

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

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA 19-002**

**PERIOD COVERED:** January 10, 2019

**DATE REPORTED:** January 10, 2019

**SUBJECT(S) NAME:** Deputy Anthony Abato #2496  
Sergeant Jonelle Hillyard #2383

**INVESTIGATING OFFICERS:** Detective Glen Bennett #1452

**BASIS FOR INVESTIGATION:**

On January 10, 2019, New Smyrna Beach High School (NSBHS) officials received information concerning a student in possession of a firearm on campus. This information was given to NSBHS staff administrators who notified Deputy Anthony Abato, the School Resource Deputy (SRD).

At the time, Deputy Abato had a juvenile Baker Act in custody in his office. After being advised of the possible firearm on campus, Deputy Abato requested assistance from the New Smyrna Beach Police Department (NSBPD) and notified his immediate supervisor, Sergeant Jonelle Hillyard. After doing so, it was alleged he never took immediate action to engage the potentially armed suspect, nor did he provide any direction or plan for school officials.

**OFFENSES:**

This investigation is relevant to an alleged violation of Department Standards Directive:

**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.

(12) Incompetent or unsatisfactory performances of duties.

**26.2.5 Neglect of Duty** - Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect. *(Violation subject up to a 5 day suspension)*

**26.2.41 Negligence Associated with Safety of Persons or Property** - Employees shall be attentive to job duties and shall not violate official Directives, orders, supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property. *(Violation subject up to a demotion.)*

**26.2.42 Endangering Others Through Neglect** -Deputies shall take appropriate action in response to:

A. Emergency situations where there is a known danger to the lives of others;

B. In response to serious crimes. Particularly those of violent nature, which come to their attention on or off duty. *(Violation subject up to dismissal.)*

**26.2.123 Prompt Compliance With Lawful Order** - Employees shall promptly execute the lawful orders and/or instructions of a supervisor or superior officer of the VCSO and shall not delay or fail to carry out such orders or instructions.  
*(Violation subject up to a 5 day suspension.)*

#### **INVESTIGATIVE SUMMARY:**

On January 18, 2019, Chief Deputy John Creamer assigned the above incident to the Internal Affairs Unit. This report details the internal affairs investigation conducted by Detective Glen Bennett. *(See Tab – B for Official Correspondence)*

Detective Bennett reviewed the supervisor investigative report, police reports, body worn camera (BWC) footage as well as numerous other documents and evidence related to this incident.

Sheriff's Office Internal Affairs Unit received the Supervisors Report authored by Lieutenant Thomas Tatum outlining the events that occurred on January 10, 2019 at NSBHS. School administrators were notified of a student who was seen in possession of a possible firearm in the courtyard during the lunch period. The student reportedly pulled the firearm from his coat pocket and placed it in his backpack. Witnesses described the firearm as black in color resembling a "Glock" style handgun. School officials reported the incident to Deputy Abato who was occupied with a female juvenile Baker Act in his office located in the schools main administration building.

Units from the New Smyrna Beach Police Department (NSBPD) responded, and along with Deputy Abato, located the student /suspect and placed him in custody. *(See Tab – D for Supervisors Report)*

The suspect, Keevin Jelks was on probation at the time of the incident, and known to school administrators; however, it was unclear at the time as to what extent officials knew of his criminal history. According to court documents, Mr. Jelks criminal history dates back to January of 2014, which included eighteen charges ranging from Carrying a Concealed Weapon to Grand Theft. On May 5, 2017, the State of Florida designated Mr. Jelks a gang member. *(See Tab – M for Miscellaneous Documents)*

At the time of the arrest, a search of Mr. Jelks person yielded no firearm; however, officers with NSBPD searched the immediate area and located an Airsoft pistol in the trash. The pistol was a lifelike replica of a real firearm, with the exception of an orange tip on the barrel.

The following day, January 11, 2019 at approximately 11:30AM, Lieutenant Tatum was notified of a meeting between NSBHS administrators and Deputy Abato. The meeting was held in order to discuss the events that transpired during the incident in question. As a result of the meeting, school administrators determined they did not have confidence in Deputy Abato due to his failure to take immediate action when notified of a potential firearm on campus.

Following the meeting, Deputy Abato authored an email to Sergeant Hillyard outlining what was discussed. According to the email, Deputy Abato was called to the meeting and, *"I [Deputy Abato] was advised they [school officials] were not happy with how the response was from me when I was informed there was a student on campus with a possible gun."* He explained he had a Baker Act in custody, and upon being notified of the firearm, he immediately radioed for assistance from NSBPD and notified his supervisor. Matthew Krajewski, the principal of NSBHS, was not pleased with his decision to wait for NSBPD rather than immediately intercept Mr. Jelks. Deputy Abato expressed his concern that if he went alone, Mr. Jelks could have run into a classroom, which would have created a possible hostage situation. His actions, according to NSBHS staff was,

*“...unacceptable and that I should have dropped everything I was doing and confronted the student because in the Parkland shooting there was a delay. I attempted to explain that was an active shooter situation and immediate response would have been taken by me. Mr. Krajewski stated that I should not have waited for other units because the student could have began shooting staff or students.”*

Julian Doster, an assistant principal with NSBHS, expressed his concern for not providing input on the decision to call a Code Red and lock down the school. Deputy Abato informed Mr. Doster the decision to lock down the school need not come from him; rather Mr. Doster could have made the decision as soon as he was informed of the firearm being on campus. In closing, Deputy Abato wrote,

*“I attempted to explain there was no immediate threat (active shooter) happening and campus advisors were watching the student who was just walking around talking to another student. I was told that was unacceptable and I should have immediately confronted the student no matter what.”*

*(See Tab – M for Miscellaneous Documents)*

Based on the preliminary information received during the meeting, Lieutenant Tatum was directed to meet with NSBHS administrators to gain additional information.

At approximately 2:00PM that same day, Lieutenant Tatum met with Principal Matthew Krajewski, Assistant Principal Timothy Merrick and Assistant Principal Julian Doster in the conference room at the high school. It was discussed that on January 10, 2019, Mr. Merrick was in a meeting when Brenda Hamilton, the principal’s secretary, interrupted to advise him of a student being seen with a firearm on campus. Ms. Hamilton reportedly tried to go to Deputy Abato, but he was busy handling a female Baker Act in his office. Mr. Merrick directed Ms. Hamilton to report the firearm incident to Deputy Abato since it took priority.

Mr. Merrick then, using the school’s two-way radio, contacted Mr. Doster, NSBHS’s assistant principal in charge of safety and security, informed him that Keevin Jelks was reported to be in possession of a firearm. Following the conversation with Mr. Doster, Mr. Merrick called Deputy

Abato on the same radio and was told he was in the middle of something. Knowing Deputy Abato was aware of the situation, he asked him to go to channel two on the radio.

At one point Deputy Abato exited his office as Mr. Merrick waited for him in the hallway. Deputy Abato asked Ms. Hamilton to find someone to watch the Baker Act, who in turn found a clerk to assist.

After he got assistance in watching the Baker Act, Deputy Abato exited his office but walked in the opposite direction in the hallway from where the suspect was reportedly located. Mr. Merrick asked Deputy Abato what he wanted staff members to do; Deputy Abato reportedly said he was waiting on backup. Mr. Merrick then asked the two campus advisors, who were standing with him in the hallway, if they were comfortable with making contact with Mr. Jelks and they both agreed they would.

During this time, Mr. Jelks was walking around the courtyard, eventually making it up an exterior staircase to the catwalk, which overlooked the schools courtyard. Several advisors were in the courtyard keeping visual contact on Mr. Jelks as he walked around. At one point, a campus advisor following Mr. Jelks, called out his name, and he turned and looked but kept walking. As Mr. Jelks walked down an exterior staircase into the courtyard, Deputy Abato and NSBPD officers took him into custody.

Mr. Doster recalled being contacted by Mr. Merrick on the school radio advising Mr. Jelks was in possession of a firearm and that Deputy Abato was not responding. At that same time, a campus advisor came to his office and advised another student had seen Mr. Jelks with a firearm in the courtyard during the same lunch period. Mr. Doster looked out his office window and saw Mr. Jelks standing in the courtyard talking with two other students. During this time, several other campus advisors were in the courtyard maintaining visual contact on Mr. Jelks. Mr. Doster said he called on the radio for Deputy Abato to respond while they had visual contact on Mr. Jelks; however, he never saw Deputy Abato until NSBPD officers arrived and he assisted in taking Mr. Jelks into custody.

Mr. Krajewski, the school's principal, was not on campus at the time of the incident, but received notification from Mr. Doster as the incident unfolded. Upon his arrival at the school, a meeting was called to discuss the incident and address concerns about Deputy Abato's response. During

the meeting, when confronted about his lack of immediate action, Deputy Abato said he would have done things differently, but did not elaborate. At the conclusion of the meeting, Lieutenant Tatum briefed Sheriff's Office command staff and the decision was made to reassign Deputy Abato.

On January 10, 2019, Mr. Krajewski was off campus attending a meeting at Daytona State College. In Mr. Krajewski's absence, Assistant Principal Merrick assumes command of campus operations. Assistant Principal Doster is in charge of campus security and monitors student activity with the aid of several campus advisors.

Members of the NSBHS administration and campus advisors communicate between one another using a two-way radio. The deputy assigned to the high school is also issued a two-way radio so he or she can maintain communication with members of the staff and faculty. This radio was overheard on Deputy Abato's BWC broadcasting conversation between school officials as they monitored Mr. Jelks in the courtyard.

Detective Bennett reviewed Deputy Abato's BWC for both the Baker Act and firearm incident. The following is a summary of events based on the BWC footage collected on January 10, 2019:

12:45PM - Deputy Abato began his investigation involving the female Baker Act. He took the Baker Act into protective custody and brought her to his office where she was directed to sit as he began his paperwork.

1:13PM – Ms. Hamilton knocks on Deputy Abato's office door and advised him a student/witness reported seeing another student with a firearm. Deputy Abato acknowledges Ms. Hamilton and tells her he has a Baker Act in custody.

1:14PM – Deputy Abato walks back into his office and radios Central Communication (Central) requesting a NSBPD unit to respond to the high school, "10-46" [urgent] and to have them call him. Deputy Abato makes no mention of the reported firearm.

1:15PM – Mr. Merrick can be overheard calling Mr. Doster on the school radio, asking him to go to channel five. Deputy Abato calls his supervisor, Sergeant Jonelle Hillyard on his office desk phone:

Abato: *"Hey I just got reported, I'm stuck with the Baker Act, but kid went to the administrators and said there's a kid on the campus with a gun."*

Hillyard: *(transmission unknown)*

Abato: *"I did, I just told them [NSBPD] to get here 10-46 [urgent]."*

Hillyard: *(transmission unknown)*

Abato: *"I'm just giving you the heads up."*

Hillyard: *(unknown transmission)*

Abato: *"Yes, they saw the kid with it [firearm]."*

Deputy Abato continues typing his Baker Act report.

1:16PM – Mr. Merrick can be heard on the school radio contacting campus advisors and asking of their locations. Deputy Abato contacts Central a second time, requesting a second NSBPD unit to respond, *"...and I will send him an MDC [Mobile Data Computer] message."* Still no mention of the reported firearm on campus, Central and responding units have no idea.

1:17PM – Mr. Merrick calls Deputy Abato on the school radio:

Merrick: *"Merrick to Deputy Abato."*

Abato: *"Already have New Smyrna started this way."*

Merrick: *"Can you come speak to me for a minute"*

Abato: *"I cannot leave, I have a Baker Act I'm stuck on, but Ms. Hamilton gave me the info real quick."*

Merrick: *"Deputy can you go to channel two real quick?"*

Abato: *"I'm on two, or can you call my extension, 38582."*

Merrick: *"Yeah."*

1:18PM – Mr. Merrick knocking on Deputy Abato’s office door. Deputy Abato opens his office door to Mr. Merrick asking, *“Do you think I should interact? I don’t want him [Mr. Jelks] to run.”* Sergeant Hillyard calls Deputy Abato on primary Sheriff’s Office radio asking him to go to Tac – 7 [talk around] radio channel:

Abato: *“Go ahead.”*

Hillyard: *“Leave her [Baker Act] in the custody of the admin and go.”*

NSBPD unit: *“...you need us 10-46 [urgent], or respond Code 3 [emergency] or you guys Code 4 [OK] with that?”*

Hillyard: *“No we need you Code 3 please, supposedly Signal – 0 [firearm] on campus.”*

NSBPD unit: *“Yup that’s important, we’re 51 [enroute as they turn on sirens]”*

Following the radio transmissions, Deputy Abato stood in the doorway as Mr. Merrick and two campus advisors stand alongside him formulating a plan. Deputy Abato was not offering any information or direction to school personnel.

1:19PM - Deputy Abato tells Mr. Merrick he has NSBPD units on the way as they stand in the hallway waiting on the receptionist’s arrival to watch the Baker Act. Mr. Merrick and the two advisors are heard formulating a plan in the hallway, Deputy Abato has not offered any advice other than he was waiting for NSBPD units to arrive.

Merrick: *“I can try and get the kid to come over.”*

Abato: *“I wanna wait till New Smyrna...”*

As the campus advisors and Mr. Merrick start to walk away.

Merrick *“He is out and about”*

Campus advisors heard on school radio discussing the location and movement of Mr. Jelks.

Abato: *“Who is it?”*



Merrick: *"Keevin Jelks"*

Abato: *"Oh jesus, so he is gonna take off running"*

Merrick: *"He might, I'll cut his ass off at the front door"*

Abato: *"I'm gonna get my radio, hold on"*

Volusia county school district administrators implemented a policy approximately five years prior mandating all classroom doors to remain locked at all times. Therefore, had Mr. Jelks attempted to gain access to a classroom after being confronted by law enforcement, his efforts could have been thwarted.

As Deputy Abato turns and enters his office, Mr. Merrick and the two campus advisors continue formulating a plan and begin to walk down the hallway towards the courtyard. Deputy Abato exits his office, see's Mr. Merrick and his advisors walking toward the courtyard, as he walks in the opposite direction.

1:20PM – Deputy Abato walks down the hallway towards the main entrance in the opposite direction of the courtyard. He stays in the hallway walking back and forth between the courtyard and main entrance. At the time, Mr. Jelks was being observed and followed by campus advisors in the courtyard.

1:21PM – NSBPD units arriving at high school, Central asks them to advise if they need the primary channel for emergency radio traffic as Deputy Abato remained in the hallway.

NSBPD unit call's Deputy Abato on primary radio:

NSBPD: *"Kilo-53 I'm coming to the front right now where you need me, you in your office or where?"*

Abato: *"Just come in the front building, um, I'm trying to get more info right now myself."*

NSBPD: *"Ok, so nobody's actually in contact with the kid yet?"*

Abato: *(pause) "No, I think he's walking around the building."*

Central: *"Do we have a description?"*

Abato: *"It's a black male wearing a red jacket and a red hoody"*

Central: *"10-4"*

During this time, school personnel are heard broadcasting Mr. Jelks location and direction of travel around the courtyard. At no time has Deputy Abato ascertained any intelligence from school officials as they monitored Mr. Jelks activities in the schools courtyard.

1:22PM - Central gives the units at NSBHS priority emergency traffic on the primary radio channel. A NSBPD unit is running down the hallway towards Deputy Abato who is standing inside the doors to the courtyard. Both the NSBPD officer and Deputy Abato walk through the doors and into the courtyard together. Deputy Abato utilizes the school radio to ask the campus advisors:

Abato: *"Has anybody seen where he's went?"*

Advisor: *"Catwalk, by [building] six leaning on the rail."*

Advisor: *"I'm on my way."*

1:23pm - Deputy Abato see's Mr. Jelks walking and indicates the location to the NSBPD officer, but does not immediately move towards his location.

1:24PM – Deputy Abato and the NSBPD officer move to intercept Mr. Jelks near the exterior staircase in front of building six as they formulated a plan. As they approached Mr. Jelks, they grabbed his arms and placed him in custody.

It was approximately eleven minutes from the time Deputy Abato was first notified of the reported firearm and four minutes after being told to "Go" by his sergeant that he made contact with the suspect.

Mr. Jelks was escorted to a meeting room within the administration building where he was questioned by authorities. Authorities searched Mr. Jelks but did not find the firearm. According to Deputy Abato's BWC video, Detective Jeff Cornelisse with NSBPD, entered the room and told

Mr. Jelks he saw an image of a firearm on his Instagram account earlier that morning. (*See Tab – N for Digital Media*)

School officials called for a lock down of the campus until the firearm was located and secured by law enforcement. As it turned out, the alleged firearm was identified as an Airsoft handgun lookalike.

Deputy Abato conducted the investigation and ultimately charged Mr. Jelks with Disturbance/Interfering with School Functions, a misdemeanor offense under Florida State Statute. (*See Tab – M for Miscellaneous Documents*)

### **Assistant Principal Timothy Merrick**

On January 23, 2019, Detective Bennett and Sergeant Ryan Mills conducted a sworn recorded interview with Timothy Merrick at the New Smyrna Beach High School (NSBHS) in New Smyrna Beach, FL. The following is a summary of that interview:

Mr. Merrick has been with the Volusia County School District since July of 1994. In August of 2005, Mr. Merrick began working at NSBHS where he is now an assistant principal in charge of curriculum and instruction. Prior to his current position, he was in charge of safety, security, discipline and facilities for the high school.

Mr. Merrick was working on January 10, 2019, when Brenda Hamilton, the principal's secretary, interrupted a meeting advising a student had something to tell him, "*The student told me that Keevin had a gun. He was rapping and dancing during lunch and he took it out and showed it [firearm].*" According to Mr. Merrick, Ms. Hamilton already contacted Deputy Abato about the firearm advising, "*He's handling a Baker Act,*" so she came to him. After being informed of this information, Mr. Merrick advised Ms. Hamilton, "*...I told her [Ms. Hamilton] to go tell [Deputy Abato], knock on the door and tell the deputy that the gun incident supersedes the Baker Act. We need him now.*"

As Ms. Hamilton proceeded to Deputy Abato's office, Mr. Merrick contacted Julian Doster, the assistant principal in charge of campus security, using the school's two-way radio. Mr. Merrick asked Mr. Doster to go to channel five on the radio, and "*...I informed him that we have a possible gun on campus, and there may be a need for a lockdown.*" Mr. Merrick utilized a private radio

channel, "...channel five to tell him [Mr. Doster] this information because I didn't want it going across the waves until I got people in place."

According to Mr. Merrick, after speaking to Mr. Doster, "...I called Deputy Abato on channel one," the primary radio channel for school talk around, "And he told me he was in the middle of something [the Baker Act]." Knowing Ms. Hamilton already spoke to Deputy Abato about the firearm, it was believed by Mr. Merrick, "...he knew what I wanted."

At that point, Mr. Doster was on the radio advising he could see Mr. Jelks outside his office window in the courtyard. Mr. Merrick called two campus advisors and they took up a position at the rear of the administration building hallway looking out into the courtyard, and "We watched him [Mr. Jelks], he's in our sight."

According to Mr. Merrick, "...I am concerned about the kid [Mr. Jelks] moving about the area, at this point the deputy has told me he's in the middle of something." Mr. Merrick again called Deputy Abato on channel one and says, "Deputy Abato would you go to channel two?" and the deputy replied, "I'm coming out [of office]." When Deputy Abato comes out of his office, Mr. Merrick and two campus advisors are standing outside his door in the hallway. At that same time, Ms. Hamilton is walking down the same hallway in their direction.

As Deputy Abato comes out of his office he asked, "Do you have someone that can watch this kid for me?" Ms. Hamilton went and got a receptionist and brought her back to watch the Baker Act. According to Mr. Merrick, Deputy Abato exited his office and began to walk down the hallway towards the main entrance, away from the courtyard where the suspect was located.

Mr. Merrick stated, "I wanted to kind of turn this over to him of how we proceed," so I asked him, "What do you want me to do?" and he replied, "I'm waiting for backup;" and continued to walk towards the main entrance of the administration building, away from the courtyard.

At that point, Mr. Merrick was standing in the hallway with two campus advisors and tells them, "This kid might have a gun...He could be armed do you feel comfortable doing this because you don't have to."

According to Mr. Merrick, he wanted instructions from Deputy Abato on how to handle the situation; however, Deputy Abato elected to walk in the opposite direction and wait for back-up,

never providing any direction or guidance. Mr. Merrick stated, *“And I was ticked off,”* as he alone had to formulate a plan with his staff.

At this time, Mr. Merrick gets a phone call from the principal, Matthew Krajewski, who was off campus attending a meeting. During that conversation, Mr. Krejewski tells Mr. Merrick, *“You tell the deputy he needs to come out of his office,”* but at that point Deputy Abato was already walking towards the main entrance of the administrative building.

One of the campus advisors positioned himself behind Mr. Jelks as he walked along the catwalk near building six. According to Mr. Merrick, the campus advisor signaled to the NSBPD officer that the suspect was about to walk down the outdoor stairwell into the courtyard. While the campus advisor followed Mr. Jelks, he called out his name, and he turned around, but kept on walking towards the awaiting law enforcement officers who took him into custody.

According to Mr. Merrick, Deputy Abato did not immediately respond to the requests for assistance. Ms. Hamilton was the first to advise him of the reported firearm, while he was in his office with the Baker Act. Mr. Merrick explained there were plenty of school personnel that could have sat with the Baker Act while Deputy Abato addressed the suspect with the reported firearm. Further stating, *“So there’s multiple options, plenty of people.”*

Mr. Merrick described why a Code Red [school lockdown] was not called when school administrators first learned of the possible firearm,

*“...teachers grab kids and pull them [students] in [the classroom] and then you put them in the room...cast a wide net and then you anchor down...he [Mr. Jelks] was in an area where he might get grabbed up...we didn’t want him to get locked in somebody’s classroom [with firearm].”*

The decision was made not to call the Code Red immediately out of fear a teacher may grab Mr. Jelks and bring him into a classroom. Which would have created a bigger problem given he was suspected of having a firearm and would be locked inside a classroom with a large amount of students. The Code Red was called after Mr. Jelks was placed in custody and no firearm was found on his person. This was done to prevent students from coming in contact with the firearm before it could be located and properly secured by law enforcement.

The day after the incident, January 11, 2019, NSBHS administrators held a meeting to discuss the incident. Deputy Abato was called to the meeting and several questions were asked of him in relation to his involvement in the incident. According to Mr. Merrick, Mr. Krejewski asked Deputy Abato, *“Do you think you would do it differently?”* and Deputy Abato replied, *“Yes, I probably would have done it differently.”*

In regards to the Baker Act being more important than a firearm on campus. Mr. Merrick recalled telling Deputy Abato during that meeting, *“I was disappointed that the gun incident wasn’t more important than the Baker Act and we needed you there.”* Mr. Merrick further explained, *“Well at the meeting we thought it was a sense of you didn’t, you didn’t react to the most important situation...We were appalled that that didn’t take precedence, the gun. [sic]”*

*“I can tell you there was a general aura of he [Deputy Abato] wasn’t always helpful in situations you know,”* stated Mr. Merrick. *(See Tab – E for Official Transcript)*

#### **Assistant Principal Julian Doster**

On January 23, 2019, Detective Bennett and Sergeant Mills conducted a sworn recorded interview with Julian Doster at the New Smyrna Beach High School (NSBHS) in New Smyrna Beach, FL. The following is a summary of that interview:

Mr. Doster has been an educator for the last seven and a half years and spent the last two and half of those years as the assistant principal in charge of safety, security, discipline and facilities at NSBHS.

On January 10, 2019, Mr. Doster was in his office when he received a radio transmission from Mr. Merrick asking him to go channel five. Mr. Doster did as requested and was told, *“We have a report that Keevin has a gun”* and *“I believe he said the deputy is dealing with a Baker Act and is not going to respond.”*

Mr. Doster was familiar with Keevin Jelks, having dealt with him in the past. According to Mr. Doster, Mr. Jelks had a big personality and wanted people to think he was tough. He recalled an incident a year or two prior, *“...a teacher said that he [Mr. Jelks] had drawn a gun on his desk and [she] was concerned.”* When questioned, Mr. Jelks denied ever drawing the gun but the teacher was very confident it was him. There was another incident, Mr. Doster explained, when

Mr. Jelks had come back from holiday break, “...[He] had mentioned to me that he got shot over the break or was shot at or something.”

It was Mr. Doster’s job to make sure students went to their assigned classrooms when class began, which was when he and Mr. Jelks paths would cross, “*So I have interactions with him on a regular basis,*” although we believed him to be a “nice guy.” Mr. Doster was familiar with a small portion of Mr. Jelks criminal history, something he was told by Mr. Jelks himself.

When Mr. Doster received the radio transmission advising of the reported firearm and the deputy was not responding, he recalled telling Mr. Merrick they needed help. At that point, a campus advisor came to his door and informed him of a student that just came to the office, “*He just reported he saw Keevin with a gun.*” This was the second independent witness who reported to have seen Mr. Jelks in possession of a firearm in the courtyard. Mr. Doster explained, “*Two reports almost at the same time...so now I’m thinking Keevin has a gun...not a doubt in my mind.*” Part of Mr. Doster’s job duties involve searching students for contraband should it be reported or suspected; however, if it was a firearm he would involve law enforcement immediately. According to Mr. Doster, “*This is a different level because I’m confident he has a gun.*”

During this time Mr. Krajewski, the principal, calls him on the cell phone and says, “*Ok, Mr. Merrick said the deputy’s not responding*” and Mr. Doster replied, “*I know but that’s not OK we’re pretty confident this is a situation where he has to respond.*” After speaking with Mr. Krajewski, Mr. Doster tried contacting Deputy Abato on the radio, “*...I’m trying to raise Abato and say we need you.*” At the same time, he looked out his office window, which overlooked the courtyard, and sees Mr. Jelks talking with two other students.

While on the phone with Mr. Krajewski he tells him, “*He’s [deputy] got to respond, he’s got to respond.*” The campus advisors were in the courtyard maintaining visual contact with Mr. Jelks as Mr. Krajewski asked him, “*Are you locking down, are you locking down?’ and I’m thinking and I said this to Mr. Krajewski I said, ‘I really need law enforcement right now to help me with this situation.’*” Mr. Doster did not know how Mr. Jelks would react or what he would do if he called the Code Red since he would certainly hear the announcement,

*“Do I want him [to run], what if he’s gonna shoot? Does that trigger him to start shooting and we don’t have law enforcement there yet and then the third thing that I think about is our current procedure during a lock down is to pull the kids into your room and lock it down. I would hate for a door to fly open and somebody goes, hey you three we’re locking down get in here now, we already have our doors locked. Standard protocol all these classroom doors are locked. Am I now gonna alert that weightlifting teacher to open his door and bring him [Mr. Jelks] in with those the girl and the boy, lock them down now they’re in a locked room with 30 people and he has a gun. So it’s not an easy call to make”*

What Mr. Doster wanted at the time was for Deputy Abato to make contact with Mr. Jelks in the courtyard, *“...where we have hourly employee campus advisors you know that are not armed that don’t have vests.”* It was Mr. Doster’s belief that Mr. Jelks could have been talked to while in the courtyard, but we just needed somebody to make contact with him, *“And it didn’t happen.”*

Mr. Jelks was ultimately taken into custody and the school administrators held a meeting the following day to discuss the incident. According to Mr. Doster, during the meeting he told Deputy Abato he needed to respond, and he didn’t have much to say in response. Mr. Krajewski asked Deputy Abato, *“What should you have done better?”* and Deputy Abato responded, *“Well I probably should have gone.”*

Mr. Doster explained how he takes his job seriously and was very frustrated with Deputy Abato, *“...I feel handicapped. I’m not allowed to carry [firearm].”* Mr. Doster further commented,

*“I’m not supposed to have a weapon or a bullet proof vest so therefore if we have a deputy on our campus when we say ‘gun’ I need him there. And I asked Abato the day after Parkland, February 15th, the next morning we’re standing out there and I said ‘you know I heard the initial reports that the deputy didn’t confront the shooter,’ I said, ‘you promise me you’ll confront a shooter it’s me and you. I’m most likely gonna try to get to cameras have everybody clear the radio and I direct you the best we can to where it’s coming from,’ and Abato said, ‘yes.’ I know he said to me, ‘I know protocol is for us to go directly to the shooter.’ He told me that. The morning after the Parkland shooting.”*



Also during the meeting, according to Mr. Doster, Mr. Krajewski asked Deputy Abato, *“Well at what point is it priority where you get up and go directly there?”* and Deputy Abato responded, *“Well if somebody’s shooting.”* Mr. Doster was concerned with Deputy Abato not responding and further stated, *“So we don’t feel good about that because when you say ‘I called for backup and I’m waiting for NSB [NSBPD] to come,’ we feel like any of us could call 911...”*

Mr. Doster was asked if he had confidence in Deputy Abato’s ability to respond to an active shooter, and he responded, *“I don’t know. I don’t know. I think it’s the kind of thing you would never know until it goes down.”* (See Tab – F for Official Transcript)

On January 24, 2019, Deputy Anthony Abato was served with a Notice of Internal Affairs Investigation and a copy of the Officer Bill of Rights at the Deland Courthouse in Deland, FL. (See Tab – B for Official Correspondence)

### **Brenda Hamilton**

On January 25, 2019, Detective Bennett and Sergeant Mills conducted a sworn recorded interview with Brenda Hamilton at the New Smyrna Beach High School in New Smyrna Beach, FL. The following is a summary of that interview:

Ms. Hamilton has been at the high school for the last three years and Principal Matthew Krajewski’s secretary for the last eight months. She was the first school official notified of Mr. Jelks being in possession of a possible firearm.

Ms. Hamilton was in her office January 10, 2019, when a student came in asking to see Mr. Krajewski. Since Mr. Krajewski was off campus attending a meeting Ms. Hamilton inquired as to what she needed. The student proceeded to explain how she saw Mr. Jelks in the courtyard with a firearm.

Ms. Hamilton immediately took the student to see Mr. Merrick, who at the time, was in charge of daily school operations since Mr. Krajewski was off campus. She informed Mr. Merrick of the reported firearm and was asked if Deputy Abato was aware. Knowing Deputy Abato was handling a Baker Act, she was told to, *“Go tell the deputy.”*

Ms. Hamilton went over to Deputy Abato's office and advised him of the reported firearm. According to Ms. Hamilton, Deputy Abato told her he was handling a Baker Act and she went and advised Mr. Merrick of his response. She was then told, *"He [Mr. Merrick] stated that this was more important than the Baker Act."*

At that point, Ms. Hamilton was advised to take the reporting party to her office and hide her. She proceeded to her office, sat the student down, pulled down the window blinds, locked her office door and went to Deputy Abato's office. In and about this time, Deputy Abato advised he needed someone to watch the Baker Act. Ms. Hamilton made contact with the receptionist seated at the main entrance and had her sit with the Baker Act in Deputy Abato's office.

Ms. Hamilton then went to her office where she began making notifications to various school administrators including Mr. Krajewski. *(See Tab – G for Official Transcript)*

### **Principal Matthew Krajewski**

On January 25, 2019, Detective Bennett and Sergeant Mills conducted a sworn recorded interview with Matthew Krajewski at the New Smyrna Beach High School in New Smyrna Beach, FL. The following is a summary of that interview:

Mr. Krajewski has been an educator for thirty-eight years and became the Principal at NSBHS eight months ago. On January 10, 2019, at the time of the incident, Mr. Krajewski was attending a meeting at Daytona State College, *"We're getting a debriefing from our superintendent on Parkland."* During this meeting, while being notified about the firearm on his school campus, the topic of discussion was the lack of response from the school resource officer assigned to the Marjory Stoneman Douglas campus.

Mr. Krajewski was first made aware of the incident by Mr. Doster, *"My first question was, was the school resource deputy notified."* He was told Deputy Abato was made aware; however, *"He has not responded,"* an issue that concerned Mr. Krajewski greatly. Mr. Merrick conveyed to Mr. Krajewski that he made contact with Deputy Abato and was told he was waiting on other law enforcement. Mr. Krajewski then inquired if a decision was made to lock the school down and he was told, *"At this point we don't want to because we have a visual and we don't want the student*

to go into a classroom.” Mr. Krajewski advised his supervisors of the situation and left the meeting.

When he arrived at the high school, Mr. Jelks had already been taken into custody. A lockdown was ordered immediately after Mr. Jelks was apprehended, “...*once they figured out they had the student then they locked down because he didn’t have a gun on him, they wanted to find the gun is when the lockdown occurred.*”

Following the incident, Mr. Krajewski met with Mr. Merrick and Mr. Doster to go over how things were handled. According to Mr. Krajewski, Deputy Abato never provided his staff with any instructions or guidance on what to do, “*I don’t think he did. I think and I think that’s a little bit of the frustration.*” He was told campus advisors were monitoring Mr. Jelks, “...*but, they felt a little uneasy because they thought there should have been someone out there that was armed, with the assumption a student was you know? [armed]*” Mr. Krajewski got the feeling from his staff they were frustrated that Deputy Abato didn’t immediately respond, and someone could have sat with the Baker Act while he confronted Mr. Jelks in the courtyard.

Mr. Krajewski held a meeting with his administrative staff and Deputy Abato on Monday, January 14, 2019, where they again discussed the incident. Mr. Krajewski recalled asking Deputy Abato,

*“You were with a Baker Act Student. I want to know if you think that supersedes if your told there’s a weapon on campus. I just wanna know?’ and he just said, ‘no it doesn’t, that doesn’t...’No it shouldn’t supersede that...the lack of response is unacceptable”*

Mr. Krajewski then asked, “*Ok we know what happened, we know you called back-up, you met them, went out there. Would you have done something different thinking about it now?’ And he said, ‘yes I would’ but he never elaborated he was just answering the question, ‘yes I could.’*” Furthermore, when Deputy Abato told Mr. Krajewski he spoke to his sergeant and was not immediately instructed to drop what he was doing and respond, “...*that’s a little concerning to me.*” Mr. Krajewski elaborated, “...*it’s a little shocking to me that you’re on the phone to someone saying there’s a possible weapon on campus, but no one’s telling you to go respond.*”

According to Mr. Krajewski, Mr. Merrick and Mr. Doster were frustrated and felt Deputy Abato could have had, “...a little bit more urgency and maybe a little more direction,” pertaining to his handling of the incident. When asked what type of reaction he thought Deputy Abato should have had, he stated, “I would have expected him to get up immediately, walk out there and confront the student [Mr. Jelks].” Mr. Krajewski believed Deputy Abato did not handle the incident correctly, “I don’t think he prioritized it like it should have been. I think it could have been handled quicker.”

Mr. Krajewski held the meeting to discuss how things transpired and if things could be improved upon. It was his intent to “tighten up the procedure” should it occur in the future. (See Tab – H for Official Transcript)

### **Captain Erik Eagan**

On January 29, 2019, Detective Bennett, Detective Tara Burke and Sergeant Mills conducted a sworn recorded interview with Captain Erik Eagan at the Sheriff’s administrative offices in Deland, FL. The following is a summary of that interview:

Captain Eagan has been with the Sheriff’s Office for twenty-nine years and is currently the Special Operations Commander. Captain Eagan oversees multiple specialized units and personnel to include the school resource deputies.

According to Captain Eagan, school resource deputies (SRD) are required to take a forty-hour school resource officer training class that falls under the State of Florida CJSTC curriculum. In addition, SRD’s receive specific training on how to respond and mitigate active shooters/killers through in house training conducted at the Sheriff’s Office training center.

On Thursday, January 10, 2019, at approximately 1:00PM, Captain Eagan was on the phone with Sergeant Hillyard in reference to an unrelated incident at a nearby middle school. While speaking to Sergeant Hillyard, she received a phone call from Deputy Abato, advising her of the reported firearm on the NSBHS campus.

After speaking with Deputy Abato, Sergeant Hillyard briefed Captain Eagan of the incident unfolding at the high school and that,

*“... [Deputy] Abato was tied up with a Baker Act and that he was calling New Smyrna [NSBPD] to respond and my words to Jonelle [Sergeant Hillyard] were ‘are you f’ing kidding me?’ I’m like ‘He’s not going to get this kid with the gun?’ and she said ‘No he’s tied up with a Baker Act’... ‘Jonelle [Sergeant Hillyard] he needs to go he needs to get a campus advisor to watch his Baker Act.’ And I further explained I said, ‘Jonelle [Sergeant Hillyard], the difference between an active shooter and somebody on campus with a gun is somebody’s pulling the trigger. She said, “OK” and hung up the phone.”*

The following day, Friday, January 11, 2019, NSBHS administrators met and discussed the prior day’s incident. The two assistant principals involved in the incident updated the principal, who was not on campus that day. The school administrators informed Captain Eagan they asked Deputy Abato if he would have handled the incident any different, *“...and I believe his response is that he would, that he would have responded quicker.”*

On Monday, January 14, 2019, Captain Eagan and members of his staff met with Sergeant Hillyard to make sure SRD’s understood how to handle these types of situations in the future. Captain Eagan explained, *“When there’s a school threat of somebody with a weapon on campus then the deputy needs to respond” I said ‘Even if they have an arrestee, they need to get somebody to watch that arrestee.’* According to Captain Eagan, an individual with a firearm on a school campus supersedes a Baker Act.

That same day, there was a meeting between members of Captain Eagan’s command staff and NSBHS administrators. According to Captain Eagan, NSBHS administrators, *“...were not confident in how he [Deputy Abato] handled the matter.”* Captain Eagan learned that during the incident, school officials maintained visual contact with the suspect and continued to relay information and intelligence to other school staff. Upon realizing Deputy Abato was not responding, they formulated a plan with their campus advisors and were ready to approach the armed suspect on their own. This was done without Deputy Abato’s assistance.

When Deputy Abato was initially advised of the firearm on campus, he did not immediately go and engage the suspect, nor did he notify Central of the firearm when he called for NSBPD units. According to Captain Eagan, *“Something that I noted watching the [BWC] video is Deputy Abato*

*is seen walking towards the front of the school, which is in the complete opposite direction of where the threat was and the New Smyrna Beach officer was running in his direction to him like he knew it was a serious matter and was running into the school.” Furthermore, at no time did Deputy Abato provide school officials with a plan, which they asked for several times. (See Tab I for Official Transcript)*

### **Detective Jeff Cornelisse**

On February 25, 2019, Detective Bennett conducted a telephone interview with Detective Jeff Cornelisse from the New Smyrna Beach Police Department in New Smyrna Beach, FL. The following is a summary of that interview:

Detective Cornelisse has worked for NSBPD for approximately three years and is currently assigned to the criminal investigations bureau. Detective Cornelisse was working on January 10, 2019 and recalled the incident at NSBHS.

At approximately 9:00AM that morning, Detective Cornelisse reviewed several social media accounts of known juveniles within his jurisdiction. One particular post was of what appeared to be a handgun on Keevin Jelks Instagram account. According to Detective Cornelisse, he only knew Mr. Jelks from, “...*doing juvenile curfew checks for juveniles or young adults that are on, they’re still on their juvenile probation.*” At the time of the incident, Detective Cornelisse was unaware Mr. Jelks attended NSBHS. (See Tab – J for Official Transcript)

### **Sergeant Jonelle Hillyard**

On February 26, 2019, Detective Bennett and Detective Burke conducted a sworn recorded interview with Sergeant Jonelle Hillyard at the Sheriff’s administrative offices in Deland, FL. Present on behalf of Sergeant Hillyard was Nancye Jones. The following is a summary of that interview:

Sergeant Hillyard has been with the Sheriff’s Office for approximately twenty-two years and has spent the last four years as a supervisor over the school resource deputies on the eastside of the county. She has served as Deputy Abato’s immediate supervisor for approximately two years.

According to Sergeant Hillyard, school resource deputies are required to attend an FDLE approved forty-hour course of study. Additional training consisting of the juvenile crimes, interviews and interrogations and instructor techniques was recently added as a requirement under Sheriff Chitwood. In addition, SRD's receive additional active shooter training being that they are assigned full time to county schools.

On January 10, 2019 at approximately 1:00PM, Sergeant Hillyard received a phone call from Deputy Abato, *"He advised that he was receiving information from staff that there was a student possibly on the campus with a gun."* Deputy Abato also stated he had a Baker Act in his custody. Upon learning of this information, Sergeant Hillyard did not immediately tell Deputy Abato to go handle the possible firearm threat, rather she believed Deputy Abato was *"...telling me what he had,"* and not asking for direction.

At the time, Sergeant Hillyard was on another phone talking with Captain Eagan. When she was initially provided the "possible gun on campus" information from Deputy Abato, *"...[She] hesitated for a moment because I was thinking in my head he's got somebody in custody, Captain Eagan said, 'He needs to find somebody to cover that' and that's where I directed him to do so."*

Sergeant Hillyard was at Silver Sands Middle School in Port Orange monitoring another radio channel, which covers the northeast area of the county; therefore, she was unaware of Deputy Abato's initial request for NSBPD units. She tried calling Deputy Abato back on his office phone, but when she received no answer, she contacted him on the primary radio channel advising him to leave the Baker Act, *"...so he could respond to the threat."* Being that Sergeant Hillyard was not on the NSBHS campus at the time, she had no idea if Deputy Abato carried out her order to go to the threat.

Sergeant Hillyard was asked if she felt she violated the following Volusia County Merit System Rules and Regulations or Sheriff's Office policies:

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

(1) Willfull neglect in the performance of the duties of the position to which NO  
the employee is assigned.

**26.2.5 Neglect of Duty**

NO

*(See Tab – K for Official Transcripts)*

**Deputy Anthony Abato**

On March 6, 2019, Detective Bennett and Detective Burke conducted a sworn recorded interview with Deputy Anthony Abato at the Sheriff's administrative offices in Deland, FL. Present on behalf of Deputy Abato was Nancye Jones. The following is a summary of that interview:

Deputy Abato has been with the Sheriff's Office for approximately seventeen years and has spent the last six and a half years serving as a school resource deputy. In August of 2013, he attended the forty-hour School Resource Officer Basic Training course as well as numerous other courses to include SRD Active Killer Response Overview.

Deputy Abato's office at NSBHS was located inside the main administration building in a hallway approximately halfway between the main entrance and courtyard. In his office was a recently installed metal bar should there be a need to secure an individual whom he had taken into custody. The school provided Deputy Abato a two-way radio, which had five channels for communication with school officials.

According to Deputy Abato, he had conversations with school officials in the past on the handling of certain situations similar to the incident in question; however, he had not conducted any type of pre-planning, *"I mean I don't think I've ever had like a specific plan. I mean people have asked me you know if we had an active shooter what would you do? And I said I'd go towards the shooter."* The only preparations made for such an incident were conducted during countywide Code Red drills. These drills were conducted in conjunction with the SRD's during school hours and he described a Code Red as, *"Teachers grab kids, throw them in classrooms if they're out*



*walking around and lock the doors and basically lock down shut down the school and no one comes in or out."*

On January 10, 2019, Deputy Abato was called to the guidance office in reference to a suicidal student. Based on her statements, he placed her in protective custody and brought her to his office. Deputy Abato sat her in a chair opposite his desk and began his paperwork as she was given permission to use her cell phone.

While in his office, Ms. Hamilton knocked on his door and advised there were reports of a student in possession of a firearm on campus. At this particular time, Deputy Abato was unaware if the reported firearm was real, but claimed to have spoken to the reporting party after being briefed by Ms. Hamilton; however, no evidence collected during this investigation supported this claim.

After being told about the reported firearm, Deputy Abato did not immediately go and confront the suspect because, *"I had a Baker Act in custody."* When asked why he didn't have Ms. Hamilton or another counselor sit with the Baker Act he replied, *"I mean in all my years we've never turned over someone in custody to a non-law enforcement...I mean I still have a duty and responsibility to the person in custody."* Deputy Abato was asked if he felt a Baker Act was more important than a firearm on a school campus and he replied,

*"I mean depending on what's going on with that baker act you know sometimes they are. I mean if they're harming themselves...I mean I've gotta look at the situation. I'm being told there's a kid with maybe a gun on campus...I've got a kid in custody under baker act and then being told there's a kid maybe with a firearm and at that point there's, nobody's threatening anybody with a gun there's no shooting going on. So at the time I thought the best thing to do was get other units on scene."*

After telling Ms. Hamilton he was busy with a Baker Act, Deputy Abato radioed Central asking for NSBPD to respond, telling them their response was urgently needed; however, he never advised them of the reported firearm. When asked why he never advised NSBPD units of this crucial information he stated, *"I don't know. I mean there was so much going on at that moment I don't know why I didn't say it...I mean in hindsight yes it should have been [broadcasted]"* During that same radio transmission, he asked Central to have that same NSBPD officer contact him by

phone. Questioned as to why he would request a phone call he explained, *"I mean I can't, I, at the time I'm not sure what I was thinking."*

Having made no mention of the reported firearm to Central or responding units, when questioned further he stated, *"I don't have an answer."* Furthermore, when he asked for the second NSBPD unit he advised Central he would send them an MDC message. Why the MDC message, Deputy Abato replied, *"I mean I don't know if, I don't know why you know to be honest with you I don't recall what I was thinking at that point what I was gonna tell them or something...."*

When Deputy Abato called Sergeant Hillyard he did so, *"...to let her know hey I've got a Baker Act and I'm being advised of this new incident. And at that point I didn't really have any particulars as to the specifics of the kid with the firearm."* He called Sergeant Hillyard to advise her of the situation that was unfolding, a sort of briefing.

During this time, conversations between school officials on the two-way radio could be overheard on the BWC recording. When asked if he overheard the school officials discussing the incident he replied, *"Probably not at that time just because everything that was going on. You know I was trying to coordinate the other stuff."* When asked what he meant by stuff he responded, *"I was gonna wait for New Smyrna because there was no immediate threat and once New Smyrna got there because I didn't want the kid running off or off campus or running into a classroom..."*

After Deputy Abato requested the additional units and spoke to Sergeant Hillyard on the phone, Mr. Merrick requested to speak to him on the two-way radio. Deputy Abato advised him to call his office telephone because he felt the conversation should not have been broadcasted over the school radio. It should be noted that channel five on the schools two-way radio is a more secure channel, which only a few specific members of staff as well as security personnel have access to. A channel Mr. Merrick and those participating in the incident each possessed.

Mr. Merrick knocked on his office door asking for direction, which Deputy Abato did not provide. When asked why he did not provide any direction or instruction, he stated, *"...I think they wanted to grab the kid and I said you know basically no, you know, I wanna get back up here because the concern was him taking off or running into a classroom..."*

At about that same time Sergeant Hillyard contacted him on the Sheriff's Office radio advising him to leave the Baker Act with school administrators and "Go." According to Deputy Abato, he did not go directly to the suspect, *"...I didn't immediately go deal with it, I wanted to get back up because it wasn't like an active shooter or something and my concern is this kid taking off running somewhere..."*

He asked Ms. Hamilton if someone could watch the Baker Act, at the time there were a total of four school officials standing in the hallway alongside Deputy Abato, anyone of which he could have directed to sit with the Baker Act. Asked why he did not direct any one of them he stated, *"When I said that [someone watch Baker Act] I mean nobody jumped in there [volunteered]...I mean none of them said they would watch them [Baker Act]."* So he stood in the hallway waiting on Ms. Hamilton to locate and bring back another member of the staff to watch the Baker Act. All along never formulating a plan with the other three school officials including Mr. Merrick, who eventually walked off.

A receptionist from the main entrance entered Deputy Abato's office to watch the Baker Act as Mr. Merrick and the two campus advisors walked off towards the courtyard without Deputy Abato who was retrieving his two-way radio from inside his office. According to Deputy Abato, he had no idea where Mr. Merrick and the two campus advisors went, but on his BWC it clearly showed them walking towards the threat in the courtyard. When asked where he went after getting his two-way radio, *"I think I went up front to see if New Smyrna was there."* Documented on his BWC, Deputy Abato walked towards the main entrance and began walking back and forth in the hallway, he explained, *"I mean like I said I was just waiting for New Smyrna to get there so we can manage and deal with the situation as safely and calmly as possible."*

All the while he was in the hallway, campus advisors are overheard monitoring Mr. Jelks, when asked if he provided any assistance or established any type of command and control he stated, *"With the campus advisors? No."* There appeared to be no sense of urgency, being that Deputy Abato was the only person on campus with a gun, body armor and badge he was asked again why he didn't "Go," and he stated, *"I mean it's not an active shooter..."* At around this time NSBPD arrived on scene and an officer ran down the hallway towards Deputy Abato. Deputy Abato explained, *"I mean I could see he was trying to get there as quick as possible."*

Deputy Abato and the NSBPD officer exit the hallway into the courtyard and ascertained the location of Mr. Jelks using the two-way radio. They both moved across the courtyard formulating a plan on how to take Mr. Jelks into custody. After being placed in handcuffs, Mr. Jelks was escorted back to the administration building where he was questioned by officials. No firearm was found on his person and school officials made the decision to call a Code Red until the reported firearm could be located.

The following day Deputy Abato was called to a meeting with NSBHS administrators where he was questioned about his involvement in the incident, *"They wanted to do a debriefing and basically when I got there they were just attacking me and basically unsatisfied with everything that happened."* Deputy Abato was asked if he thought his actions during the incident were correct and he replied, *"For what was going on at the time yes."*

During the meeting school administrators asked if he would have done anything different. Deputy Abato explained, *"I mean they kept talking about Parkland and active shooter and stuff."* Detective Bennett asked, *"Do you blame them?"* and he responded, *"Well this wasn't an active shooter scenario or situation."* Deputy Abato was told the only thing separating someone in possession of a firearm and someone actively shooting is a split second and he replied, *"But he didn't have a gun out he wasn't pointing at anybody it was he was it was told that he had it in his waistband and there was no threat of him threatening to shoot anybody."* It is important to note, Deputy Abato had limited information or intelligence on Mr. Jelks since he never made contact with either reporting party nor did he actively obtain any information from campus officials who were surveying him in real time.

According to Deputy Abato, he has dealt with incidents involving firearms on campus before. Although he could not provide a specific number of times this occurred, he none the less addressed the issue without backup. He explained, *"...I had at this time a Baker Act and stuff and had New Smyrna coming and there was no and I know you don't like it but there was no immediate threat."*

After the meeting with school administrators, he authored an email to Sergeant Hillyard briefing her on the meeting. He was questioned as to his statement, *"I attempted to explain if that was an active shooter situation an immediate response would have been taken by me,"* and he replied,

*“Like I said again didn’t want him taking off into classrooms or taking off from the campus.”* Deputy Abato did not think it was a good idea if Mr. Jelks ran off the school campus with the gun.

NSBHS has approximately 2,000 students on campus as well as numerous other school employees. Deputy Abato was asked, “You don’t feel that it’s probably a good idea to get him off campus at the very least away from the children?” and he replied, *“So just push the problem off, out into the streets?”*

Also in the email, Deputy Abato wrote, **“I attempted to explain there was no immediate threat of active shooter happening and campus advisors were watching the student who was just walking around the campus talking to another student.”** He was asked to clarify the statement and he stated, *“There’s no threat he’s not, he doesn’t have the gun out holding it at anybody he’s not pulling it out threatening anybody he’s just walking and talking with another student.”* He was accurate in describing Mr. Jelks actions; however, at the time of the incident, he never had visual contact on Mr. Jelks nor was he actively engaged in gathering real-time intelligence from school personnel who were actively involved.

Deputy Abato was asked, if he would have done anything different and he replied, *“I mean obviously I would have communicated better with staff and tried to come up with something different as a plan to deal with it...and then obviously attempt on my own I guess to resolve that issue.”* Asked if he would go and confront the suspect he responded, *“Um, I’d like to say I would but again depending on where he is on campus I don’t want to take that possibility if there’s a classroom around the corner that he can jump into.”*

Deputy Abato was asked if he felt he violated the following Volusia County Merit System Rules and Regulations or Sheriff's Office policies:

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

(1) Willfull neglect in the performance of the duties of the position to which the employee is assigned. NO

(12) Incompetent or unsatisfactory performance of duties. NO

**26.2.41 Negligence Associated with Safety of Persons or Property** NO

**26.2.42 Endangering Others Through Neglect :**

A. Emergency situations where there is a known danger to the lives of others; NO

B. In response to serious crimes. Particularly those of violent nature, which come to their attention on or off duty. NO

*(See Tab – L for Official Transcripts)*

**CONCLUSION:**

On March 12, 2019, this investigation was presented to the Sheriff and his command staff. In reference to Sergeant Hillyard, the Sheriff determined the violations of the below listed Volusia County Merit System Rules and Regulations and Sheriff's Office Department Standards Directives to be:

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

(1) Willfull neglect in the performance of the duties of the position to which the employee is assigned. NOT SUSTAINED

(12) Incompetent or unsatisfactory performance of duties. SUSTAINED

**26.2.5 Neglect of Duty** NOT SUSTAINED

Reference Deputy Anthony Abato, it was determined the violations of the below listed Volusia County Merit System Rules and Regulations and Sheriff's Office Department Standards Directives to be:

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

(1) Willfull neglect in the performance of the duties of the position to which the employee is assigned. SUSTAINED

(12) Incompetent or unsatisfactory performance of duties. SUSTAINED

**26.2.41 Negligence Associated with Safety of Persons or Property** SUSTAINED

**26.2.42 Endangering Others Through Neglect :**

A. Emergency situations where there is a known danger to the lives of others; SUSTAINED

B. In response to serious crimes. Particularly those of violent nature, which come to their attention on or off duty. SUSTAINED

**26.2.123 Prompt Compliance With Lawful Order** SUSTAINED

On March 20, 2019, Deputy Abato submitted a written request for reassignment to a civilian position within the Sheriff's Office. *(See Tab – B for Official Correspondence)*

Deputy Abato was assigned to the Sheriff's Office Support Operations Division as a civilian employee.

On March 26, 2019, Sergeant Hillyard was issued a Letter of Reprimand.

**WITNESSES:**

Assistant Principal Timothy Merrick  
Volusia County School District  
386-424-2555

Assistant Principal Julian Doster  
Volusia County School District  
386-424-2555

Brenda Hamilton  
Volusia County School District  
386-424-2555

Principal Matthew Krajewski  
Volusia County School District  
386-424-2555

Captain Erik Eagan  
Volusia County Sheriff's Office  
386-736-5961

Detective Jeff Cornelisse  
New Smyrna Beach Police Department  
386-424-2220

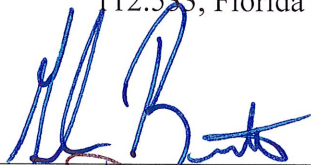


**EXHIBITS:**

- A. Report of Investigation
- B. Official Correspondence
- C. Administration of Oath/Perjury Warning
- D. Supervisors Inquiry
- E. Official Transcripts of Assistant Principal Timothy Merrick
- F. Official Transcripts of Assistant Principal Julian Doster
- G. Official Transcripts of Brenda Hamilton
- H. Official Transcript of Principal Matthew Krajewski
- I. Official Transcript of Captain Erik Eagan
- J. Official Transcript of Detective Jeff Cornelisse
- K. Official Transcript of Sergeant Jonelle Hillyard
- L. Official Transcript of Deputy Anthony Abato
- M. Miscellaneous Documents
- N. Digital Media

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: \_\_\_\_\_

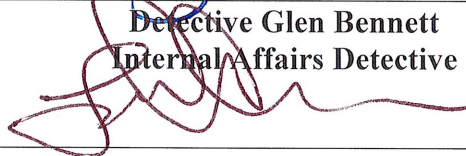


**Detective Glen Bennett  
Internal Affairs Detective**

DATE: \_\_\_\_\_

3/26/19

APPROVED BY: \_\_\_\_\_



**Chief Deputy John Creamer  
SHERIFF Michael J. Chitwood  
VOLUSIA COUNTY FLORIDA**

DATE: \_\_\_\_\_

3/27/19