



# VOLUSIA SHERIFF'S OFFICE

MICHAEL J. CHITWOOD, SHERIFF

Office of Chief Deputy Brian M. Henderson - Internal Affairs

## REPORT OF INVESTIGATION

REPORT NUMBER: IA 24-003

**PERIOD COVERED:** January 31, 2024  
**DATE REPORTED:** January 31, 2024  
**SUBJECT NAME:** Former Deputy Robert Mitchell, #8198  
**INVESTIGATING OFFICER:** Lieutenant Ben Gordon, #7744

### BASIS FOR INVESTIGATION:

On January 31, 2024, the Volusia Sheriff's Office received an anonymous letter located inside a large white envelope. The letter detailed information about former Deputy Robert Mitchell and was accompanied by two photographs. The letter was written by an anonymous subject who advised former Deputy Robert Mitchell was misusing his position as a law enforcement officer and called him a "predator." The writer then further mentioned that there were other victims who were affected by former Deputy Robert Mitchell's actions. Regarding the photographs, they both showcased former Deputy Mitchell exposing his erect male genitalia while sitting on a toilet while wearing a Volusia Sheriff's Office uniform. The letter that was sent stated the following:

Honorable Sheriff Chitwood

I am sorry to say this sir, but you have a predator in your department that is misusing his badge for personal benefits.

The reason I am staying anonymous is due to fear of retaliation, as this deputy has already caused me enough damages. I know that there are other victims, so I have finally found the courage to come forward.

I want to be supportive in hopes that this information helps to prevent future victims.

Thank you for your protective services

On January 31, 2024, Chief Deputy Brian Henderson initiated an internal affairs investigation due to the nature of the allegations.

**OFFENSES:**

**GO-026-02.V.C.5.g – Failure to Follow General Order, Standard Operation Procedure, or Order** – Employees shall adhere to all official general orders, standard operational procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position.

**GO-026-02.V.G.1.c – General Proficiency** - Repeated failure to maintain necessary skills, knowledge and abilities after counseling and instruction shall result in increasing the severity of disciplinary actions.

**GO-026-02.V.G.2.b – Knowledge of Official General Orders and Pertinent Standard Operating Procedures** – Frequent or repeated violation of policies and procedures established by general orders and standard operating procedures shall be deemed as indicative of careless disregard by the employee.

**GO-026-02.V.D.9.x – Code of conduct** – Employees of the VSO are employed to provide service to the citizenry and the public in general and are expected to conduct themselves in a manner that will reflect credit upon the VSO. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting public business.

**GO-026-02.V.C.5.b – Horseplay or Other Distracting Activity** – Employees shall perform their duties in a conscientious manner and shall not engage in horseplay while on duty or at a VSO facility or work station and shall not distract others who are performing assigned duties.

**GO-026-02.V.D.1.a – Personal Bearing** – Employees shall maintain a professional, businesslike appearance while on duty or in uniform. Slouching, standing with hands in pockets, leaning against structures, propping feet upon vehicles or other inappropriate objects is not permitted while in public view.

**GO-026-02.V.C.5.m – Negligence, Not Endangering** – Employees shall not ignore or violate official general orders, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions.

**GO-026-02.V.C.5.f – Inattention to Duties, Loafing, Sleeping** – Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty.

**GO-026-02.V.D.1.j – Use of Blogs, Web Postings, Chat Rooms, etc.** – As an employee of the VSO, the use and application of good judgment, decency and common sense is expected both on and off duty. This expectation also applies while engaged in various computer activities both on and off duty. Participation in World Wide Web/Internet services such as Web postings, blogs, chat rooms, dating services, etc., should be carefully considered for proper personal conduct. Employees are not to use, or cause/authorize to be used, any official information, photographs, speech, or writings that identify them as a member of the VSO. Employees shall guard themselves accordingly and shall not participate in any conduct that is likely to have an adverse effect on the reputation of the VSO.


**GO-001-04.III.C.1 – Law Enforcement Code of Ethics** - Sworn Deputies of the VSO shall abide by the following Code of Law Enforcement Ethics from the International Association of Chiefs of Police (IACP)

**INVESTIGATION:**

On January 31, 2024, Lieutenant Gordon served former Deputy Mitchell with a Notice of Internal Investigation and his Law Enforcement Officer's Bill of Rights. Both documents were signed by former Deputy Mitchell, who acknowledged his receipt. In addition, based on the seriousness of the allegations made, former Deputy Mitchell was placed on Administrative Leave with Pay effective immediately, pending the outcome of the internal affairs investigation.

After being served, former Deputy Mitchell tenured his resignation effective February 08, 2024. Lieutenant Gordon was notified on February 09, 2024, that former Deputy Mitchell would not be participating in an interview but instead wished to submit a written statement to be included in the investigation. The document was as follows:

Robert Mitchell

  
Port Orange, Florida

Sheriff Michael Chitwood  
123 W Indiana Avenue,  
DeLand, Florida

Reference: IA 24-003

First and foremost, I would like to thank you for the opportunity and experience I received at the Volusia Sheriff's Office with my ten years and seven months of service.

I developed medical issues as a result of the deputy-involved shooting incident on February 5th, 2023. After the incident, I was prescribed new medications as a result of the incident. As a result of the drugs and side effects I experienced affected my decision-making abilities, affecting my personal and career life.

I lost sight of my career and family and started seeking fulfillment elsewhere. I developed a consensual and sexual relationship with another female. During this relationship, I confidently shared personal and private pictures of myself. These images were never supposed to be seen by any other individual.

Providing such photos to anyone else without my consent with the purpose of retaliation and revenge and having an emotional and financial impact on me is a violation of the Florida State Statute. The images are from when I was off-duty and in a private setting, thus not a violation of the Code of Conduct, Horseplay Activity, Personal Bearing, Negligence, Inattention to Duties, Use of Blogs, or Law Enforcement Code of Ethics Volusia Sheriff's Office General Orders. Thank you for your time and consideration in this complex matter and time in my life.

In the statement provided by former Deputy Mitchell, he made a specific point that the photographs taken of his male genitalia were done when he was not working for or being compensated by the Volusia Sheriff's Office, and secondly, they were done in a private setting. Additionally, former Deputy Mitchell denied violating any of the General Orders he was alleged to have violated.

While reviewing the photographs that were included in the original complaint, several key factors were observed. The first picture in this investigation will be referred to and identified as photograph #1. Photograph #1 is described as a photograph of former Deputy Mitchell in a sitting position in a bathroom while partially in a Sergeant VSO uniform. Former Deputy Mitchell's penis is exposed while in the seated position and his penis is erect. Also seen in the photograph is former Deputy Mitchell's issued Body Worn Camera (BWC) on his right shoulder. The image is a close-up photograph of the subject matter therefore other features in the room are not able to be described.

The second photograph, hereby referred to as photograph #2, also depicts former Deputy Mitchell wearing an agency-issued uniform of a VSO Sergeant. It is believed that both photographs were taken prior to his demotion, which occurred as a result of IA 23-015. Additionally, in photograph #2, former Deputy Mitchell has his agency-issued Body Worn Camera (BWC) on his right shoulder. Another key point in photograph #2 is the additional information about where the photograph was taken. Photograph #2 was clearly taken inside a bathroom with several unique features that are present. Along the side wall of the toilet was a metal handrail used for stabilization. On said rail is a bright blue bathroom toilet freshener that was located on the far end of the rail closest to the back of the toilet and the wall of the restroom. Additionally, on the rail

were several unique rust stains that created a specific pattern when paired with the location of the toilet freshener. In addition to those factors, a ceiling air vent was located directly above where former Deputy Mitchell was seated. Based on those features listed, Lieutenant Gordon was able to identify the location of photograph #2 as a restroom inside the District 3N Office located at 1435 US Hwy 1, Ormond Beach. Comparison photographs were taken of the restroom and attached to this investigation.

Due to the nature of the allegations of there being multiple possible victims the investigation remained pending. Over the course of the investigation Lieutenant Gordon obtained information from an anonymous tip that a female named Valerie Giordano was possibly responsible for sending the letter to the Volusia Sheriff's Office that alleged misconduct on the part of former Deputy Mitchell. Lieutenant Gordon eventually made contact with Giordano and set up a time to take a recorded statement.

### **Interview with Valerie Giordano**

On March 19, 2024, at approximately 1807 hours, Lieutenant Gordon conducted a sworn recorded interview with Valerie Giordano. The interview was conducted at the District 3N substation located at 1435 US Hwy 1, Ormond Beach. Sergeant Thomas Hachenberger with the Volusia Sheriff's Office Internal Affairs Unit was also present for the interview. Below is a synopsis of the audio-recorded interview:

Giordano started the interview by stating that she was responsible for sending the anonymous letter to the Sheriff's Office about concerns about former Deputy Mitchell. Giordano also confirmed that she also added the pictures of former Deputy Mitchell with his exposed genitalia.

Lieutenant Gordon asked Giordano why she sent the letter and what prompted her to write the complaint. Giordano explained that she had started an innocent friendship with former Deputy Mitchell. This friendship, which was encouraged by Deputy Mitchell, began because he was complaining about his wife, Heather Mitchell. This relationship later became harmful to herself and she feared that other women could be affected by similar conduct. On the topic, Giordano said, *"Ok so for five years I worked with his wife Heather Mitchell. And short story long obviously I was told from the get that she was trouble to stay away from her but we had to work together for the same doctor we nurse together so you know. We just wound up you know keep your friends close, enemies closer but I wound up being the one at her beck and call 24/7 when she'd be on her drinking binges and panicking that she's gonna get caught for cheating on her husband because she's had numerous affairs with other officers and deputies that he knew about. But again that was the information that he was coming to me about."* Giordano explained that former deputy Mitchell sold himself as a victim in a terrible relationship with a tyrant.

Throughout their relationship, which started in August of 2023, former Deputy Mitchell made several odd statements about how great he was and how he said he was above the law. When asked for an example, Giordano said, *"he had told me that when he started with Port Orange 13 years ago that you know he was screwing strippers at the time."* Giordano was unaware of this happening while on or off duty. Their relationship grew over time due to the dynamic of former Deputy Mitchell playing the victim.

Eventually there was a large incident that caused Giordano and former Deputy Mitchell to be involved sexually. Giordano explained Heather confessed to her that she (Heather) was having an affair with another law enforcement officer who worked for the Port Orange Police Department. The male subject's wife found out that Heather was having an affair which caused a problematic situation. After Heather confided in and told Giordano what was going on, Giordano used this information and provided it to former Deputy Mitchell. This led to former Deputy Mitchell contacting the wife of the man Heather was having an affair with and caused

further problematic issues to occur. This situation resulted in the deepening of the relationship between former Deputy Mitchell and Giordano. This occurred around the month of September, according to Giordano, and she admitted having sexual relations with former Deputy Mitchell two or three times. While speaking about this incident, Giordano reasoned, *"they both I wanna say it's an open relationship but it's more like don't ask don't tell because they have separate phone plans they don't tell each other anything they just fight about it."*

Giordano explained that Heather and former Deputy Mitchell's relationship was toxic. Giordano said, *"But then like this is also the reason neither of them have any friends is because they use each other's friends. And then they come together like some psychotic unit and go and sabotage the other people and try to make their lives miserable."* Giordano referenced her previous statement about former Deputy Mitchell having sex with strippers and said, *"well just basically that you know the reason he [former Deputy Mitchell] does what he does is because of what she's [Heather] doing and you know that they basically just get revenge on each other and like he knows that... when like she contacts his friends and you know he's slept with her last best friend I guess and I don't know like why."*

Giordano then went on to explain how the relationship ended between her and former Deputy Mitchell. Giordano said, *"So the night that he [former Deputy Mitchell] called her [Heather] out on it [Heather's affair] is when he came over and then you know that was us going over everything and then that he didn't wanna go home that night and then that's when the other time happened. And then the very next night they both came over and I really wish I had it recorded because I can't make this shit up. But he made sure that my cameras weren't recording because he specifically asked me when she pulled up because he had come over first and then she had called me you know saying are you enjoying fucking my husband and I said well we're just sitting here having a conversation, why don't you come over so we can eliminate you know all the he said she*

*said. So she got ubered over there and saying that Robert likes to because she has DUI's and she says that he's the one that reports them but she was arguing with him back and forth they were just like you know denying this denying that accusing this and then next thing you know he is naked with a hard on and then he's getting her undressed and then they're both trying to have relations with me and at which point I said I don't want anything more to do with this, this is fucked up like. And I think that's when ultimately she lost her shit because she's just the type of person you don't turn her down obviously with her track record."*

Giordano was then asked about the letter to the Sheriff's Office and why she waited to report the matter. Giordano advised that she felt threatened by former Deputy Mitchell and Heather and was worried about retaliation. Giordano recently became aware of some of the information that prompted the investigation into IA 23-015 and thought it was important to warn the Sheriff's Office of former Deputy Mitchell's behavior and to possibly prevent future potential victims. Giordano said that after she sent in the letter and photos to the Sheriff's Office, she began to get harassed by Heather. Giordano said, *"after I sent that in is when I started getting harassed by Heather. Calling my phone nonstop and then when I wouldn't answer started messaging me and literally over a week span basically just degrading me sending me photos of myself telling me how ugly I am. Same stuff she would do to him [former deputy Mitchell]."*

Lieutenant Gordon then discussed the photographs of former Deputy Mitchell. Giordano confirmed former Deputy Mitchell sent the photographs from his cell phone directly to her and they were intended for her. The number former Deputy Mitchell used to send them was [REDACTED] which is the same personal cell phone number the Volusia Sheriff's Office has for former Deputy Mitchell.

Giordano was asked if the photographs were taken while former Deputy Mitchell was working. Giordano responded by yes and adding, *"I'm pretty sure he was at this office [D3N Office] in the restroom... Because this is where he was stationed at the time."* Giordano went on to say that former Deputy Mitchell was working the Ormond Beach area when the photos were shared. Giordano was willing to allow Lieutenant Gordon to review the messages on her phone which contained photograph #1 and photograph #2 and relevant data.

A review of the information on Giordano's phone revealed photograph #1 was sent on September 10, 2023, at 1005 hours. The comments that were sent along with photograph #1 start by saying, "I want to sneak into your ass," followed by, "I'm taking a [poop emoji] and got a boner thinking about it," and then "I'm picturing my dick pounding that ass and captain in ready lol."

In reference to photograph #2, the data showed it was sent on September 24, 2023, at 0850 hours. The comment on that photograph states, "say hi [with an squinted eyes and tongue out emoji]."

In addition to the original photographs, additional pictures were sent of former Deputy Mitchell with an apparent erection covered by his clothes. The comments for those photos included, "Got some morning wood going on waking up" and "It morning wood is ready" and "got a tent pitched."

Based on the times and dates provided by Giordano compared with ForceWatch data, Timecard data, and BWC data, former Deputy Mitchell was working as 1A30 (sergeant for alpha shift in district 3N) and located at the D3N Office when Photograph 1 and Photograph 2 were sent via cellular device to Giordano by former Deputy Mitchell.

**Conclusion:**

On July 11, 2024, the Internal Affairs investigation was presented to Chief Deputy Henderson and the executive command staff. Upon completion of the presentation, Chief Deputy Henderson sustained the aforementioned General Order violations against former Deputy Mitchell:

GO-026-02.V.C.5.g - Failure to Follow General Order, Standard Operation Procedure, or Order	Sustained
GO-026-02.V.G.1.c – General Proficiency	Sustained
GO-026-02.V.G.2.b - Knowledge of Official General Orders and Pertinent Standard Operating Procedures	Sustained
GO-026-02.V.D.9.x – Code of conduct	Sustained
GO-026-02.V.C.5.b - Horseplay or Other Distracting Activity	Sustained
GO-026-02.V.D.1.a – Personal Bearing	Sustained
GO-026-02.V.C.5.m – Negligence, Not Endangering	Sustained
GO-026-02.V.C.5.f – Inattention to Duties, Loafing, Sleeping	Sustained
GO-026-02.V.D.1.j – Use of Blogs, Web Postings, Chat Rooms, etc.	Sustained
GO-001-04.III.C.1 – Law Enforcement Code of Ethics	Sustained
GO-026-02.V.D.8.a – Veracity / Untruthfulness	Sustained



**EXHIBITS:**

- A. Report of Investigation
- B. Official Correspondence
- C. Complaint Letter and Photos
- D. Case Evidence
- E. Transcript of Interview with Valerie Giordano
- F. Digital Evidence (Audio of Interview)

**WITNESSES:**

Valerie Giordano

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

AND

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: [Signature] # 7744 DATE: 7/13/24

**Lieutenant Ben Gordon**  
**Internal Affairs Commander**

**STATE OF FLORIDA**  
**COUNTY OF VOLUSIA**

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online  
Notarized this 15<sup>th</sup> day of July, 2024 by Lieutenant Gordon

[Signature]

SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA



PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR  PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: [Signature] DATE: 07/15/24

**CHIEF DEPUTY BRIAN HENDERSON**  
**VOLUSIA COUNTY, FLORIDA**