

**VOLUSIA SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA 21-016

PERIOD COVERED: October 5, 2021 to November 19, 2021

DATE REPORTED: November 8, 2021

SUBJECT(S) NAME: Deputy Michael McCan #9245

INVESTIGATING OFFICER: Sergeant Andrew Calkins #7929

BASIS FOR INVESTIGATION:

On November 8, 2021, Lieutenant Brian Cobb authored a supervisor inquiry regarding inappropriate text messages and phone calls between Deputy Michael McCan and a person in his custody. In his inquiry, Lieutenant Cobb indicated on October 5, 2021, at approximately 0259 hours, Deputy Michael McCan transported a female, [REDACTED] who was in protective custody as a Baker Act, to Stewart Marchman Act (SMA) in Daytona Beach. When Deputy McCan arrived on scene, he deactivated his body-worn camera (BWC) while sitting in his patrol vehicle, before escorting [REDACTED] inside the facility. During the time his BWC was off, Deputy McCan obtained [REDACTED]'s phone number, and for the next following weeks, initiated multiple texts and phone calls to her. [REDACTED] subsequently sent text messages to her father, Lieutenant Robert Rahn, who works with the Volusia Sheriff's Office, about the messages and phone calls and indicated she believed they were inappropriate. Lieutenant Rahn notified his chain of command, which prompted the supervisory inquiry.

Additionally, while conducting the inquiry, Lieutenant Cobb discovered that after the transport Deputy McCan's AVL (automatic vehicle locator), stopped sending data at approximately 0425 hours near the area of his residence.

On November 19, 2021, due to the nature of the allegations, Chief Deputy J. Gallagher initiated an internal affairs investigation.

OFFENSES:

Volusia Sheriff's Office General Orders:

GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating 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.IV.D.9.k – Use of Equipment: AVL – Employees shall ensure proper maintenance and utilization of the VSO AVL (GPS) for its intended purpose and in accordance with installation requirements.

GO-026-02.IV.D.9.p – Use of Equipment: BWC – Employees shall ensure proper maintenance and utilization of the VSO BWC (body-worn cameras) for its intended purpose and in accordance with general order GO-041-20 Body-Worn Cameras.

GO-026-02.IV.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.IV.G.2.a – General Proficiency – VSO personnel are required to possess a sound working knowledge of the policies and procedures established by general orders and standard operating procedures.

GO-026-02.IV.G.2.b – General Proficiency – 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.

INVESTIGATION:

On November 19, 2021, Chief Deputy Joseph Gallagher assigned the above incident to the Internal Affairs Unit. This report details the Internal Affairs investigation conducted by Sergeant Andrew Calkins.

On November 20, 2021, Deputy McCan was served with a Notification of Internal Investigation. Later, Deputy McCan was served with a copy of his Florida Law Enforcement Officer's Bill of Rights.

Based on the supervisor investigation (SI 21-078) authored by Lieutenant Cobb, the following information was obtained by Sergeant Calkins:

██████ was transported from ████████████████████ Deltona, to SMA. The transport took approximately 31 minutes; per Force Watch. The transport commenced at 0259 hours, and ended at 0330 hours, at the aforementioned location.

After ████████ was released from SMA, she confided in her father, Lieutenant Rahn that Deputy McCan requested her phone number before being turned over to SMA. ██████████ stated that Deputy McCan told her his body-worn camera was turned off when he requested her phone number, and that Deputy McCan reached out to her after her release from SMA.

Lieutenant Cobb located the call for service that is related to the complaint. The call was dispatched to Deputy McCan as a suicidal person call. Throughout the call for service, Deputy McCan and Deputy Baldwin determined ████████ met the criteria to be taken into custody under the provisions of a Baker Act. At approximately 0252 hours, ████████ was taken into custody by Deputy McCan and placed in the back seat of his patrol vehicle.

At approximately 0259 hours, Deputy McCan advised dispatch he was transporting an adult female to "SMA Chet Bell Crisis Center, DB, mileage: 018"

At approximately 0336 hours, Deputy McCan advised dispatch he concluded his transport, and his ending mileage was "043".

After obtaining the CAD information for the call, Lieutenant Cobb reviewed Deputy McCan's Force Watch activity for the same duration of time. Below is what Lieutenant Cobb observed:

At 0259:02 hours, Deputy McCan was still stationary at ████████████████████ Deltona

At 0259:49 hours, Deputy McCan is traveling southwest at 23.4 miles per hour. This is consistent with his CAD comments.

For the next 28 minutes, Deputy McCan's Force Watch data shows him traveling along Howland Boulevard to Interstate 4. He then proceeds eastbound towards Daytona Beach and gets off at the International Speedway Boulevard exit.

At 0327:15 hours, Deputy McCan makes a right-hand turn onto Red John Drive at approximately 7.8 miles per hour.

For the next 3 minutes and 32 seconds, Deputy McCan travels north on Red John Drive to the entrance of SMA. Force Watch places Deputy McCan near the front of the SMA building at 0330:47 hours.

Deputy McCan remains stationary at this location for the next 15 minutes before returning to the City of Deltona.

After reviewing Force Watch, Lieutenant Cobb reviewed Deputy McCan's body-worn camera footage of the prisoner transport and observed the following:

At approximately 0259 hours, Deputy McCan makes a radio transmission indicating to dispatch that he is transporting a female passenger. He makes this transmission just moments before putting the car in gear and driving.

The next 30 minutes of body-worn camera footage depicts Deputy McCan traveling down various thoroughfares on his way to SMA. During the transport, Deputy McCan engages in conversation with [REDACTED] for the entire drive. The conversation appears to be friendly. It appears Deputy McCan has similar beliefs as [REDACTED] and is actively engaged in the conversation.

The transport is completed at 0330 hours, which is the same time Deputy McCan terminates his body-worn camera footage. At the time Deputy McCan's body-worn camera is deactivated he is still in the driver's seat of the car, with [REDACTED] still seated in the rear of the patrol vehicle.

Deputy McCan does not advise dispatch his transport is complete until 0336:06 hours and is not documented on his body-worn camera.

Deputy McCan does not reactivate his camera while on this call. Deputy McCan leaves SMA at 0345 hours, which is consistent with his manual input into CAD of "Change location" at 0345:22.

It should be noted; Deputy McCan also manually input his transport complete, which means he was still in his car at 0336:06 hours. It also means Deputy McCan was back in his car at 0345:22 hours after releasing [REDACTED] to SMA. Therefore, it is highly likely that Deputy McCan sat in his patrol car from 0330 hours, until 0336 hours, talking with [REDACTED]

Furthermore, while reviewing Deputy McCan's Force Watch data, Lieutenant Cobb determined Deputy McCan's GPS stopped sending data at 0425 hours, while traveling at 42.5 miles per hour

northbound on Courtland Boulevard, near the intersection of Holt Terrace. The location is approximately 1,395 feet from his private residence.

Sergeant Calkins reviewed Force Watch and Deputy McCan's BWC footage. Sergeant Calkins concurred with Lieutenant Cobb's assessment.

Sergeant Calkins reviewed the documents attached to the supervisory inquiry. The documents included the incident report, computer-aided dispatch (CAD), Force Watch AVL data, photos of text messages, and Deputy McCan's BWC footage.

Sergeant Calkins reviewed the incident report attached to the supervisor inquiry. The report was labeled a Baker Act and was documented under Volusia Sheriff's Office case number 210018700. Deputy Baldwin, who was on scene during the call for service, completed the report. Sergeant Calkins observed that [REDACTED]'s phone number was absent from the report.

Sergeant Calkins reviewed the CAD report attached to the supervisor inquiry. Sergeant Calkins noted call taker comments in the call that noted [REDACTED] had been drinking and was having a mental health crisis.

Sergeant Calkins reviewed the AVL data attached to the supervisor inquiry. Sergeant Calkins observed that Deputy McCan's data terminates at 0425 hours while on Courtland Boulevard. Sergeant Calkins reviewed Deputy McCan's timecard and discovered he was working overtime on that shift. Sergeant Calkins determined Deputy McCan's shift ended at 0430 hours on October 5, which was commensurate to the termination of his AVL data.

Sergeant Calkins observed the text messages, which were attached to the supervisor's inquiry. The messages were obtained from Lieutenant Rahn and depict a conversation with his daughter. The following is the content of the messages:

From	To	Message
[REDACTED]	Lieutenant Rahn	And this is what happened lasted time I "got help" Do with it what you want

[REDACTED] provided a screenshot of the conversation between her and Deputy McCan to Lieutenant Rahn. The following is the content of those messages:

Date	Time	From	To	Message
October 5, 2021	0331 Hours	[REDACTED]	[REDACTED]	Big Daddy 😊
October 5, 2021	0331 Hours	[REDACTED]	[REDACTED]	Mike McCan

October 12, 2021	2312 Hours	██████████	██████████	So is it my turn to get mad now? Lol
October 12, 2021	2312 Hours	██████████	██████████	Oh no
October 12, 2021	2312 Hours	██████████	██████████	Haha, sorry I really needed to get some sleep last night
October 12, 2021	2312 Hours	██████████	██████████	Lol, I'm only playing
October 12, 2021	2312 Hours	██████████	██████████	Are you in bed already? I can always hit you up another time

Sergeant Calkins reviewed Deputy McCan's personnel file and observed the phone number he provided as his personal number was ██████████.

The text conversation is continued between ██████████ and her father, Lieutenant Rahn.

From	To	Message
Lieutenant Rahn	██████████	Idk who or what that screen shot means
██████████	Lieutenant Rahn	I called 3 times
██████████	Lieutenant Rahn	It's your deputy that escorted me
██████████	Lieutenant Rahn	I wouldn't say anything if I wasn't worried about underage girls, that are less aware and more vulnerable that I was
Lieutenant Rahn	██████████	where/when.
██████████	Lieutenant Rahn	Stewart-Marchman-Act Behavioral Healthcare
██████████	Lieutenant Rahn	He texted me when he dropped me off
██████████	Lieutenant Rahn	If I didn't give him my number I didn't think he'd help me inside
Lieutenant Rahn	██████████	Did he ask for your number??
██████████	Lieutenant Rahn	Yes and he said he turned his cameras off
Lieutenant Rahn	██████████	Ok. I can take of that But eap we can call together. Takes 5 min
██████████	Lieutenant Rahn	Okay

On November 23, 2021, Sergeant Calkins responded to SMA to conduct further investigation. Sergeant Calkins reviewed the video surveillance, which is motion detected, and observed the following events from October 5, 2021:

0327:40 hours	Deputy McCan pulls into the parking lot near the door for patient entry
0327:50 hours	Deputy McCan opens the driver's side door
0333:34 hours	Deputy McCan exits the vehicle and opens the back driver's side door
0334:32 hours	Deputy McCan leaves the back driver's side door open, while [REDACTED] is inside, and walks to the rear of the vehicle opening the trunk
0335:18 hours	Deputy McCan walks to the front driver's side door and gets back inside the vehicle while the back driver's side door is still ajar with [REDACTED] inside
0336:19 hours	Deputy McCan exits the vehicle and approaches the back driver's side door where [REDACTED] is located
0336:40 hours	Deputy McCan leans into the vehicle and is blocked from view of the camera by the open door
0337:00 hours	[REDACTED] exits the vehicle and converses with Deputy McCan
0347:45 hours	[REDACTED] and Deputy McCan walk to the side door of the facility. Deputy McCan has his firearm holstered
0339:16 hours	[REDACTED] walks inside the facility
0345:51 hours	Deputy McCan leaves the facility in his patrol vehicle

On December 2, 2021, Sergeant Calkins requested an audit of Deputy McCan's BWC from October 5, 2021. Sergeant Calkins observed at 0230 hours, the "event button pressed" which started the recording. At 0327 hours, the audit indicates the "event button held" which stopped the recording. Sergeant Calkins observed, based on the BWC audit, that there was no malfunction with the BWC. The audit also shows the event button was intentionally pressed and was not the result of the device inadvertently powering off. At 0344 hours, the video was tagged with the case number "21-18700."

Interview with [REDACTED]

On December 2, 2021, at approximately 1432 hours, Sergeant Calkins conducted a sworn recorded interview with [REDACTED]. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was [REDACTED], Sergeant Calkins, and Detective Morgan. Below is a synopsis of the audio-recorded interview:

[REDACTED] advised on October 5, 2021, she was intoxicated, having a mental health crisis, when her mother called for law enforcement assistance. After evaluation by deputies, [REDACTED] was taken into protective custody and transported to SMA by Deputy McCan. On the way to SMA both [REDACTED] and Deputy McCan engaged in mutual conversation about life and religion. [REDACTED] mentioned her father, Lieutenant Rahn, worked for the Volusia Sheriff's Office, and Deputy McCan acknowledged that the last name was familiar.

█████ stated when Deputy McCan pulled into the parking lot of SMA; he parked the patrol vehicle and told her, *"Listen, I just wanna like to let you know I turned the cameras off."* █████ stated at the time she was sitting behind Deputy McCan in the backseat while he was sitting in the front seat. █████ stated they continued the conversation for approximately four or five minutes while they were both seated inside the vehicle.

Sergeant Calkins asked █████ what they spoke about while seated in the car off-camera, and █████ stated, *"...he's like I think your boyfriend is an idiot you know he's complimenting me and he's like, he did mention I'm not sure at what point if it was walking up to the facility or in the car he was like I would love to like take you out or see you again he did say that."* █████ clarified the compliments Deputy McCan was giving her was that she was *"beautiful."* █████ stated she perceived Deputy McCan's compliments were in a manner consistent with flirtatious behavior.

During the conversation in the vehicle, Deputy McCan asked █████ for her phone number which she provided. █████ stated Deputy McCan immediately texted her personal phone, which at the time was located in the trunk of the vehicle due to her being in protective custody. █████ would later explain that when she was released from SMA she was given back her personal property, which included her phone, and she discovered the text messages from Deputy McCan.

After the conversation, she stated Deputy McCan exited the vehicle and opened the back door. █████ indicated she asked Deputy McCan if she could smoke her E-Cigarette vape pen before they entered the facility, and Deputy McCan allowed her to smoke the vape pen while she sat in the backseat. When █████ was ready to enter the facility, she advised Deputy McCan stated, *"...like I don't wanna be weird but is it ok if I were to give you a hug?"* █████ stated she hugged Deputy McCan while the passenger side door was open.

█████ stated she felt compelled to provide her phone number and a hug due to Deputy McCan's official position as a deputy sheriff. █████ knew Deputy McCan turned off his BWC to talk with her and felt that if she did not comply then Deputy McCan's request he would not take her inside the facility for treatment.

█████ stated she exited the vehicle, walked up to the receiving door to the facility while being escorted by Deputy McCan. According to █████ while they were standing at the door, Deputy McCan stated he would like to see her again and that she had his phone number. █████ stated, *"I was like ok. I didn't really think anything of it because there was a lady in scrubs in front of me you know waiting for me to come inside..."* Afterwards █████ went inside, received treatment, and was later discharged.

After being discharged, [REDACTED] discovered the text messages from Deputy McCan on her phone. On October 12, 2021, [REDACTED] said she received additional text messages from Deputy McCan. [REDACTED] responded to those messages stating she was tired and in bed. [REDACTED] advised in addition to the text messages; she also received multiple phone calls from Deputy McCan. [REDACTED] said they spoke by phone but could not recall the specific dates. [REDACTED] stated, “...he called me in the morning and I answered and it was a normal phone call he’s like how are you doing? He did bring up the fact that he was working nights and he was like it’s 6 to 6 you know so if you ever wanna meet up or get out of the house. He asked if I was capable of driving and I had just started driving like that week. So I was like yeah I’m driving now. But after that phone call I didn’t like reach out to him or anything ever so it kind of just ended like there.”

Sergeant Calkins asked [REDACTED] if she would be willing to provide her phone for forensic extraction to verify the time and dates of the phone calls, which [REDACTED] declined.

[REDACTED] was asked if she ever initiated contact with Deputy McCan during October. [REDACTED] stated she called once while she was drinking with a friend who pressured her into calling after she told her about the incident. Reluctantly, [REDACTED] called Deputy McCan but did not receive an answer.

[REDACTED] felt Deputy McCan took advantage of her and the situation due to her intoxication and mental health crisis. [REDACTED] stated she was initially senseless and was not thinking clearly while conversing with Deputy McCan. [REDACTED] stated she felt it was improper for Deputy McCan to ask for her phone number and, in addition, to ask for a hug.

[REDACTED] was asked if the situation changed her perception of law enforcement. [REDACTED] stated, “It was disappointing because I really did need to go get help. I really needed like a stable, just escort, and going through so much at the time I really don’t think that that was an appropriate time to make a move on somebody.”

Interview with Lieutenant Robert Rahn

On December 2, 2021, at approximately 1514 hours, Sergeant Calkins conducted a sworn recorded interview with Lieutenant Rahn. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff’s Office Administration Building. Present for the interview was Lieutenant Rahn, Sergeant Calkins, and Detective Morgan. Below is a synopsis of the audio recorded interview:

Lieutenant Rahn advised that on November 5, 2021, he was having a conversation with his daughter, [REDACTED] via text message. During the conversation, [REDACTED] sent him a screenshot of a text conversation with Deputy McCan. Lieutenant Rahn advised he wasn’t familiar with Deputy McCan at the time and reported it to his chain of command. Lieutenant Rahn was asked if he had

any further conversation with his daughter about the incident. Lieutenant Rahn advised his daughter stated, “... *dad you know I get it I'm she's 22 but she said there could be younger girls out there, underage girls that are more vulnerable and would be more susceptible to you know having somebody in his position... {take advantage of them}.*”

Interview with Lieutenant Brian Cobb

On December 8, 2021, at approximately 1341 hours, Sergeant Calkins conducted a sworn recorded interview with Lieutenant Cobb. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Lieutenant Cobb, Sergeant Calkins, and Detective Morgan. Below is a synopsis of the audio-recorded interview:

Lieutenant Cobb advised he is the District 4 Assistant Commander. Lieutenant Cobb advised Captain Louis Marino asked him to look into possible General Order violations for an incident involving Deputy McCan. The incident in question was a Baker Act transport completed by Deputy McCan where he transported [REDACTED] to Stewart Marchman Act.

While completing his inquiry, Lieutenant Cobb learned [REDACTED] was transported from [REDACTED] Deltona to Stewart Marchman Act on October 5, 2021. A review of Deputy McCan's BWC history showed [REDACTED] was taken into protective custody under the Baker Act. [REDACTED] was placed in the back of Deputy McCan's patrol vehicle. Lieutenant Cobb noted during the transport, Deputy McCan was heard discussing [REDACTED]'s relationship status. Their conversation continued until they arrived at the Stewart Marchman Act facility. Both Deputy McCan's GPS and BWC showed him arriving at Stewart Marchman Act. While his GPS is stationary after the transport, suddenly and without warning the BWC footage from Deputy McCan ends.

Through further investigative means, Lieutenant Cobb observed Deputy McCan manually imputed the completion of his transport to Stewart Marchman Act. Lieutenant Cobb deduced the difference in time from when his patrol vehicle was stationary at Stewart Marchman Act and when Deputy McCan manually imputed the transport completion was approximately six minutes.

During the investigation, Lieutenant Cobb determined [REDACTED] was the daughter of Lieutenant Rahn who currently works for the Volusia Sheriff's Office. Lieutenant Cobb made contact with Lieutenant Rahn and requested all text messages sent between Deputy McCan and [REDACTED]. According to Lieutenant Rahn, Deputy McCan obtained [REDACTED]'s phone number after the transport and reached out through text message. Deputy McCan contacted [REDACTED] and this contact made [REDACTED] feel uncomfortable. Lieutenant Rahn provided Lieutenant Cobb with photographs of the text messages between Deputy McCan and [REDACTED].

Lieutenant Cobb continued his investigation and made contact with [REDACTED]. Lieutenant Cobb advised [REDACTED] recalled feeling awkward and uncomfortable while in the back of the patrol vehicle during the transport to Stewart Marchman Act. [REDACTED] told Lieutenant Cobb she felt as though Deputy McCan was making a move or “hitting on her,” meaning he was being flirtatious. Lieutenant Cobb indicated Deputy McCan also asked for [REDACTED]’s phone number, and at the time, [REDACTED] explained she felt as though it might help with her ability to get help so she provided Deputy McCan her phone number.

About Deputy McCan obtaining her phone number for possible law enforcement related reasons, Lieutenant Cobb stated, *“I noted that during my inquiry that he [Deputy McCan] actually left the phone number box blank on the report he authored, which led me to believe that he was only asking it for personal reasons so he could contact her, hit on her, whatever his intentions were.”*

[REDACTED] continued to tell Lieutenant Cobb about the awkward situation. [REDACTED] explained towards the end of their contact, Deputy McCan solicited a hug, which she hesitantly agreed. She advised Deputy McCan un-handcuffed her and hugged her. [REDACTED] told Lieutenant Cobb while she was inside the facility, Deputy McCan texted her phone and said something to the effect of “big daddy Mike McCan with a wink face emoji” while she was in custody under Baker Act.

After [REDACTED] left the facility, she indicated Deputy McCan continued to communicate with her. At some point during their conversations, Deputy McCan attempted to have [REDACTED] meet up with him at midnight at which point [REDACTED] ceased all forms of contact. While speaking to [REDACTED] Lieutenant Cobb confirmed the number texting her belongs to Deputy McCan, per RMS. [REDACTED] concluded with Lieutenant Cobb that she felt as though Deputy McCan was using his police authority to “hit on” vulnerable girls.

Interview with Deputy Michael McCan

On December 21, 2021, at approximately 1123 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Michael McCan. The interview was conducted at 123 West Indiana Avenue, DeLand, at the Sheriff’s Office Administration Building. Present for the interview was Deputy McCan, Sergeant Calkins, Lieutenant Shivers, and Attorney Gary Wilson. Below is a synopsis of the sworn recorded interview:

Before conducting the interview, Deputy McCan signed a copy of his Garrity Warning, acknowledging his understanding of the document. This was completed in the presence of the previously mentioned personnel. Deputy McCan was read a Volusia Sheriff’s Office Administration of Oath / Perjury Warning. Sergeant Calkins signed this document in the presence of the same previously mentioned personnel.

Deputy McCan advised on October 5, 2021, he responded to a suicidal person call located at [REDACTED] Deltona. Deputy McCan made contact with a female, [REDACTED] who had been drinking and having suicidal ideations. [REDACTED] was upset because her boyfriend broke up with her and she was recently diagnosed with a disability. Deputy McCan stated [REDACTED] felt like she had limited support from her family, which caused her to harm herself by mixing her medication with alcohol. In addition, [REDACTED] committed self-harm by intentionally burning her leg with a lighter. Due to the circumstances, [REDACTED] was taken into protective custody for an involuntary examination.

After taking [REDACTED] into protective custody, Deputy McCan said Deputy Baldwin asked him if he would transport [REDACTED] to SMA for evaluation. He said before transport, Deputy Baldwin checked [REDACTED]'s self-inflicted injury to determine if it needed medical attention. Afterward, [REDACTED] was placed in the backseat of his vehicle, with the handcuff's in front, due to her disability. Deputy McCan said he commenced the transport to SMA and began further conversation with [REDACTED]. Deputy McCan stated they, *"...engaged in conversation, from her life, to my life, to personal beliefs on religion, things like that. It was a very engaging conversation. She and I both agreed on a lot of things that you know, I feel like I established a good rapport with her that she felt comfortable enough to tell me about additional reasons on why she, she felt the way that she did that night."*

Sergeant Calkins asked Deputy McCan about a comment he made on BWC to [REDACTED] that he would be [REDACTED]'s mom, dad, and/or whatever she wanted him to be. According to Deputy McCan, his reasoning for the statement was that he wanted to be her friend and *"...be there for her."*

Sergeant Calkins asked Deputy McCan if his BWC captured the entire conversation with [REDACTED]. Deputy McCan advised, *"No I, so when we rolled up to Act I made the assumption I'm like ok we're here we're at the facility. She seems not, she seemed very like cooperative very understanding of the situation what was going on. She wasn't resisting at all, we didn't have to fight her and then get her in the car and transport or anything like that. We had a good conversation. She you know we shared some laughs you know she shared I didn't cry but she shared cries you know. Let her know that, and then so I did turn off my BWC and then you know the conversation continued so I didn't think the conversation was going to continue so that's why I shut it off and then when I exited the vehicle and all that stuff that's when yeah."*

Sergeant Calkins asked Deputy McCan if it is common practice to turn off his BWC while someone in custody is in the backseat. Deputy McCan stated, *"It's normal typically when I get to the facility. I'm under the impression and the understanding that once you get to the facility you know like let's say we go to the jail, once we get to the jail you because of the signal sidearm, it'll automatically activate everybody, so you kind of say, "Hey alright I'm gonna pull out my gun" because you can't go into the thing to the jail into the sally port with you know your gun or any weapons so I'll*

actually turn off my camera so that I can go inside and get you know start the receiving paperwork and things of that nature. But while they're in the back and just in the back no I would keep it on."

It should be noted, the signal sidearm is an attachment to a deputy's firearm that automatically activates surrounding BWC's when triggered. The signal is activated when a deputy pulls their firearm from the holster. When law enforcement arrives at the branch jail they are required to disarm before entering the facility; however, when law enforcement arrives at Stewart Marchman Act's mental health receiving facility, they are not required to disarm since they do not physically enter the facility. In addition, the branch jail has a secured area, "sally port," for unloading prisoners. Stewart Marchman Act's facility does not have secured parking thus; a deputy keeps his firearm on his person instead of securing it. Due to both of these differences, Deputy McCan's explanation of deactivating his BWC is illogical. Sergeant Calkins observed Deputy McCan had his firearm holstered when viewed on the video surveillance at ACT, negating his reason for turning off his BWC.

It should also be noted; Sergeant Calkins reviewed Deputy McCan's previous transports to mental health facilities. Sergeant Calkins discovered eight instances where Deputy McCan kept his BWC activated until after he escorted the individual to the receiving door. Sergeant Calkins discovered three instances where Deputy McCan deactivated his BWC after exiting his vehicle while he was at the trunk printing paperwork. Sergeant Calkins was unable to locate any instance where Deputy McCan deactivated his BWC while still inside his vehicle with the person in protective custody.

Sergeant Calkins asked Deputy McCan how long he spoke to [REDACTED] off camera. Deputy McCan stated, *"I don't recall the exact time. If I were to give an estimate maybe six, seven, maybe to ten minutes?"* Sergeant Calkins asked McCan what he discussed off camera with [REDACTED] and Deputy McCan said, *"So it was pretty much just wrapping things up. She was telling me that she's done this multiple times as far as go to the Stewart Marchman Act facility. That it doesn't work, things like that. And, you know, I'm trying to reassure her, like, no, I've had success stories, I've actually ran into someone on a different occasion to where, hey, how you doing? How was, you know, whatever, thank you so much for Baker Acting me guys, so I was just giving her personal experiences, things like that. And then also, I touched on my life. And I said, you know, hey, I've been through stuff, too, you know, I'm not denouncing your stuff and saying, what you're going through isn't serious. But I've been through stuff, too. I've been through highs, I've been through lows. I've been deployed, I've been through stuff where I didn't know if I was going to come home and see my family. So I told her, you know, look at me now, you know, I went to school for six months, I have my, you know, have a badge, I have a gun, things like that, in that in a way to say like, you can get through this and you can still achieve good and great things. This isn't over this, isn't it. You know, you can get through this. That's pretty much what the conversation went along those lines."*

Sergeant Calkins asked Deputy McCan at what point during the conversation did he acquire [REDACTED]'s phone number, and Deputy McCan stated, "...I asked whenever we pulled up to the facility we were wrapping up that conversation somewhere in between there I said you know I think I even like, she was like yeah you know I really wanna walk again. I really wanna gain strength and my confidence back. I said you know great hey I you know do things called EP's and property checks and things like that you know, can I put your number in my phone? Well put my number in her phone and then text myself so that she'll have my number so that whenever I'm on duty and you said she said she was, not you but she said that she was a night owl she typically stays up at night I said that's perfect I work at nights right now if you wanna meet up on while I'm on duty so that it's not perceived any type of malicious way or ill intent way while I'm on duty we can go walk while I'm doing a property check or something like that." Deputy McCan stated he put his number in [REDACTED]'s phone and texted his personally owned device. Deputy McCan advised he asked permission from [REDACTED] before accessing her device and programming his number.

Sergeant Calkins asked Deputy McCan if it is standard procedure to exchange personal cell phone numbers with victims or citizens, and Deputy McCan stated, "Yes." Sergeant Calkins asked Deputy McCan how many times he's exchanged his personal cell phone number since he has been employed at the Volusia Sheriff's Office, at which time Deputy McCan stated, "Very, not very often very, I really don't know. I don't know an exact number."

Sergeant Calkins asked Deputy McCan for specific incidents where he exchanged his personal phone number while conducting a call for service. Deputy McCan provided a contrasting instance where a juvenile got hurt riding his ATV and had to be taken to the hospital due to the likelihood of severe injuries. Deputy McCan said he exchanged his phone number with the juvenile's parents so the shift could follow up on the child's condition. This is a stark difference from the incident involving [REDACTED]

In addition, Deputy McCan recalled another contrasting instance where he responded to a call for domestic violence and texted the victim with available victim services. Again, this is a stark difference from the incident involving [REDACTED]

Sergeant Calkins asked Deputy McCan if he's exchanged numbers with other individuals in protective custody, at which time Deputy McCan indicated he had but was unable to recall the specifics or with whom.

Sergeant Calkins asked Deputy McCan if he gave [REDACTED] a hug and the circumstances surrounding the interaction, and Deputy McCan stated he asked [REDACTED] if he could give her a hug to show her support. Deputy McCan stated he asked [REDACTED] beforehand, and she advised it was all right to give her one. Deputy McCan advised he has given hugs to numerous people while on calls including individuals in protective custody.

Sergeant Calkins asked Deputy McCan how many phone calls he made to [REDACTED] after her release from ACT. Deputy McCan stated, *"She called me. But I believe she called me on a day that. So she called during the timeframe, I would have been working, but I was off. So I didn't pick up my phone. And then I believe I called her back. And then I was either, either once or twice I call her back and maybe she didn't pick up and then either the second time or the first time I called back she was able to answer. She answered the phone, she said that she was drinking with her friends and that she was telling them about me. And they're like, oh, wow, he sounds like a really nice guy call him. So then, afterwards, when I didn't pick up the first time, and she was expressing how upset she was, or her friends were upset, Oh, yeah you know, dang, I told you, you needed him and he didn't pick up things like that. And then that was pretty much it. And I said, you know, how are you doing? How are things been going? She's like, great, you know, I'm home. Obviously I've been walking a little bit more. I started driving. I said, that's great. Good. Good for you. And then that was it."*

Sergeant Calkins asked Deputy McCan about the text messages he sent on October 12. Deputy McCan stated, *"so I texted her on December 12th. And I think I was on shift that day. And then I texted her so is it my turn to get mad now? Because she was expressing how she was upset that I didn't pick up and then I called her and she didn't pick up so then that's when I returned that text message or not returned it but I sent that text message that said, so is it my turn to get mad now? And then she replied, oh, no. And she said, ha-ha, sorry. I really needed to get some sleep last night. And then she said and then I said lol I'm only playing like playing around. And then I asked her are you in bed already? Because it was late at night that time as well around 12pm 'ish. Are you in bed already I can always hit you up which means like I can always contact you at another time if you're already sleeping and in bed. And then that was it."* Deputy McCan stated that was the last time he texted with [REDACTED]

Sergeant Calkins spoke with Deputy McCan about the officer safety issue when he provided [REDACTED] a hug while she was un-handcuffed, allowing her access to his firearm and less-lethal devices. Sergeant Calkins asked Deputy McCan if he considered it a safe practice to allow someone in a mental health crisis, who is suicidal and possibly homicidal, to allow access to his weapons. Deputy McCan stated, *"Well there's a lot of things that we do that aren't safe and you know that. And also, with the comment that I mentioned earlier, she was very cooperative. She was very mild-mannered, she was, we shared very similar beliefs. You know, I established what I felt, and I'm sure she felt as well as a good rapport with each other, that she was open to expressing herself and expressing her things. So, you know, I, once again, also to prove the point that we're not as cops, and I'm just saying, we as cops, we as law enforcement aren't all bad. You know, we're people too. We have emotions, and you know, I see someone you know, in need, and I can help, maybe a simple hug, and lift her spirits, then by all means."* Deputy McCan admitted during the interview that it was an officer safety issue.

Sergeant Calkins asked Deputy McCan if he was certified in Crisis Intervention Team (CIT), which is a 40-hour class required by the Volusia Sheriff's Office. Deputy McCan stated he successfully passed the class when he was in training. Sergeant Calkins asked Deputy McCan that given his knowledge with CIT coupled with his experience would an individual, such as [REDACTED] whose having a mental health crisis and has consumed alcohol be considered to be in a vulnerable state. Deputy McCan stated, *"Well that goes case by case because everyone's alcohol level is different and their tolerance level is different. So I don't know how much she had to drink. She could have had one, she could have had a hundred. I don't know I didn't ask but she did say she was inebriated and I took that for face value. As far as her being vulnerable emotionally in that point, with everything she could have been, but I didn't take it at that. You know, I didn't perceive that she was vulnerable at that point. She was full. Like I said, again, to circle back to it. She was very, you know, she understood what was going on. She wasn't slurring her words, which are also typical signs of someone that's, you know, drunk, inebriated enough to be in a vulnerable type of state. She was engaging in conversation willingly, not forcefully. I personally don't think that she was in a vulnerable state."*

Sergeant Calkins asked Deputy McCan if he told [REDACTED] he was turning off his BWC. Deputy McCan stated, *"Yeah I told her yes I'm gonna go off of BWC..."* Sergeant Calkins asked Deputy McCan how [REDACTED] perceived the incident given he verbalized to her that he was turning off his camera and while not recording, asked for her phone number and hug. Deputy McCan stated he could, *"see maybe how that would come off as like a quid quo pro type deal but by all means I didn't... That was not the intention that I put forward if that makes sense."*

It should be noted, according to Volusia Sheriff's Office General Order GO-026-02.IV.9.p – Use of Equipment BWC it specifically states:

(1) Employees shall not intentionally through acts of negligence or inattention, cause interruption or defeat of the BWC for its intended purpose of recording law enforcement encounters.

(2) Any employee found to engage in purposeful acts with intent to defeat the purpose of the BWC in order to avoid, or manipulate the recording of events while on duty shall be subject to disciplinary action up to dismissal.

It should also be noted, Deputy McCan was previously disciplined for a BWC violation on June 17, 2021.

Deputy McCan stated instead he could have sent [REDACTED] an email or contacted her from a district phone if he wanted to follow up on her wellbeing. Deputy McCan also stated he could have conducted a well-being check when [REDACTED] was released to check on her status.

Sergeant Calkins asked Deputy McCan if his actions reflected the standards of the Volusia Sheriff's Office. Deputy McCan stated, *"I would, I would hope so. In hindsight, they're things that maybe I would have done in a different way, in a different light after being shared all this knowledge. Because that was not my intention at all. And I can't say that and express that enough, you know, I didn't want her to feel that she was in a vulnerable state to where, you know, things were out of her control, or she was in a position where she didn't want to be, I only meant that with a big caring heart. You know, like I said earlier, everybody considers me to have, you know, I just wanted to see her end goal is to A. have more confidence in herself because she was feeling at an all time low, B. regain her physical strength, so she can start walking again. And then C. just get out of her, her state of mind that she was in where she was feeling suicidal."*

After the interview, Deputy McCan provided two personal letters, which citizens wrote to him while on patrol. Sergeant Calkins reviewed the letters and observed one was a drawing from a child. The other was a letter that referenced his response to a suspicious incident, in which an elderly female believed someone, was knocking on her window. Sergeant Calkins notes both letters were generated from the citizens, which is dissimilar to the interaction with [REDACTED]

Deputy McCan acknowledged he violated the General Order for Code of Conduct, which expects deputies to conduct themselves in a professional manner, which will reflect positively on the Volusia Sheriff's Office.

Deputy McCan was asked if he violated the following General Orders, and his responses are detailed below –

GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.	No
GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order	No
GO-026-02.IV.D.9.k – Use of Equipment: AVL	No
GO-026-02.IV.D.9.p – Use of Equipment: BWC	Yes
GO-026-02.IV.D.9.x - Code of conduct	Yes
GO-026-02.IV.G.2.a – General Proficiency	No

GO-026-02.IV.G.2.b – General Proficiency No

On January 19, 2022, the Internal Affairs investigation was presented to Chief Deputy Joseph Gallagher and the executive command staff. Upon completion of the presentation, Chief Deputy Gallagher sustained the aforementioned General Order violations against Deputy McCan:

GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty,
of such seriousness that disciplinary action is
considered warranted. Sustained

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard
Operating Procedure, or Order Sustained

GO-026-02.IV.D.9.k – Use of Equipment: AVL Not Sustained

GO-026-02.IV.D.9.p – Use of Equipment: BWC Sustained

GO-026-02.IV.D.9.x - Code of conduct Sustained

GO-026-02.IV.G.2.a – General Proficiency Sustained

GO-026-02.IV.G.2.b – General Proficiency Sustained

On February 3, 2022, at 1521 hours, Deputy McCan was served a Notice of an Intent to Terminate for the sustained General Order violations listed above. Later on that same date, at 2050 hours, Deputy McCan submitted a letter of immediate resignation to Chief Deputy Gallagher, which was accepted by Sheriff Chitwood.

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Supervisor Inquiry
- D. VSO Report 210018700
- E. CAD History
- F. Text Messages
- G. AVL Screenshot
- H. BWC Audit
- I. Timecard Printouts
- J. Transcript of Interview with [REDACTED]
- K. Transcript of Interview with Lieutenant Robert Rahn
- L. Transcript of Interview with Lieutenant Brian Cobb
- M. Transcript of Interview with Deputy Michael McCan
- N. Digital Evidence

WITNESSES:

[REDACTED]
[REDACTED]
Deltona, FL 32738
[REDACTED]

Lieutenant Brian Cobb
Volusia Sheriff's Office
123 W. Indiana Avenue
DeLand, FL 32720
(386) 736-5961

Lieutenant Robert Rahn
Volusia Sheriff's Office
123 W. Indiana Avenue
DeLand, FL 32720
(386) 736-5961

Deputy Michael McCan
Volusia Sheriff's Office
123 W. Indiana Avenue
DeLand, FL 32720
(386) 736-5961

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: *A Calkins* DATE: *2/22/22*
Sergeant Andrew Calkins
Internal Affairs Sergeant

STATE OF FLORIDA
COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of physical presence or online Notarization this *22nd* day of *February*, 2022 by Sergeant Andrew Calkins

[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]* # *2267* DATE: *02-17-2022*
CHIEF DEPUTY JOSEPH GALLAGHER
VOLUSIA COUNTY, FLORIDA

Sheriff

MICHAEL J. CHITWOOD

OFFICE
(386) 736-5961



VOLUSIA SHERIFF'S OFFICE

123 WEST INDIANA AVE • P.O. BOX 569 • DELAND, FLORIDA 32721-0569
(386) 822-5074 (FAX) • WWW.VOLUSIASHERIFF.ORG

February 7, 2022

Mr. Michael McCan



Deltona, Florida

Dear Mr. McCan,

I hereby accept your resignation as Deputy Sheriff, effective February 3, 2022, in lieu of the intent to terminate which you were served with on February 3, 2022. The intent to terminate is based on the sustained General Order violations in IA 21-016.

I wish you much success in your future endeavors.

Sincerely,



Michael J. Chitwood
Sheriff

MJC:kg/040L0032.22

cc: Chief Deputy J. Gallagher
Division Chief L. Marino
Captain K. McDaniel
Communications
Info Technology
Internal Affairs
Inventory
Payroll
PIO
Personnel
Special Projects
Training
Vehicle Management
Witness Management

To whom it may concern,

Please accept this letter as a formal notification of my immediate resignation as a Deputy Sheriff from the Volusia Sheriff's Office. I am thankful for the opportunity to have served Volusia County during my tenure.

Sincerely,

Michael McCan

02/03/2022

Chief Deputy  2267
2-4-2022

* Voluntary Separation in Lieu of
Termination *