any further direction to assist with the case, he stated, "*he just likes to*" (in reference to Deputy Omelia assisting). Sergeant Seaman explained he and Deputy Omelia tried to arrest Mr. Giddens for a month or two because he had warrants, he said they called him and finally caught him in Bunnell. Sergeant Seaman also explained Mr. Evans likes to drive without a drivers' license, and he's one of the local drug users so they try to catch him as well.

Sergeant Seaman denied having any complaints made about Deputy Omelia to him, he denied Deputy Omelia ever injected himself into his cases, only to help because they assist each other all the time. Sergeant Seaman stated, "*We assist each other all the time, it's just him and I up there so. Very supportive, he's always been a great partner. So.*"

Sergeant Seaman denied hearing about Deputy Omelia asking Mr. Evans not to press charges against Mr. Giddens. Prior to conclusion of the interview Sergeant Seaman stated, "*Deputy Omelia is a good deputy. He didn't interfere in my investigation. He's an overachiever. He's a, he's a, works in hyper mode. If you will read his reports you'll see what I'm talking about so this part about the investigation he's just trying to help me. He never tried to change my mind, he never tried to intervene, he just likes to add. He likes to look at every aspect and every fact and he brings it to you.*" Sergeant Seaman also stated, "*Sometimes you have to just tell him to stop.*" (See Tab-G for Official Transcript)

Deputy Brandon Coker

On October 2, 2018, Detective Burke, Detective Glen Bennett, and Sergeant Ryan Mills conducted a sworn recorded interview with Deputy Coker. The following is a summary of that interview:

Deputy Coker has been employed with the Volusia County Sheriff's Office for approximately seven months. Sergeant Seaman is currently assigned to District-2, patrol.

Deputy Coker recalled being with Deputy Omelia and Deputy Campbell at an unknown date at the beginning of 2018 at 1717 South US Highway 17, Pierson, at the Kangaroo. Deputy Coker explained Mr. Evans approached them at the gas station and started a conversation. Deputy Coker advised Mr. Evans has been known to not have a valid driver's license at times, Mr. Evans gave Deputy Omelia his driver's license it was confirmed to be valid. Deputy Coker explained Mr. Evans is known in the area, stating they all had contact with him in the past. Deputy Coker said he's been to domestic calls, he explained Mr. Evans is that guy you see around everywhere, he would see him in "*duty mode*," but would also see him at the gas station. Deputy Coker explained he has been to Mr. Evans house in the past so he was aware of him having a motorcycle, he said there was talk about his motorcycle and Mr. Evans seemed paranoid when they discussed it.

Deputy Coker didn't recall Deputy Omelia asking him to issue a citation for Mr. Evans and he never heard Deputy Omelia talk about the criminal case against Mr. Giddens. Deputy Coker wasn't involved in the initial burglary investigation, but has dealt with both Mr. Evans and Mr. Giddens in the past. Deputy Coker denied having any other complaints or issues concerning Deputy Omelia. *(See Tab-H for Official Transcript)*

Deputy Patrick Omelia

On December 30, 2018, Detective Burke and Detective Jim Gabriel conducted a sworn recorded interview with Deputy Omelia. The following is a summary of that interview:

Deputy Omelia has been employed with the Volusia County Sheriff's Office approximately four and a half years. Deputy Omelia is currently assigned to District-2, patrol.

Deputy Omelia recalled the burglary on December 24, 2017, involving Mr. Evans and Mr. Giddens. He explained he was trying to locate a wrapped gift, an iPad® or Tablet, which may have been taken during the theft. Deputy Omelia knew Mr. Evans from some past law enforcement interaction with him, and he's also a neighbor of a property that Deputy Omelia owns. Deputy Omelia advised he knows Mr. Giddens because he was a tenant, he was living in a house he purchased and was being evicted from the house. Deputy Omelia said when he first met Mr. Giddens he was part of the eviction notice, and he's also a person around town that he knows. Deputy Omelia denied ever paying Mr. Giddens to remove scrap metal or anything else from his property, he did tell Mr. Giddens to get anything of value out of the yard because the rest of the stuff was going to be removed. Deputy Omelia explained the property was "horrible," he cleaned up the front half himself and had someone else clean up the back half of his property.

Deputy Omelia explained his main focus was to find the lap top or Tablet that was taken on December 24, 2017. Deputy Omelia spoke with Mr. Giddens after he was arrested and in the holding cell at the district two office, he advised Deputy Seaman wanted him to use his rapport to see if Mr. Giddens would be forthcoming. Deputy Omelia advised he passed on any additional information he got to Deputy Seaman throughout the investigation.

Deputy Omelia also made contact with Mr. Evans, he wasn't certain how many times because he was in the wood line searching for the missing gift (Tablet) and Mr. Evans was helping him. Deputy Omelia advised later that evening he went back to Mr. Evans and asked him if the Tablet was the only gift he had for his son, and offered Mr. Evans services to help him get another gift if needed. Deputy Omelia explained he had helped others in the past and wanted to make certain his child had a gift. Deputy Omelia said his Body Worn Camera (BWC) was probably not active every time he was in contact with Mr. Evans, Deputy Omelia stated; *"During the time the policy was you know what I mean, if it's not law enforcement you know you could turn it on and off so I'm gonna say no it wasn't 100%."*

Deputy Omelia was asked about the cellular phone that was on the ground, he could not recall the cell phone, but explained there's a lot of trash and stuff on the property along with other electronics. The cell phone was not collected because he did not feel it had any bearing on the case. Deputy Omelia did not write a supplement report in reference to his contact with Mr. Evans.

Deputy Omelia also interviewed Mr. Carlos Barrera, he described him as a friend of Mr. Giddens. Deputy Omelia advised Mr. Barrera admitted to being involved in the burglary with Mr. Evans, he told him he was there, but Deputy Omelia felt there was a lot of things that corroborated that he actually wasn't there. Deputy Omelia passed on the information he obtained to Deputy Seaman, Mr. Barrera was never arrested or charged for the crime. Deputy Omelia believes the complete contact he had with Mr. Barrera was captured on BWC. Deputy Omelia did not write a supplement report in reference to his contact with Mr. Barrera.

Deputy Omelia denied ever speaking to Mr. Evans about dropping the criminal case against Mr. Evans. He advised the only time Mr. Evans spoke to him about the criminal case was on December 24, 2017, Deputy Omelia gave him the same information he gives to everyone about the process of a criminal investigation. Deputy Omelia denied speaking with Mr. Evans or Mr. Giddens after December 24, 2017 about the case.

Deputy Omelia recalled contact he had with Mr. Evans at the gas station with Deputy Campbell and Deputy Coker present in early March 2018. Deputy Omelia advised he spoke to him about his drivers' license being reinstated, he advised Mr. Evans approached him at the gas station on that day. Deputy Omelia explained Mr. Evans was making derogatory and "wise" comments throughout the conversation. Deputy Omelia denied talking to Mr. Evans about the criminal investigation concerning Mr. Giddens. Deputy Omelia did not have his BWC on during this contact with Mr. Evans, he advised Mr. Evans approached him and he thought it was a casual encounter. Deputy Omelia advised he looked at the date on Mr. Evans drivers' license, he is aware of Mr. Evans having prior suspensions, and had arrested him in the past for it. According to Deputy Campbell and Deputy Coker, they were both present and denied ever hearing a conversation between Mr. Evans and Deputy Omelia concerning the criminal investigation on March 2018, or any other day.

Deputy Omelia denied having an encounter at the Barberville gas station with Mr. Evans in February 2011. Deputy Omelia denied making any traffic stops on Mr. Evans in January 2018, he advised all his traffic stops are called out on the radio and in CAD.

Deputy Omelia was asked about the call for service on February 2, 2018 (event #P180331831) at Mr. Evans house, 123 Orange Street; he advised he made contact with Mr. Evans on that day. He advised he created the call after he was contacted by Mr. Evans father-in-law, he is the co-owner on Mr. Evans car, and wanted to inform Mr. Evans his car payments were current because his father-in-law made the payments. Deputy Omelia passed on the information to Mr. Evans, he advised Mr. Evans was thankful to receive the information. Deputy Omelia was also asked about running Mr. Evans driver's license in the Driver and Vehicle Information Database (DAVID), on February 2, 2018. Deputy Omelia advised Mr. Evans may have had questions about his license being valid; Deputy Omelia also advised it's common practice for him to run the name of someone he is in contact with. Deputy Omelia could not recall if his BWC was turned on when he made contact with Mr. Evans on this day.

Deputy Omelia was asked about accessing the Records Management System (RMS) on February 22 and March 1, 2018, viewing Deputy Seaman and Deputy Skrzypinski's reports. He advised the reports were viewed to determine if the stolen Tablet had been recovered because there was "*word on the street*" that it had been. Deputy Omelia denied giving Mr. Giddens the telephone number of Mr. Evans. Deputy Omelia explained Mr. Giddens and Mr. Evans were once friends and neighbors, he is not certain if or how they have each other's telephone numbers. Deputy Omelia advised he has spoken to both Mr. Evans and Mr. Giddens on the telephone in the past, he advised they could easily get his telephone number because it's posted on the trespass authorization sign at the back of his house. Deputy Omelia denied ever speaking with Mr. Evans about dropping the criminal charges against Mr. Giddens.

During the interview Deputy Omelia explained Mr. Giddens had flagged him down in February and he had a report in his hand that was un-redacted, he told Deputy Omelia his public defender gave the reports to him. Deputy Omelia advised Mr. Evans telephone number was on the reports that Mr. Giddens had. Deputy Omelia advised Mr. Giddens was reading from the reports and he

wanted to make sure Mr. Giddens stayed calm because he has a history of violence. Deputy Omelia informed Mr. Giddens that he should go to all the hearings and participate, he also told him not to pick up a secondary charge because of his attitude.

During the interview Deputy Omelia advised he didn't write a supplement report in reference to the burglary or his follow up investigations. Deputy Omelia was asked by Nancye Jones, *"As you sit here today do you think perhaps it would have been better had you done a supplement?"* Deputy Omelia replied, *"Oh absolutely and that's something I'm taking forward you know, that any type of involvement you know regardless if it's pertinent or not. I'm a pretty good writer I have no problem with reports. I will definitely continue to just do a supplement."*

Deputy Omelia was asked if she violated the following policies:

26.2.40 Negligence, Not Endangering	No
26.2.68 Interference in Official Investigation	No
26.2.70 Dissemination of Information	No
26.2.96 Processing Property and Evidence	No
26.2.118 Code of Ethics for Public Officers and Employees	No
26.2.151 Access, Use of Secure/Restricted Databases	No
26.2.152 Improper Conduct Offense- Official Conduct	No
26.2.156 Improper Conduct Offense- Official Conduct	No
26.2.157 Improper Conduct Offense- Official Conduct	No
42.2.62 Criminal Investigations Operations- Burglary investigations RE: (L)	Yes
86-453 Volusia County Merit System Rules and Regulations (1)	No
86-453 Volusia County Merit System Rules and Regulations (2)	No
86-453 Volusia County Merit System Rules and Regulations (8)	No
86-453 Volusia County Merit System Rules and Regulations (9)	No
86-453 Volusia County Merit System Rules and Regulations (10)	No
86-453 Volusia County Merit System Rules and Regulations (13)	No
86-453 Volusia County Merit System Rules and Regulations (21)	No

Prior to completion of this interview Deputy Omelia advised a manager at the Kangaroo in Pierson, “*Audrey*” (Audrey Vandiver-Tibbs) informed him of Mr. Evans constantly coming into the store making statements and asking about Deputy Omelia’s schedule. Ms. Vandiver-Tibbs also informed Deputy Omelia that Mr. Evans said he will “*have his badge*” and spoke negatively about Deputy Omelia. Deputy Omelia provided contact information for Ms. Vandiver-Tibbs. (See Tab-I for Official Transcript)

Audrey Vandiver-Tibbs

On December 3, 2018, Detective Burke conducted a sworn recorded interview with Audrey Vandiver-Tibbs at 1591 South Woodland Boulevard, Deland FL. The following is a summary of the interview.

Ms. Vandiver-Tibbs is a manager with Circle K, she has been a manager for at Circle K for approximately eight years. Ms. Vandiver-Tibbs knows Deputy Omelia and other deputies from working at the Kangaroo store in Barberville. She has known Deputy Omelia for approximately three years from him coming into the store and checking on the employees.

Ms. Vandiver-Tibbs advised she knows Mr. Evans from him being a customer at the Kangaroo store in Barberville. Ms. Vandiver-Tibbs explained she hasn’t seen Mr. Evans for a long time but he used to come into the store and ask if she knew where “*Patrick*” was, she said this was everyday so she started getting suspicious. Ms. Vandiver-Tibbs first told Deputy Seaman about Mr. Evans asking about Deputy Omelia, Deputy Seaman informed her something was going on but didn’t go into detail about it. Ms. Vandiver said Mr. Evans would make statements that he was “*gonna have his job.*” She advised Mr. Evans was adamant about trying to find out where Deputy Omelia was located, she never told him where Deputy Omelia was. Ms. Vandiver-Tibbs made the statement, “*I love my cops, they are my buddies, they are my best friends, and they protect us and when I got robbed they were right there you know helping out so I love my cops very much.*”

During the interview Ms. Vandiver-Tibbs was asked if she felt Mr. Evans was saying he was going to get Deputy Omelia in trouble; she advised she felt he, and a woman he was with, were on some kind of drug, she felt it was a “*vendetta*” against Deputy Omelia because Mr. Evans would ask every time he was in the store.

Ms. Vandiver-Tibbs said she's been working in her new store since October so she believes it was the middle of the year when Mr. Evans would come in. She advised she hasn't seen Mr. Evans since she's brought it up to Deputy Seaman and Deputy Omelia. Ms. Vandiver-Tibbs denied Deputy Omelia ever brought up Mr. Evans in conversations that she's had with him. Ms. Vandiver-Tibbs said the situation was "*strange*" because she's never had anybody ask about a deputy unless they were looking for them for a certain reason such as an accident or a local who knows them in the town. She explained it's a very small community where everyone knows one another.

Prior to conclusion of this interview Ms. Vandiver-Tibbs stated; "*But they're all great cops they really are, all of them. And they serve and protect us very very well, they check on us all the time and especially being a 24 hour store and there's a lot of girls that work so they're you know always hanging out in the parking lot, drive by "y'all ok?" and then you know go do their business.*" (See Tab-J for Official Transcript)

On December 3, 2018, Deputy Omelia was informed of the interview with Ms. Vandiver-Tibbs and offered a transcript of the interview once complete. Deputy Omelia advised a copy was not needed.

Conclusion:

On January 14, 2019, this investigation was presented to the Sheriff. After review, the Sheriff determined the violation of the below listed department and county policies to be:

26.2.40 Negligence, Not Endangering	Not Sustained
26.2.68 Interference in Official Investigation	Not Sustained
26.2.70 Dissemination of Information	Not Sustained
26.2.96 Processing Property and Evidence	Not Sustained
26.2.118 Code of Ethics for Public Officers and Employees	Not Sustained
26.2.151 Access, Use of Secure/Restricted Databases	Not Sustained

26.2.152 Improper Conduct Offense- Official Conduct	Not Sustained
26.2.156 Improper Conduct Offense- Official Conduct	Sustained
26.2.157 Improper Conduct Offense- Official Conduct	Not Sustained
42.2.62 Criminal Investigations Operations- Burglary investigations	Sustained
RE: (L)	
86-453 Volusia County Merit System Rules and Regulations (1)	Not Sustained
86-453 Volusia County Merit System Rules and Regulations (2)	Not Sustained
86-453 Volusia County Merit System Rules and Regulations (8)	Not Sustained
86-453 Volusia County Merit System Rules and Regulations (9)	Not Sustained
86-453 Volusia County Merit System Rules and Regulations (10)	Not Sustained
86-453 Volusia County Merit System Rules and Regulations (13)	Not Sustained
86-453 Volusia County Merit System Rules and Regulations (21)	Not Sustained

On January 16, 2019, Deputy Omelia was issued a Letter of Reprimand for his actions documented in this internal affairs investigation.

EXHIBITS:

- A. Report of Investigation
- B. Advisement Administration of Oath/Perjury Warning/Garrity Warning
- C. Official Correspondence/Supervisors Inquiry
- D. Official Transcripts of Michael Evans
- E. Official Transcripts of Deputy Brandon Bivone
- F. Official Transcripts of Deputy Christopher Campbell

- G. Official Transcripts of Sergeant Theodore Seaman
- H. Official Transcripts of Deputy Brandon Coker
- I. Official Transcript of Deputy Patrick Omelia
- J. Official Transcript of Audrey Vandiver-Tibbs
- K. Miscellaneous Documents
- L. Digital Media

WITNESSES:

Deputy Brandon Bivone
Volusia County Sheriff's Office
386-736-5961

Deputy Christopher Campbell
Volusia County Sheriff's Office
386-736-5961

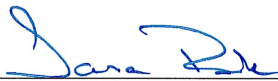
Deputy Brandon Coker
Volusia County Sheriff's Office
386-736-5961

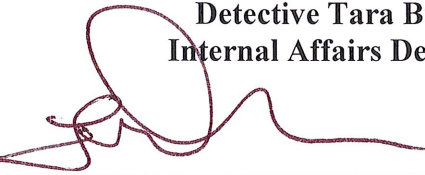
Sergeant Theodore Seaman
Volusia County Sheriff's Office
386-736-5961

Deputy Brandon Bivone
Volusia County Sheriff's Office
386-736-5961

Audrey Vandiver-Tibbs
1591 South Woodland Boulevard
Deland, FL
386-589-6929

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

DETECTIVE:  DATE: 01/30/19
Detective Tara Burke
Internal Affairs Detective

APPROVED BY:  DATE: 1/30/19
Chief Deputy John Creamer
SHERIFF MICHAEL J. CHITWOOD
VOLUSIA COUNTY FLORIDA