

**VOLUSIA SHERIFF'S OFFICE  
INTERNAL AFFAIRS**

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA 20-008**

**PERIOD COVERED:** June 22, 2020

**DATE REPORTED:** June 22, 2020

**SUBJECT NAME:** Deputy Phillip Donaldson #8928

**INVESTIGATING OFFICERS:** Detective Andrew Calkins #7929  
Lieutenant Justin Sawicki #7179  
Lieutenant Daniel Shivers #6842

**BASIS FOR INVESTIGATION:**

On April 6, 2020, Sheriff's Office Command Staff received a memo drafted by Lieutenant Cody Cochran in which he relieved Deputy Phillip Donaldson from duty. The memo stated Deputy Donaldson was untruthful with his supervisor regarding a call for service. The call for service (#P201741660), involved a found stolen gun.

Due to the nature of the allegations, Chief Deputy J. Gallagher initiated an internal affairs investigation.

**OFFENSES:**

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

**Volusia County Merit System Rules and Regulations 86-453.** *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

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

(8) Criminal or illegal conduct (regardless of the filing of criminal charges or lack thereof or the absence of a criminal conviction or adjudication) that interferes with effective job performance or has an adverse effect on the county.

(9) Any conduct, on or off duty, that interferes with effective job performance or has an adverse effect on the county.

(10) Any act of dishonesty, falsification, misrepresentation, concealment, or deception in any employment related matter.

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

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

**26.2.106 Veracity- Untruthfulness** - Employees shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities. *(Violation subject up to dismissal)*

**26.2.109 Falsification of Official Documents** – Employees shall not knowingly falsify or knowingly cause another to falsify an official record or document. *(Violation subject up to dismissal)*

**26.2.129 Misdemeanor Injurious to the Volusia Sheriff's Office** – Volusia Sheriff's Office personnel shall adhere to all federal, state and local laws and shall not commit any act or crime defined as a misdemeanor, first or second degree, whether chargeable or not, which brings discredit upon the Volusia Sheriff's Office or otherwise impairs the operation and efficiency of the Volusia Sheriff's Office and/or which is likely to impair the ability of personnel concerned to perform assigned duties. *(Violation subject up to dismissal)*

#### **INVESTIGATIVE SUMMARY:**

On June 23, 2020, Chief Deputy Joseph Gallagher assigned the above incident to the Internal Affairs Unit. On June 22, 2020, a memorandum relieving Deputy Phillip Donaldson of duty was authored by Lieutenant Cody Cochran (memorandum file number 054M067.20). In this memorandum, it details the following:

On June 22, 2020, at approximately 1603 hours, Deputy Donaldson was allegedly flagged down by a Deltona resident at 1047 E. Normandy Boulevard, in reference to two (2) firearms, an S&W revolver and a Kel-Tec 9mm Luger, being found near the aforementioned residence (Volusia Sheriff's Office police call number P201741660). One of the firearms was determined to be stolen out of Seminole County. A short time later, Sergeant John McDonald was informed by Deputy Jose Agosto that there were suspicious circumstances surrounding the flag-down call involving Deputy Donaldson, and the recovered firearms. After Sergeant McDonald was apprised of the details by Deputy Agosto, Sergeant McDonald briefly spoke with Deputy Donaldson about the incident.

This memorandum details that it was apparent that Deputy Donaldson was being untruthful about the incident and more in depth internal investigation was necessary to determine the facts.

The memorandum indicates, due to the circumstances and serious nature of the incident, Lieutenant Cochran responded to the District Four office and temporarily relieved Deputy Donaldson of his duties, and collected Deputy Donaldson's department credentials, firearms, and patrol vehicle.

The memorandum was sent through the chain-of-command, at which time Division Chief Brian Henderson requested an internal investigation be conducted.

On June 23, 2020, Volusia Sheriff's Office Internal Affairs unit prepared a Notification of Internal Investigation, which was signed by Chief Deputy Gallagher to serve to Deputy Donaldson (memorandum file number 041M0038.20). Detective Calkins attempted to serve Deputy Donaldson with the notice; however, Sergeant Brodie Hughes, the Volusia Deputies' Association Union President, notified Internal Affairs that Deputy Donaldson resigned from his employment and would not be available to be served.

Due to the circumstances, and information received that this incident may involve an Orange County Sheriff's Office Deputy (Brian Calkins), the Volusia Sheriff's Office requested the Florida Department of Law Enforcement conduct the investigation.

On June 23, 2020, FDLE Special Agent (SA) Chris Shephard and SA Lisa Gundrum responded to the Volusia Sheriff's Office District Four office, and met with Lieutenant Justin Sawicki and Detective Calkins. Lieutenant Sawicki and Detective Calkins reported that on June 22, 2020, Deputy Donaldson was seen by other deputies at the beginning of his shift with two firearms. Deputy Donaldson stated he received the firearms from a friend (Deputy Calkins). At the end of the shift, Deputy Donaldson reported that he had been "flagged down" and initiated a call for service. Deputy Donaldson conducted a computer check of the firearms, which revealed one of the firearms had been reported stolen. Witness deputies reported what they had observed to Sergeant

McDonald, FDLE Special Agents, and Volusia Sheriff's Office Internal Affairs deputies, conducted interviews with witness deputies. Additionally, Lieutenant Sawicki provided a copy of the VSO report Deputy Donaldson had completed (VSO Report Number 200011303), a copy of the CAD (Computer Aided Dispatch) print out, a copy of the device audit trail for Donaldson's Axon Body-Worn Camera (BWC), and the aforementioned memorandum authored by Lieutenant Cochran.

### **Volusia Sheriff's Office Deputy Jeffrey Werfel**

On June 23, 2020, SA Shephard conducted a voluntary, sworn, and recorded interview with Deputy Jeffrey Werfel. The interview was conducted at VSO District Four, 1691 Providence Boulevard, Deltona, FL. VSO Detective Andrew Calkins was also present. The following is a synopsis of the interview:

On June 22, 2020, at approximately 0700 hours Deputy Werfel and Deputy Jose Agosto were in the parking lot of the VSO District Four building after they had finished their squad meeting. Deputy Werfel was standing at the passenger side window of Deputy Agosto's vehicle. Deputy Agosto was in the driver's seat. Deputy Phillip Donaldson walked up to the driver's side window and asked if Deputy Agosto and Deputy Werfel, "want to see something." Deputy Donaldson grabbed a plastic grocery bag from his vehicle and placed it into Deputy Agosto's lap. Deputy Agosto asked Deputy Donaldson where the two guns came from. Deputy Donaldson stated he got them from a friend, a law enforcement officer from another agency. Deputy Werfel did not know the name of the other officer (later determined to be Deputy Calkins) or the agency (later determined to be Orange County Sheriff's Office).

According to Deputy Donaldson, Deputy Calkins contacted Deputy Donaldson and asked if he wanted the firearms. Deputy Calkins told Deputy Donaldson that he got the guns from a female friend. The female friend got the firearms from a boyfriend, who is either dead, or in jail. Deputy Calkins told Deputy Donaldson that he could keep the guns, but should run them to make sure they are not stolen. If they are stolen, he should put the firearms into evidence.

Deputy Werfel asked Deputy Donaldson why he would take the "beat up" guns. Deputy Donaldson did not have a plausible answer to the question. Deputy Donaldson stated that he did not know what to do with the firearms. Deputy Werfel told Deputy Donaldson that he should not have taken the guns and should have given them back. Deputy Werfel told Deputy Donaldson to explain what occurred to Sergeant John McDonald and then left the parking lot to begin his shift.

At approximately 1630 hours, Deputy Donaldson called out a "flag down" over the radio. Deputy Werfel looked at the call on his computer and noticed Deputy Donaldson ran the name of an elderly woman (Esther Dobens). As Deputy Werfel was looking at the call Deputy Donaldson created, he

noticed that Deputy Donaldson completed a computer check of two firearms and one firearm had been reported stolen.

Deputy Werfel returned to the substation where he observed Deputy Donaldson and Sergeant McDonald placing similar firearms into an evidence bag. Deputy Werfel walked over and asked Deputy Donaldson, away from Sergeant McDonald, if those were the firearms from earlier. Deputy Donaldson stated yes. Deputy Werfel asked if there was really a flag down and Deputy Donaldson stated, "Yeah sort of."

Deputy Werfel called Deputy Agosto and told him that Deputy Donaldson was reporting that the firearms they had seen earlier as "found property" during a flag down call. Deputy Werfel asked Sergeant McDonald what Deputy Donaldson had reported. Deputy Donaldson told Sergeant McDonald that he was flagged down and an elderly woman reported finding the guns in her bushes. Deputy Werfel then explained what he had seen earlier in the day to Sergeant McDonald. After speaking with Sergeant McDonald, Deputy Werfel had no further contact with Deputy Donaldson.

#### **Volusia Sheriff's Office Deputy Jose Agosto**

On June 23, 2020, SA Shephard conducted a voluntary, sworn, and recorded interview with VSO Deputy Jose Agosto. The interview was conducted at VSO District Four, 1691 Providence Boulevard, Deltona, FL. VSO Detective Andrew Calkins was also present. The following is a synopsis of the interview:

On June 22, 2020, at approximately 0700 hours Deputy Agosto and Deputy Jeffery Werfel were in the parking lot of the VSO District Four building after they had finished their squad meeting. Deputy Werfel was standing at the passenger side window of Deputy Agosto's vehicle. Deputy Agosto was seated in the driver's seat. Deputy Donaldson approached Deputy Agosto carrying a plastic bag containing two "rusty" firearms. A pistol with one magazine and a revolver. Deputy Agosto joked, "Man those look like they have been sitting at the bottom of a lake." Deputy Agosto asked where Deputy Donaldson got the firearms from. Deputy Donaldson stated from a friend (Deputy Calkins). Deputy Agosto asked Deputy Donaldson if he was doing a found property and Deputy Donaldson stated that he wanted to ask what he should do.

Deputy Agosto put on gloves and pulled out the revolver and pistol to make sure they were not loaded. Deputy Donaldson stated that a female, possibly a cousin, asked Orange County Sheriff's Office Deputy Calkins to turn the firearms in for her because she did not want them. Deputy Calkins told the female that he did not want the firearms, but she dropped the guns off at his door anyway. On June 21, 2020, Deputy Calkins asked Deputy Donaldson to turn the firearms into an evidence locker.

Deputy Agosto asked Deputy Donaldson if he had initiated a case number, which he had not. Deputy Agosto asked if Deputy Donaldson had all of the information to complete a report. Deputy Donaldson did not. Deputy Agosto asked where Deputy Calkins lived. Deputy Donaldson stated that he lives in Orange City. Deputy Agosto asked why Deputy Donaldson did not call Orange City PD the day he got them, but Deputy Donaldson did not give an answer. Deputy Donaldson asked if he should wipe the firearms down with an alcohol swab. Deputy Agosto told him no and asked if Deputy Donaldson had touched the firearms without gloves.

Deputy Donaldson said no, and then stated that he had handled the firearms without gloves. Deputy Agosto told Deputy Donaldson to contact Sergeant McDonald. Deputy Donaldson took the firearms back and walked to his car. Deputy Agosto and Deputy Werfel left the parking lot and began their shift.

Later in the shift, Deputy Werfel and Deputy Agosto had lunch together. Deputy Werfel stated he spoke with Deputy Donaldson on the phone. Deputy Donaldson said that he spoke with Deputy Calkins on the phone and told him he did not know what to do with the firearms. Deputy Calkins told Deputy Donaldson to bring the firearms back and he (Deputy Calkins) would have a rookie take care of them.

At approximately 1700 hours, Deputy Agosto received a message from Deputy Werfel stating Deputy Donaldson was on a flag down call where he used the computer to check two firearms. The call was not a found property call and the reporting party was a female (Esther Dobens) in her eighties.

At approximately 1730 hours, Deputy Agosto and Deputy Werfel met back at the VSO District Four building and planned on how they would present what they had witnessed to Sergeant John McDonald. Deputy Agosto reported to Sergeant McDonald what he had witnessed and had no further contact with Deputy Donaldson.

Deputy Donaldson told Deputy Agosto about the firearms that morning. Deputy Agosto told Deputy Donaldson to give the firearms back to his buddy. Deputy Donaldson contacted his buddy, who agreed to take the firearms back and give them to a new officer in his agency.

### **Volusia Sheriff's Office Sergeant John McDonald**

On June 23, 2020, SA Gundrum conducted a voluntary, sworn, and recorded interview of Sergeant John McDonald. The interview was conducted at VSO's District Four Office at 1691 Providence Boulevard, Deltona, FL. Also present during the interview was VSO Lieutenant Justin Sawicki. A synopsis of the interview is as follows:

On June 22, 2020, at approximately 1630 hours, Sergeant McDonald observed Deputy Phillip Donaldson at the district office. Sergeant McDonald asked Deputy Donaldson if his reports were completed. Deputy Donaldson advised he had a found property report to complete. Sergeant McDonald asked Deputy Donaldson what kind of property he found. Deputy Donaldson replied firearms. Sergeant McDonald advised Deputy Donaldson to make sure his report was completed by the end of his shift and left Deputy Donaldson to attend his administrative duties. Approximately twenty minutes later, Sergeant McDonald observed Deputy Donaldson in his unit, working on the report and approached Deputy Donaldson to obtain additional information about the firearms for his administrative reports.

At that time, Deputy Donaldson told Sergeant McDonald, he was flagged down by an elderly lady, later identified as Esther Dobens. Dobens said she found the plastic bag in her shrubs and wanted Deputy Donaldson to dispose of the firearms. Sergeant McDonald observed two brown paper bags. One bag contained a revolver, and the other bag a semi-automatic pistol. The slide on the semi-automatic pistol was forward and jammed. Sergeant McDonald inspected the firearms for any ammunition. Both weapons had surface rust and appeared to have been exposed to the weather. Sergeant McDonald asked Deputy Donaldson if he had canvassed the area for any video surveillance. Deputy Donaldson had not canvassed the area and left the district. Sergeant McDonald entered the information he obtained from Deputy Donaldson into his duty log. Sergeant McDonald had no further interaction with Deputy Donaldson.

At approximately 1800 hours, Sergeant McDonald was approached by Deputy Agosto and Deputy Werfel. The deputies asked Sergeant McDonald what story Deputy Donaldson told him about the firearms. Sergeant McDonald shared the information that Deputy Donaldson provided with the deputies. The deputies told Sergeant McDonald the story was not correct. Deputy Agosto said Deputy Donaldson approached him at approximately 0630-0700 hours and asked his opinion on how to dispose of the firearms.

Over the weekend, his family friend/or someone he knew turned the firearms over to him on Sunday and asked him to dispose of them. Deputy Agosto told Deputy Donaldson to get with Sergeant McDonald. Sergeant McDonald told Deputies Agosto and Werfel not to say anything.

Sergeant McDonald notified his supervisor. At approximately 1835 hours, Deputy Donaldson called Sergeant McDonald on his cell phone. Sergeant McDonald called Deputy Donaldson back. Deputy Donaldson told Sergeant McDonald, there was more to the story than what he had told Sergeant McDonald. Deputy Donaldson had not canvassed the area. Deputy Donaldson left the district office and returned to the initial residence to conduct a canvas. The next-door neighbor to the elderly female, Deputy Calkins, had called him and asked him to get rid of the firearms and to come by the residence. When Deputy Donaldson went to the house, Deputy Calkins told him not to put his name on the report and to use Dobens' name as the reporting party. Dobens would be

the one to turn the firearms in to be destroyed. Deputy Donaldson contacted Dobens, who said Deputy Calkins found the firearms in her yard, and she wanted to dispose of the firearms. During the process, Deputy Donaldson learned one of the firearms was stolen. Deputy Donaldson did not know what to do at that time, so he took the firearms and returned to the district to submit them into evidence for destruction.

After the phone call, Sergeant McDonald returned to the District Office to assist Deputy Donaldson with submitting the stolen firearm into evidence and also to obtain additional details about the incident.

Sergeant McDonald activated his BWC during his interaction with Deputy Donaldson while preparing the stolen firearm for evidence submission. Sergeant McDonald said Deputy Donaldson's explanation had some variances or adjustments from what Deputy Donaldson had first told him, however, Deputy Donaldson did not reveal he had possession of the firearms the day before and alleged the incident with the firearms occurred with the call of a flag down.

After the firearms were submitted into evidence, Deputy Donaldson asked Sergeant McDonald how he should write his report. Sergeant McDonald told Deputy Donaldson to write the truth exactly how it happened.

Sergeant McDonald reviewed Deputy Donaldson's call history. Deputy Donaldson called out on the radio that his BWC battery was dead before the incident.

Deputy Donaldson said he knew Deputy Calkins before going into law enforcement. Deputy Donaldson said Deputy Calkins advised a family member or somebody gave him the firearms. It should be noted that during their conversation, Sergeant McDonald made no accusatory statements towards Deputy Donaldson about the variances in his story.

### **Volusia Sheriff's Office Deputy Kletus Stubblefield**

On June 23, 2020, SA Gundrum conducted a voluntary, sworn, and recorded interview of Deputy Kletus Stubblefield. The interview was conducted at VSO's District Four Office at 1691 Providence Boulevard, Deltona, FL. Also present during the interview was VCSO Lieutenant Justin Sawicki. A synopsis of the interview is as follows:

Deputy Stubblefield did not have contact with Deputy Donaldson on June 22, 2020. Deputy Stubblefield was meeting with Deputy Jose Agosto and overheard a phone conversation between Deputy Agosto and Deputy Jeffrey Werfel in reference to Deputy Donaldson being flagged down. Deputy Stubblefield heard Deputy Donaldson had received two firearms that looked like they had been at the bottom of a pond. The firearms were in a bag and came from Deputy Donaldson's



"buddy" that worked at another police department, "Orange something." A friend or a cousin of Deputy Donaldson's buddy dropped the bag of firearms off at the buddy's front door. The buddy did not want to deal with the firearms, so he asked Deputy Donaldson to put them into evidence.

### **Volusia Sheriff's Office Deputy Justin Lococo**

On June 23, 2020, SA Gundrum conducted a voluntary, sworn, and recorded interview of Deputy Justin Lococo. The interview was conducted at VSO's District Four Office at 1691 Providence Boulevard, Deltona, FL. Also present during the interview was VCSO Lieutenant Justin Sawicki. A synopsis of the interview is as follows:

On June 22, 2020, at approximately 1100 hours, Deputy Jeffrey Werfel told Deputy Lococo that Deputy Donaldson came to him earlier regarding firearms Deputy Donaldson received from an OCSO Deputy. The OCSO Deputy received the firearms from a woman, and the OCSO Deputy requested Deputy Donaldson to take custody of the firearms. Deputy Lococo told Deputy Werfel the situation was a "red flag" and to inform a supervisor.

Later in the day, Deputy Lococo heard Deputy Donaldson call out over the radio with a flag down and ran the firearms. One of the firearms had been reported stolen. Deputy Werfel and Deputy Jose Agosto notified the supervisor. Deputy Lococo never spoke to Deputy Donaldson or observed the firearms.

### **Orange County Sheriff's Office Corporal Steven Lee**

On July 21, 2020, SA Deardoff and SA Shephard conducted a voluntary, sworn, and audio recorded interview with Orange County Sheriff's Office Corporal Steven Lee. The interview took place at FDLE's Orlando Regional Operations Center, located at 500 W Robinson Boulevard, Orlando, FL 32801. The following is a summary of Corporal Lee's statement.

Corporal Lee is currently employed with the Orange County Sheriff's Office and is assigned to road patrol. Corporal Lee works on the same squad as Deputy Calkins and is his immediate supervisor. On June 23, 2020, Deputy Calkins texted Corporal Lee and asked to meet with him because he wanted to discuss something with him. During their discussion, Deputy Calkins informed Corporal Lee that he recently had to file a report with VCSO about two firearms and he believed the information written in the VSO report was false. Deputy Calkins advised that he told the reporting deputy, Deputy Donaldson, different information than what was written in the report. Deputy Calkins further advised that around November of 2019, an unknown female cousin of his had given him two firearms. The cousin advised that she had received them from a second, unknown female cousin. The second cousin was in a relationship with an unknown male and they were having domestic issues. The firearms were located in their residence, but the second cousin

wanted them out of the house and gave them to the first cousin. The first cousin then gave them to Deputy Calkins.

On June 18, 2020, Deputy Calkins contact Deputy Donaldson with VCISO to take possession of the firearms as a found property report. Deputy Calkins and Deputy Donaldson were friends. Deputy Calkins left the firearms in his garage and told Deputy Donaldson that he could go inside and retrieve the firearms because he was not at home. Deputy Donaldson took possession of the firearms and held onto them over the following weekend. On June 22, 2020, Deputy Donaldson contacted Deputy Calkins and informed him that one of the firearms was listed as stolen. Deputy Calkins later received a copy of Deputy Donaldson's report about the firearms. The report advised that Deputy Calkins had located the firearms in his neighbors' yard. It appeared to Deputy Calkins that Deputy Donaldson did not report the correct information that Deputy Calkins had told him about the firearms.

Due to the nature of the information given by Deputy Calkins, Corporal Lee advised his supervisors of the report. Corporal Lee was still with Deputy Calkins and asked him if there was anything else he wanted to add or change about the information he just provided. At that time, Deputy Calkins stated that on June 22, 2020, when Deputy Donaldson had informed him that one of the firearms was listed as stolen, Deputy Donaldson would have to list Deputy Calkins in the report. Deputy Calkins did not wish to be listed in the report and suggested to Deputy Donaldson that he write in his report that the firearms were found on his girlfriend's neighbor's property. The neighbor Deputy Calkins was referring to was Esther Dobens. This concluded Corporal Lee's conversation with Deputy Calkins about the firearms.

It should be noted, Corporal Lee provided investigators with a screenshot of the report narrative that Deputy Calkins provided him. The screenshot depicts a Volusia County Records Management ARS Narrative (Tiburón) page with the narrative from Volusia Sheriff's Office report number 200011303. The screenshot was taken on June 23, 2020, at approximately 0651 hours, and depicts "EP678" as the user, from terminal "W04RVS." This user and terminal belongs to Sergeant Charles Geiger from the Edgewater Police Department.

### **Esther Dobens**

On June 30, 2020, SA Deardoff, SA Shephard, and VSO Detective Andrew Calkins conducted a sworn and audio recorded interview with Esther Dobens. The interview took place at Dobens' residence, located at 1347 E. Normandy Boulevard, Deltona, FL 32725. Dobens was listed in Deputy Donaldson's initial case report as being the property owner the found firearms were located on. The following is a summary of Dobens' statement.

Dobens advised that sometime during the previous week, a deputy knocked on her door and advised that there had been a bag with firearms inside of it located in her front yard. The deputy requested Dobens provide her identification because the firearms were located in her front yard. Dobens stated she had no idea about the firearms until the deputy informed her of them.

Dobens described the deputy as a white male with the name "Donaldson" embroidered on his uniform shirt. However, the deputy did not introduce himself to Dobens or provide any additional information about the firearms. It should be noted that Dobens advised she was 89 years of age and sometimes has issues remembering specific details. She further stated that the information provided was to the best of her recollection.

### **Warren Crowell**

On June 30, 2020, SA Deardoff and SA Shephard conducted a sworn and audio recorded interview with Warren Crowell. The interview took place at Crowell's residence, located at 1367 E. Normandy Boulevard, Deltona, FL 32725. The following is a summary of Crowell's statement.

Crowell advised that the week prior, a deputy came to his residence and knocked on the front door. Crowell met with the deputy and was asked if the camera positioned in his exterior carport was working. Crowell advised the deputy that the camera was fake and did not record. Crowell asked the deputy why he was asking about his camera and the deputy advised it was related to stolen property. The deputy provided Crowell with no further information and then left Crowell's residence.

Crowell described the deputy as a large male who was possibly Hispanic. He recalled seeing the deputy in uniform and observed his marked patrol vehicle near his residence. Crowell also observed a second marked patrol vehicle that appeared to be waiting in the center turn lane of the road in front of his residence. Crowell believed the second patrol was an Orange County Sheriff's Office vehicle because it did not have the same markings as a Volusia Sheriff's Office patrol vehicle. Crowell advised that he was unable to confirm if the vehicle was an actual Orange County Sheriff's Office vehicle.

### **Volusia Sheriff's Office Sergeant John McDonald's Body Worn Camera**

A review of Sergeant John McDonald's body worn camera was conducted. The following is a summary of the footage.

Sergeant McDonald's footage was separated into two recordings. The first recording began with footage of Sergeant McDonald standing outside of his patrol vehicle in the parking lot of the

District Four office. Sergeant McDonald eventually got into his patrol vehicle and drove to the rear entrance of the substation.

At the listed time of 01:30, the audio to Sergeant McDonald's BWC turned on. After Sergeant McDonald parked near the rear entrance of the substation, he exited his patrol vehicle and walked to the rear door. Deputy Donaldson was inside the substation and opened the rear door as Sergeant McDonald was walking up to it. Deputy Donaldson appeared to have blue in color latex gloves on and appeared to be packaging evidence.

Sergeant McDonald appeared to assist Deputy Donaldson in locating the proper packaging material for the evidence and instructed him on how to write the information of the evidence on the packaging. At the listed time of 02:38, Sergeant McDonald asked Deputy Donaldson, "*How is Brian Calkins involved in this?*" Deputy Donaldson requested they go outside to discuss the information and Sergeant McDonald agreed. At the listed time of 02:54, Deputy Donaldson explained to Sergeant McDonald that Deputy Calkins had contacted him via phone earlier in the day and had two firearms he wanted Deputy Donaldson to check if they were stolen. Deputy Donaldson met Deputy Calkins at his residence on E Normandy Boulevard in Deltona.

When Deputy Donaldson arrived, Deputy Calkins informed him that the firearms were found in his neighbors' yard who was an elderly female. Deputy Donaldson researched the serial numbers of the two firearms and determined that one was registered as a stolen firearm. Deputy Donaldson then spoke to Deputy Calkins' elderly female neighbor, later identified as Esther Dobens, about the firearms. Dobens advised she did not see anything suspicious but recalled hearing sirens the previous Saturday. Deputy Donaldson then took possession of the firearms and left. Later in the day, Deputy Donaldson returned to the area and did a neighborhood canvass. Deputy Donaldson spoke with a neighbor who had an exterior camera, but the neighbor advised it was fake and did not record.

After the neighborhood canvas, Deputy Donaldson returned to Deputy Calkins' residence on E. Normandy Boulevard. Deputy Calkins advised that the firearms were not actually found in Dobens' yard. The firearms were located on Deputy Calkins' property. Deputy Calkins wanted Deputy Donaldson to complete a found property report for the firearms with Dobens' information instead of his own so his name would not be in a report of a stolen firearm.

At the listed time of 05:04, Sergeant McDonald asked Deputy Donaldson, "*Alright so how did the lady's name [Dobens] get run in there?*" Deputy Donaldson responded, "*That's who I thought, I thought they were on her [Dobens] property.*" Sergeant McDonald asked, "*So you talked to the lady [Dobens]?*" Deputy Donaldson responded, "*Yeah.*" Sergeant McDonald asked, "*And she [Dobens] said that she had found them in her bushes or something?*" Deputy Donaldson responded, "*Now well, now she's [Dobens] saying that Brian [Deputy Calkins] found them and Brian said he told her that because he doesn't want, he doesn't want his name attached to the*

*report.*” Sergeant McDonald then instructed Deputy Donaldson to write out what occurred in his report and to submit it. Deputy Donaldson and Sergeant McDonald went back into the substation and continued to package the two firearms into evidence.

At the listed time of 07:19, Sergeant McDonald asked Deputy Donaldson “*But he’s [Deputy Calkins] the one reporting it though, right?*” Deputy Donaldson responded, “*Exactly.*” The remainder of the track consisted of Sergeant McDonald assisting Deputy Donaldson in packaging the firearms into evidence boxes. Towards the end of the track, Sergeant McDonald exited the substation and entered his patrol vehicle.

The second recording began where the first track ended, with footage of Sergeant McDonald sitting inside his patrol vehicle in the parking lot of the District Four office. At the listed time of 01:30, the audio to Sergeant McDonald’s BWC turned on. Sergeant McDonald exited his patrol vehicle and entered the substation. Sergeant McDonald continued to assist Deputy Donaldson with packaging the firearms for evidence.

At the listed time of 12:55, Sergeant McDonald asked Deputy Donaldson, “*So Calkins calls you, says he has these pistols and to create a flag down?*” Deputy Donaldson responded, “*And submit them as found property.*” Sergeant McDonald continued by saying, “*And so you go to the address and he gives them to you?*” Deputy Donaldson responded, “*He, yeah he gave them to me and said that originally they were in her [Dobens] yard.*” Sergeant McDonald asked, “*Alright whenever you got them from him did you go over and talk to her too?*” Deputy Donaldson responded, “*Yes.*” Deputy Donaldson further advised that Dobens stated she did not know how the firearms ended up in her yard and that her husband was deceased and that Deputy Calkins knew everything. Deputy Donaldson stated, “*So that’s what I originally had. Now going back and re-talking to her she didn’t say Brian. She kind of just didn’t want to be involved, she was just like “I don’t know anything about them, Brian told me about them in my yard.” And that’s when I really talked to Brian and he was like, well I guess they were left at his address.*”

At the listed time of 22:08, Sergeant McDonald asked Deputy Donaldson, “*Did he [Deputy Calkins] say where he got them from?*” Deputy Donaldson responded, “*Yeah he said uh, he thinks a family member left them at his house.*” Sergeant McDonald and Deputy Donaldson had concluded packaging the firearms and placed them into an evidence locker. At the listed time of 26:07, Sergeant McDonald asked Deputy Donaldson, “*Well when you ran them when you were on scene the first time when you ran them it comes back; did you tell him it was stolen then?*” Deputy Donaldson responded, “*Yeah.*” At the listed time of 27:21, Sergeant McDonald asked Deputy Donaldson, “*So he [Deputy Calkins] just called you at out of the blue this afternoon?*” Deputy Donaldson responded, “*Right, right.*” The footage ended shortly thereafter.

On June 25, 2020, SA Deardoff requested a Transaction Archive Report be conducted on the stolen Kel-Tec 9mm Luger firearm (model P-11; serial number 13398) that was collected and submitted by Deputy Donaldson. FDLE Criminal Intelligence Analyst Lubrano completed the report, which advised that the firearm was reported stolen on January 5, 2000, and since that date it had only been entered (ran/checked) one time; June 22, 2020.

Additionally, the firearm was submitted to the Florida Department of Law Enforcement on June 30, 2020, to determine if it had any further history. The firearm was test fired and images of the test fired cartridge cases were entered and compared in NIBIN. It was determined that no potential associations were made at the time.

### **Volusia Sheriff's Office Report Number 200011303**

The report was submitted by Deputy Donaldson on June 22, 2020, at approximately 2049 hours, and contains a total of four pages. The first page listed the incident location for the report as 1357 E. Normandy Boulevard, Deltona, FL 32725. Deputy Calkins and Esther Dobens were listed as reporting parties on the first page. The address listed for Deputy Calkins was 1357 E. Normandy Boulevard and the address listed for Dobens was 1347 E. Normandy Boulevard.

The narrative of Deputy Donaldson's report began on the second page and ended on the third page. In Deputy Donaldson's narrative, he advised on June 22, 2020, at approximately 1603 hours, he responded to 1357 E Normandy Boulevard after receiving a telephone call from Deputy Calkins, who was off-duty at the time. Deputy Calkins advised Deputy Donaldson, via telephone, that he had located some firearms and wished to turn them in.

When Deputy Donaldson arrived at the Normandy address, he met with Deputy Calkins. Deputy Calkins advised he located two firearms inside of a Winn-Dixie grocery bag outside of Dobens's residence. Deputy Calkins wished to turn the firearms over to Deputy Donaldson as found property and wished to remain anonymous. Deputy Calkins did not know who the firearms belonged to or who left them on Dobens's property. Deputy Donaldson then took possession of the firearms.

After speaking with Deputy Calkins, Deputy Donaldson met with Dobens at her residence. Dobens did not know how the firearms ended up on her property and did not know who they belonged to.

Later in Deputy Donaldson's report, he described the make and model of each firearm, the condition they appeared to be in and advised that he entered the serial numbers into FCIC/NCIC for a query. One of the firearms was listed as stolen. Deputy Donaldson advised he conducted a neighborhood canvas of Deputy Calkins' and Dobens' neighborhood. Deputy Donaldson stated that no one appeared to be home at 1368 E Normandy Boulevard, the resident of 1378 E. Normandy Boulevard were unable to advise of any suspicious activity in the area, and the resident

1367 E. Normandy Boulevard had what appeared to be an exterior camera which was later determined to be fake. No further information was obtained through the neighborhood canvas.

Deputy Donaldson concluded the narrative of his report by stating the firearms were placed into evidence at the District Four office.

The fourth page of Deputy Donaldson's report listed the detailed information about the firearms he had collected. At the bottom of the second, third, and fourth page of the report was Deputy Donaldson's name and what appeared to be his signature. The report contained no further information.

Lieutenant Shivers provided screen captures from the report writing system to SA Deardoff that showed when Deputy Donaldson submitted the report. The screen captures showed that Deputy Donaldson submitted the report on June 22, 2020, at approximately 20:49 hours. Deputy Donaldson was identified through the report writing system by his Volusia Sheriff's Office identification number, "8928."

It should be noted, the Volusia Sheriff's Office Internal Affairs investigation was tolled, pending the outcome of the investigation conducted by the Florida Department of Law Enforcement. The Florida Department of Law Enforcement completed their investigation and forwarded charges against Deputy Donaldson to the State Attorney's Office for review.

On August 21, 2020, Lieutenant Shivers observed the State Attorney's Office filed an information against Deputy Donaldson for Falsifying Records, stating, "*Phillip Donaldson, on or about June 22, 2020, in the County of Volusia and State of Florida did falsify a record or a paper filed in a judicial proceeding in any court of this state, or did forge or falsify a document or instrument recorded, or filed in a court, or a registry, or did fraudulently alter, deface, or falsify minutes, documents, books, or any proceedings whatsoever of or belonging to any public office within the State of Florida, or did cause or procure any of the offenses aforesaid to be committed, contrary to Florida Statute 839.13.*"

This information was filed by Assistant State Attorney Ashley Terwilleger.

Lastly, the Florida Department of Law Enforcement attempted to interview Deputy Donaldson and Orange County Deputy Calkins regarding this incident; however, both deputies advised, via their attorney's, that they would not make any statement.

**Conclusion:**

On October 29, 2020, this internal affairs investigation was staffed with Volusia Sheriff's Office command staff. The following was determined regarding the aforementioned Volusia County Merit System Rules and Regulations and Volusia Sheriff's Office Standards and Directives violations –

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

- |   |                  |
|---|------------------|
| (1) Willful neglect in the performance of the duties of the position to which the employee is assigned.   | <b>Sustained</b> |
| (8) Criminal or illegal conduct (regardless of the filing of criminal charges or lack thereof or the absence of a criminal conviction or adjudication) that interferes with effective job performance or has an adverse effect on the county. | <b>Sustained</b> |
| (9) Any conduct, on or off duty, that interferes with effective job performance or has an adverse effect on the county.   | <b>Sustained</b> |
| (10) Any act of dishonesty, falsification, misrepresentation, concealment, or deception in any employment related matter.   | <b>Sustained</b> |
| (14) Any conduct, on or off duty, that reflects unfavorably on the county as an employer.   | <b>Sustained</b> |
| (22) Any other conduct or action of such seriousness that disciplinary action is considered warranted.  | <b>Sustained</b> |

**Volusia Sheriff's Office Standards and Directives**

- |  |                  |
|--|------------------|
| 26.2.106 Veracity- Untruthfulness - Employees shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities. <i>(Violation subject up to dismissal)</i>                       | <b>Sustained</b> |
| 26.2.109 Falsification of Official Documents – Employees shall not knowingly falsify or knowingly cause another to falsify an official record or document. <i>(Violation subject up to dismissal)</i>  | <b>Sustained</b> |
| 26.2.129 Misdemeanor Injurious to the Volusia Sheriff's Office – Volusia Sheriff's Office personnel shall adhere to all federal, state and local laws and shall not commit any act or crime defined as a misdemeanor, first or second degree, whether chargeable or not, which brings discredit upon the Volusia | <b>Sustained</b> |



Sheriff's Office or otherwise impairs the operation and efficiency of the Volusia Sheriff's Office and/or which is likely to impair the ability of personnel concerned to perform assigned duties. (*Violation subject up to dismissal*)

Deputy Donaldson voluntarily resigned from his position as a Deputy Sheriff on June 23, 2020; after the internal affairs investigation began.

**Exhibits:**

- A. Report of Investigation
- B. Official Memorandum
- C. Official Correspondence
- D. Official Transcript of Deputy Jeffery Werfel
- E. Official Transcript of Deputy Jose Agosto
- F. Official Transcript of Sergeant John McDonald
- G. Official Transcript of Deputy Kletus Stubblefield
- H. Official Transcript of Deputy Justin Lococo
- I. Official Transcript of Corporal Steven Lee
- J. Official Transcript of Esther Dobens
- K. Official Transcript of Warren Crowell
- L. Official Reports
- M. Miscellaneous Documents
- N. Digital Media

**Witnesses:**

Deputy Jeffrey Werfel  
123 W. Indiana Avenue  
DeLand, FL 32724  
(386) 736-5961

Deputy Jose Agosto  
123 W. Indiana Avenue  
DeLand, FL 32724  
(386) 736-5961

Deputy Kletus Stubblefield  
123 W. Indiana Avenue  
DeLand, FL 32724  
(386) 736-5961

Deputy Justin Lococo  
123 W. Indiana Avenue  
DeLand, FL 32724  
(386) 736-5961

Sergeant John McDonald  
123 W. Indiana Avenue  
DeLand, FL 32724  
(386) 736-5961

Orange County Sheriff's Office Corporal Steven Lee  
PO Box 1440  
Orlando, FL 32802  
(407) 254-7000

Esther Dobens  
1347 E. Normandy Boulevard  
Deltona, FL 32725  
(386) 574-4952

Warren Crowell  
1367 E. Normandy Boulevard  
Deltona, FL 32725

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] DATE: 11/10/2020

**Lieutenant Daniel Shivers, 6842  
Internal Affairs Detective**

**STATE OF FLORIDA  
COUNTY OF VOLUSIA**

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online Notarization this 10<sup>th</sup> day of November, 2020 by Lieutenant Daniel Shivers

[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: 11-10-2020  
**CHIEF DEPUTY JOSEPH GALLAGHER  
VOLUSIA COUNTY, FLORIDA**