

OPEN LETTER TO SHERIFF MIKE CHITWOOD AND THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES (CALEA)

July 26, 2021

**Ref: CALEA's re-accreditation of the VCSO
Our concerns and assessment of the VCSO**

This OPEN LETTER is in response to an invitation by the Volusia County Sheriff Office (VCSO) to provide any relevant information regarding the agency's on-going re-accreditation under CALEA standards.

<http://volusiaexposed.com/vcso/2021/calea72021/invite.pdf>

Our organization (VolusiaExposed.Com) has been covering the local criminal justice system since March 2010.

<http://volusiaexposed.com>

While ALL law enforcement agencies have their deficiencies, it is our opinion, that the VCSO is one of the better agencies within East Central Florida.

However, in our OPINION, the VCSO does have unaddressed veracity & ethical concerns – that need to be brought to the attention of CALEA. These concerns are reflected – and are probable violations of CALEA's mandatory standards (1.1.1 & 1.1.2). **(The below CALEA accreditation standards were obtained from Internet sources – they are believed to be current & accurate standards, that are applicable to the VCSO's accreditation review.)**

1.1.1 A written directive requires all personnel, prior to assuming sworn status, to take and subsequently abide by an oath of office to enforce the law and uphold the nation's Constitution or basic law of the land and, where applicable, those of governmental subdivisions.

1.1.2 A written directive requires all personnel to abide by a code or canon of ethics adopted by the agency and mandates that ethics training be conducted for all personnel, at a minimum, biennially.

Commentary: Sworn and civilian employees should receive instruction that concerns their position dilemmas, temptations, responsibilities, and duties. The Canon of Ethics or Law Enforcement Code of Ethics published by the International Association of Chiefs of Police or the Code of Ethics of the Office of the Sheriff adopted by the National Sheriffs' Association, ICMA Code of Ethics adopted by the International City Managers Association, or APCO Telecommunicator Code of Ethics adopted by the Association of Public-Safety Communications Officials International, Inc., will satisfy partial intent of this standard. Adherence to those codes of ethics and to the United Nations Code of Conduct for Law Enforcement Officials may be included as an element of the oath of office. Ethics review can be in the form of classroom, shift briefing, computer based training and bulletins, or any combination of methods as determined by the agency.

National Sheriffs' Association – Code Of Ethics

<https://www.sheriffs.org/sites/default/files/NSACodeofEthics.pdf>

International Association Of Chief Of Police

<https://www.theiacp.org/resources/law-enforcement-code-of-ethics>

Any law enforcement agency is a direct reflection of it's leader.

While Volusia County Sheriff Mike Chitwood certainly has his detractors, our publication is not one of them. We believe that Sheriff Chitwood is generally an honest man, and law enforcement officer.

Sheriff Chitwood's achilles' heel is his passion for law enforcement.

Examples of this passion can be found within Chitwood's "colorful" articulations of some events, or in his defense of a publicly wronged deputy. The Tammy Stuck incident is a prime example of an "achilles' heel" moment for Sheriff Chitwood.

With Sheriff Chitwood's public blessing – the VCSO criminally charged Tammy Stuck with filing a false written report on a VCSO deputy. After a careful review by the local State Attorney's Office (SAO) – they (SAO) concluded that although Stuck's statement contained much hyperbole – her statement was factually correct regarding the main issue at hand. The SAO opted not to prosecute Stuck.

The Tammy Stuck Incident (part 1)

<http://volusiaexposed.com/vcso/2021/tammystuck52021.html>

The Tammy Stuck Incident (part 2)

<http://volusiaexposed.com/vcso/2021/stuckcloseout72021.html>

The targeted subject of this OPEN LETTER is the VCSO's handling of Lt. James Day's resignation letter. This publication alleges that the VCSO falsified – in writing - in violation of Florida State law and mandates - the circumstances surrounding VCSO Lt. James Day's resignation.

Simply put – Lt. James Day resigned while under internal investigation for "misconduct". Please refer to page 3 of the below linked VCSO internal affairs report to confirm that Lt. Day resigned while still under internal investigation.

<http://volusiaexposed.com/investigations/vcso/2020/july/IA20007DayROI.pdf>

Florida State law (**Chapter 943 Florida Statutes & Chapter 11B-27 Florida Administrative Code**) mandates that any resignation while under internal investigation **must** be reported to the Florida Department of Law Enforcement as an "**unfavorable**" separation.

Please review an attached blank copy of a CJSTC 61 form - which is use to memorialize the circumstances surrounding any law enforcement officer's separation.

<http://volusiaexposed.com/cjstc61/cjstc61.pdf>

We submit our conclusion that Lt. Day's CJSTC 61 form should have been filed reflecting a 7E circumstance (**"Unfavorable – Misconduct"**). However, the VCSO submitted Day's CJSTC 61 reflecting an 7A circumstance (**Routine – Not Involving Misconduct**) Please review linked copy of Lt. Day's CJSTC 61 form.

<http://www.volusiaexposed.com/vcso/2020/ltxamesday92020/cjstc61.pdf>

In addition – we have made available, a direct web link to our September 15, 2020 article, which further details our concerns regarding the handling of Lt. James Day's resignation.

<http://www.volusiaexposed.com/vcso/2020/ltxamesday92020.html>

We found it to be some what ironic - that the VCSO would seek criminal charges against Tammy Stuck for allegedly filing a "false" complaint against a deputy – while the VCSO apparently had no objections in their falsification of Lt. Day's CJSTC 61 form.

Absent these concerns surrounding Lt. Day's CJSTC 61 – we support CALEA's re-accreditation of the VCSO.

As mentioned within VCSO's press release, we would ask that the VCSO make you (CALEA) aware of our concerns.

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"Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence." - John Adams

Regards,

VolusiaExposed.Com

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