

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA-17-012

PERIOD COVERED: October 23, 2013 to March 21, 2017

DATE REPORTED: April 04, 2017

SUBJECT(S) NAME: Captain Charles Brown #2320

INVESTIGATING OFFICERS: Lieutenant Justin G. Sawicki #7179

BASIS FOR INVESTIGATION:

On April 10, 2017, Lieutenant Justin Sawicki received a supervisor's inquiry drafted by Captain Paul Adkins, the subject of the inquiry was Captain Charles Brown. On April 03, 2017, Captain Adkins spoke with Deputy Nicholas Yackel and Deputy Donald Gray regarding their job function. During this meeting, both deputies informed the captain that they had felt demeaned by Captain Brown. The deputies alleged they had a meeting with Captain Brown on March 21, 2017; during this meeting, the deputies alleged Captain Brown called them, "*butt-buddies and faggots.*"

Chief Deputy John W. Creamer assigned the case for investigation by the Internal Affairs Unit. The supervisor inquiry completed by Captain Adkins is referenced by memorandum number: 052M0021.17 the memorandum is attached and made part of this investigation. (*See Tab – C*)

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: (2) Disregard for or frequent violations of Federal Laws, State laws, County ordinances, Departmental Standard Directives, and safety rules.

(8) Criminal, dishonest, or other conduct, which interferes with effective job performance or has an adverse effect of the efficiency of County service.

(10) Incompetent or unsatisfactory performance of duties.

(13) Any conduct, on or off duty that reflects unfavorably on the County as an Employer.

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

26.2.48 Use of Profanity - Employees shall not use profanity or vulgarity in speech or gesture at any Department work place, on or off duty, in public or while representing the Department or County. *(Violation subject up to a 1 day suspension.)*

26.2.62 Derogatory Ethnic Remarks - Employees shall not make derogatory remarks concerning race, sex, religion, age or national origin of any person. *(Violation subject up to dismissal.)*

26.2.118 Code of Ethics for Public Officers and Employees - Employees shall strictly adhere to the code of ethics for public officers and employees and shall not violate the Code of Ethics for Public Officers and Employees as set forth in Florida law and the County Merit System. *(Violation subject up to dismissal.)*

26.2.122 Abusiveness - Employees shall not use abusive language or gestures toward a supervisor or superior officer of the Department. Superior officers shall not use abusive language or gestures toward subordinates. *(Violation subject up to a 5 day suspension.)*

INVESTIGATIVE SUMMARY:

On April 10, 2017, Chief Deputy John W. Creamer assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Lieutenant Justin Sawicki.

On April 10, 2017, Lieutenant Justin Sawicki served Captain Charles Brown with a Notice of Internal Investigation at the Sheriff's Administrative Offices in DeLand, FL. Captain Brown was provided with a copy of the law enforcement officer bill of rights. (*See Tab – B for Official Correspondence*)

On April 10, 2017, Lieutenant Sawicki reviewed the Supervisors Inquiries (052M0021.17) authored by Captain Paul Adkins. The following is a summary of Captain Adkins's memorandum:

On April 03, 2017, Captain Adkins was speaking with Deputy Nicholas Yackel and Deputy Donald Gray in reference to their job responsibilities at District Two. During the meeting, both deputies informed Captain Adkins that they were upset over several conversations they had with Captain Charles Brown; however, one interaction in particular upset them the most.

The incident the deputies alluded to involved Deputy Yackel's and Deputy Gray's participation in Rolling Thunder 2.0 which was scheduled for March 24, 2017. The deputies informed Captain Adkins, on March 21, 2017, they were summoned to Captain Brown's office at District Two. Captain Brown asked both deputies why they were unwilling or unable to participate in the operation. The deputies informed Captain Brown they were told only scheduled on-duty personnel were going to work the operation. The deputies' schedule was Monday through Thursday, and they were scheduled to participate in one day of the operation on March 22, 2017, as on-duty personnel. Furthermore, both deputies had worked 16 out of 17 days due to special events. Both deputies had made plans with their respective families on March 24, 2017.

Both deputies alleged that Captain Brown told them their families “*were not a concern of the Sheriff’s Office.*” Furthermore, Captain Brown informed the deputies they would not be excused from the operation and he (Captain Brown) had to cancel his plans to attend his daughter’s gymnastics event, so he could participate in the operation.

During the meeting, Captain Brown asked both deputies where they resided. Both deputies informed the captain they resided on the Eastside of the county and are neighbors. After the deputies informed Captain Brown they are neighbors, they alleged that Captain Brown began using derogatory remarks by referring to the deputies as, “*butt-buddies and faggots.*” According to the deputies, Captain Brown informed them that it was their job to make him (Captain Brown) look good and be the district’s “*do-bitches;*” furthermore, the captain told the deputies, “*a monkey could be trained to do their jobs*”. The deputies described this interaction with Captain Brown as, “*belittling, demeaning, enraging, and hostile.*”

Ultimately, at the direction of Captain Brown, both deputies canceled their family plans to travel to Disney World. Both deputies attended the Rolling Thunder operation on March 24, 2017. The deputies however, stated while working the operation they did not observe Captain Brown at the operation. Captain Adkins queried the computer aided dispatch (CAD) records and confirmed Captain Brown did not attend the operation, but both Deputy Yackel and Deputy Gray participated. Captain Adkins reviewed the operational plan that was distributed by Lieutenant Donaldson Taylor and confirmed Deputy Yackel and Deputy Gray were scheduled to participate; however, Captain Brown was not scheduled.

Deputy Gray informed Captain Adkins, after the aforementioned meeting with Captain Brown, he was preparing to submit a letter of resignation. Deputy Yackel told Captain Adkins after the meeting with Captain Brown, it was the first time in his career that he did not want to show up for work.

Deputy Donald Gray

On April 10, 2017, Lieutenant Sawicki conducted a sworn recorded telephone interview with Deputy Donald Gray. The following is a summary of that interview:

Deputy Gray has been employed with the VCSO for six years. Deputy Gray is currently assigned to the Traffic and Canine (TAC) in District Two as a traffic deputy.

Deputy Gray was asked about the meeting he and Deputy Yackel had with Captain Brown on March 21, 2017. Deputy Gray stated he was in the “motor office” typing a report, when Deputy Yackel asked him to report to Captain Brown’s office. Deputy Yackel informed Deputy Gray the captain wanted to speak with them regarding the Rolling Thunder operation.

Captain Brown asked Deputy Gray if he (Deputy Gray) was working on Friday (March 24th) and if not, what his excuse was for not working. Deputy Gray informed Captain Brown that he and Deputy Yackel had just finished working special events and had worked approximately 17 days in a row. Deputy Gray told Captain Brown, that if he did not have to work, he wished to spend time with his family, because he had worked so many days in a row. Deputy Gray informed Captain Brown when the operation was originally planned, only the “*on-duty motor guys*” were to participate and Deputy Gray was supposed to be off-duty on March 24, 2017. Captain Brown told the deputies, their families were not a priority to the Sheriff’s Office.

Deputy Gray stated he did not mind working the operation however, he had not had time to spend with his family in approximately 17 or 18 days, and he was ready to have a day off. Deputy Gray informed Captain Brown, that he would attend the operation on March 24, 2017.

Captain Brown and the deputies began to discuss statistics from Bike Week and the captain was concerned, because the deputies’ statistics were lower than prior Bike Week events. Captain Brown asked both deputies where they resided, and they informed him they were neighbors on the eastside of the county. Captain Brown told the deputies that their statistics were not “*up to par*” and because of that, they would not be transferred to the eastside TAC unit. Captain Brown then told Deputy Gray and Deputy Yackel that they are “*butt-buddies*” because they are partners in the traffic unit.

The deputies were informed of Captain Brown’s expectations of them while in the TAC unit and that they “*...were there pretty much to make him (Captain Brown) look good.*” Captain Brown referred to the deputies as monkeys and that a monkey could be trained to do their jobs. The captain told Deputy Gray and Deputy Yackel if they had “*...to play in the gray area to get things*

done that's what we had to do. He'd have our backs." Deputy Gray was asked what he perceived the "gray area" to be and his response was the following:

"The grey area is like you know how I do police work it's either there or it isn't. If we had to like do something that's; how I would take it as you know something that's maybe not completely legal or violating somebody's rights to get information or get things done. Police works not played in the grey area. It's either you have something or you don't have something. You can't make stuff up to get what you need, the results. That's how I personally took it."

At the end of the meeting, Captain Brown told Deputy Gray and Deputy Yackel, "*You two fags can leave my office now.*" Deputy Gray could not recall verbatim how Captain Brown excused both deputies but he was sure the captain did call them "fags" when excusing them. Deputy Gray stated he had never experienced a captain with the type of demeanor as Captain Brown.

Deputy Gray said that after the meeting with Captain Brown, he felt as though he was walking on egg shells. Deputy Gray stated he spoke to Sergeant Tara Savercool regarding Captain Brown's behavior, and Sergeant Savercool informed Deputy Gray she felt the same way after working for Captain Brown in District Three.

Deputy Gray was asked if he had witnessed any other incidents involving Captain Brown. Deputy Gray recalled typing a report in the TAC office of District Two when a deputy (later identified as Deputy Micah Stoltz) entered the office and asked if he could use the canine deputy's computer. Deputy Gray had no issue with this and Deputy Stoltz began working on the computer. While Deputy Stoltz was using the computer, Captain Brown entered the office. According to Deputy Gray, Captain Brown asked Deputy Stoltz, "*What are you doing in here? Are you a canine?*" Deputy Stoltz told the captain he was merely using the computer and Captain Brown told Deputy Stoltz to "*Get the fuck out of this office. You don't need to be in here.*"

Lieutenant Sawicki asked Deputy Gray if he knew of any other VCSO employees that had similar incidents involving Captain Brown. Deputy Gray stated Sergeant Tara Savercool and Sergeant (Jason) Mike Hattaway. Deputy Gray felt the language and demeanor used by Captain Brown was inappropriate and unbecoming of a supervisor (*See Tab – E for Official Transcript*).

Deputy Nicholas Yackel

On April 10, 2017, Lieutenant Sawicki and Detective Tara Burke conducted a sworn recorded interview with Deputy Nicholas Yackel at the VCSO Internal Affairs Office in DeLand, FL. The following is a summary of that interview:

Deputy Yackel has served with the Sheriff's Office for approximately 10 years and is currently assigned to the District Two TAC unit as a traffic deputy.

Deputy Yackel stated he was at the District Two office on March 21, 2017, and he reviewed the operations plan for Rolling Thunder. While Deputy Yackel was reviewing the plan, Captain Brown walked by the TAC deputies' office. Deputy Yackel asked the captain what time the briefing for the operation on March 22, 2017 was to take place, because the traffic unit was being utilized for an unrelated escort. Captain Brown asked Deputy Yackel if there was a reason as to why he could not attend the briefing. Deputy Yackel informed Captain Brown of the escort and the traffic unit deputies would be in their Class A uniform for the escort. Captain Brown told Deputy Yackel that he had heard from an unknown source that Deputy Yackel was heard saying, "I get paid by the hour and not the job." Deputy Yackel stated he had made this comment in jest and it was merely in a joking manner. Captain Brown told Deputy Yackel, *"I just want you to know to make this very clear that that statement, that attitude is not gonna fly anymore with this Sheriff's Office."* Deputy Yackel apologized to the captain and asked him if he was not allowed to *"joke around anymore."* Captain Brown responded by telling Deputy Yackel to, *"let your conscience be your guide."*

On the same date, a patrol deputy (later identified as Deputy Micah Stoltz) came into the TAC office and asked Deputy Yackel and Deputy Gray if he could use the canine computer, because all other computers were being used. Deputy Yackel and Deputy Gray allowed Deputy Stoltz into the office to use the computer. While Deputy Stoltz was using the computer, Captain Brown walked by the office and observed Deputy Stoltz. According to Deputy Yackel, Captain Brown asked Deputy Stoltz, *"Are you a fucking canine deputy?"* To which Deputy Stoltz responded that he was not. Captain Brown then told Deputy Stoltz to, *"Get the fuck out of their office."* Deputy Yackel could not confirm if Captain Brown's demeanor was in a joking manner or if he was serious.

After reviewing the schedule for all of the Rolling Thunder dates, Deputy Yackel observed he and Deputy Gray were scheduled to work on March 24, 2017. Deputy Yackel stated he was told traffic deputies would only work the operation on their normally scheduled days. According to Deputy Yackel, he and Deputy Gray were scheduled to be off-duty on March 24, 2017, and he had made plans to take his family to Disney World. Deputy Yackel stated he made the plans with his family, because he had not seen them in quite some time due to working special events.

Deputy Yackel approached Captain Brown in his office to speak to him about the scheduling conflict. Deputy Yackel briefed the captain on the issue and informed him that both deputies had made plans with their respective families, as it was a scheduled day off. At this point in the conversation, Captain Brown told Deputy Yackel to summon Deputy Gray to his office. When the deputies entered the captain's office, they were asked what plans they had with their families. Deputy Yackel advised he planned to take his family to Disney World and Captain Brown stated, *"Well you're not going to be able to go. You're not going to take your family to Disney."* Captain Brown then turned his attention to Deputy Gray and asked him what plans he had with his family. Deputy Gray informed the captain that he had no plans in particular; rather, he was just looking forward to spending time with his family. Captain Brown told both deputies, *"in the bigger scope of things my (Deputy Yackel's) family; when it comes to the Sheriff's Office my (Deputy Yackel's) family is not a concern."* Captain Brown informed the deputies that he had gymnastics tickets for March 24, 2017, with his family and had to cancel his plans to work the operation. Captain Brown ordered the deputies to cancel their plans and report to the operation on March 24, 2017. Deputy Yackel stated he cancelled his plans for March 24, 2017, and heeded the captain's orders.

During the meeting, Captain Brown changed the topic to his expectations for the TAC unit. Captain Brown informed the deputies that handling crashes and writing traffic tickets are *"minute"* tasks and patrolling crime laden areas is what the he (Captain Brown) wanted the traffic unit to do. Captain Brown told the deputies if they had to *"work in the gray area, I'll have your back."* Deputy Yackel was asked what he perceived the gray area to be and he stated, *"To violate people's rights."* Deputy Yackel stated he was uncomfortable with operating in the *"gray area,"* because *"people have rights."* According to Deputy Yackel, Captain Brown told him and Deputy Gray, *"motors is an easy job, monkeys can do your job."* Captain Brown told the

deputies he (Captain Brown) could train a monkey to do their job. Captain Brown referred to Deputy Yackel and Deputy Gray as the district's new "*do-bitches*" and they are to do what he says and they are only there to make him (Captain Brown) "*look good.*"

Captain Brown asked the deputies where they resided. The deputies advised the captain they resided on the eastside of the county and they are neighbors. Captain Brown responded by stating, "*Of course you guys do* (referring to the deputies being neighbors and friends) *because you're butt-buddies.*" Deputy Yackel felt with that comment Captain Brown was calling him a homosexual. Deputy Yackel explained to the captain that he wanted to be partnered with Deputy Gray, because they have worked together in the past and were friends, which is why he wanted to go to District Two. Captain Brown once more stated, "*Well of course you guys are, you guys are butt-buddies.*"

The deputies were asked if they had turned in their statistics sheets from Bike Week. Deputy Yackel informed the captain they had turned the sheets into Sergeant Thomas Tatum as he was the acting traffic supervisor. Captain Brown asked Deputy Yackel if his statistics were good and that he (Deputy Yackel) "*better wish they were good.*" Deputy Yackel took that comment as threatening in nature, that, "*if my stats weren't good that something was going to happen...*" Deputy Yackel perceived Captain Brown's demeanor and delivery of words as bullying.

When Deputy Yackel left the meeting with Captain Brown, he felt that he needed to find a new employer. Deputy Yackel stated he began a job search to see if surrounding Sheriff's Offices were hiring, because he was so upset from his interaction with Captain Brown. Deputy Yackel felt that Captain Brown's demeanor toward him and Deputy Gray was unbecoming of a supervisor at the VCSO. Furthermore, Deputy Yackel stated he had never been treated like that by people he has arrested, let alone, a supervisor employed by the VCSO.

Deputy Yackel was asked if he knows of any other employees with the agency that have been treated this way by Captain Brown. According to Deputy Yackel, he was told by Deputy Gray that Sergeant Tara Savercool had recently been mistreated by Captain Brown.

According to Deputy Yackel, he and Deputy Gray worked the Rolling Thunder operation on March 24, 2017; however, Captain Brown did not, which was contrary to what he told the deputies in the meeting on March 21, 2017. (*See Tab – F for Official Transcript*)

On April 11, 2017, Lieutenant Sawicki received a telephone call and was informed that Captain Brown may have made some racial remarks in the presence of Lieutenant Michelle Newman as to Division Chief Morgan's recent appointment to upper administration.

Lieutenant Michelle Newman

On April 17, 2017, Lieutenant Sawicki conducted a sworn recorded interview with Lieutenant Michelle Newman at the District Six office in Debary, FL. The following is a summary of that interview:

Lieutenant Newman has served with the Sheriff's Office for 18 and one half years and has been assigned to District Six as an Assistant Commander for two and one half years.

Lieutenant Newman stated she and Captain Brown responded to an aircraft crash on April 01, 2017, in the Edgewater area. Lieutenant Morgan was asked if Captain Brown made any comments regarding Division Chief Morgan's race while they were at the aircraft crash. Lieutenant Newman stated the following, *"He said that Captain Morgan was on the fourth floor (Fourth floor is slang referring to upper management/administration at the VCSO, because the offices are located on the fourth floor of the county administration building) because he was black. That he was selected basically because he was black and not because of competency."*

The lieutenant was asked how Captain Brown brought that topic of conversation up during their interaction. According to Lieutenant Newman, Captain Brown began the conversation by discussing how Lieutenant Richard Fortin was unhappy with the Watch Commander schedule. Captain Brown informed Lieutenant Newman, she should watch her back because Lieutenant Fortin was part of the *"frat club."* Lieutenant Newman was asked to expound upon what the *"frat club"* was and she stated:

"The fraternity. Part of the fraternity and that you know that I needed to watch my back with my dealings with Richard. And that kind of opened the Pandora's box of him complaining about not just Richard but Tim Morgan and Shane Summers and basically said that you know they shouldn't be there in the position

that they're in and that the Chief and the Sheriff would soon learn that they're both incompetent and that you know that he didn't feel like they should be there."

Lieutenant Newman added that Captain Brown also made disparaging comments about Lieutenant Brian Henderson, Captain Paul Kammerer in regard to being members of the "frat club."

In regards to Captain Brown's comments, Lieutenant Newman stated she felt it was inappropriate for him as a captain to be making these comments while in a public forum. (See Tab – G for Official Transcript)

Lieutenant Donaldson Taylor

On April 17, 2017, Lieutenant Sawicki conducted a sworn recorded interview with Lieutenant Donaldson Taylor at the District Three South office in New Smyrna Beach, FL. The following is a summary of that interview:

Lieutenant Taylor has been employed by the VCSO for over 20 years. He is currently the District Three Assistant Commander. Lieutenant Taylor stated he has been under Captain Brown's command for a cumulative time of approximately three years.

Lieutenant Taylor stated he could not recall if any employee had every made a formal complaint to him regarding Captain Brown's demeanor and treatment of employees. Lieutenant Taylor did recall that some employees have voiced concerns with Captain Brown's demeanor as being "harsh." Lieutenant Taylor alluded to the employees taking issue with the way Captain Brown counseled them, stating some employees took offense to his delivery of the counseling sessions.

Lieutenant Taylor was asked to describe Captain Brown's supervisory style and his response was as follows:

"I try to emulate myself after him. I mean he's, he's very forward with you. He doesn't beat around the bush. He, if there's an issue we take it head on. We pull the employees pulled in, talked to hey what were you thinking? You know. The

goal there with him is you know how did we get where we're at? Where did we make the wrong turn? Or the wrong decision so it can be corrected?"

Lieutenant Taylor was asked if he had ever heard Captain Brown demean or use profanity toward employees. According to the lieutenant, Captain Brown would use profanity when counseling employees "...to kind of bring the point home." Lieutenant Taylor gave an example by stating, "You know you were, that was stupid, or you were a dipshit. Why? That was a dipshit thing to do kind of; yeah he curses there's no doubt about it yeah."

In regards to Captain Brown's demeanor and choice of words when counseling employees, Lieutenant Taylor was asked if he felt it was unprofessional. Lieutenant Taylor said, "In my opinion, no." According to Lieutenant Taylor, Captain Brown has changed as he used to be boisterous but now he brings employees in to counsel them in order to make the agency better. (See Tab – H for Official Transcript)

Deputy Micah Stoltz

On April 18, 2017, Lieutenant Sawicki conducted a sworn recorded interview with Deputy Micah Stoltz at the Internal Affairs office in DeLand, FL. The following is a summary of that interview:

Deputy Stoltz has been employed with the VCSO for approximately three years. Since being released from the Field Training and Evaluation Program (FTEP), Deputy Stoltz has been assigned to District Two patrol.

According to Deputy Stoltz, he needed to use a computer at District Two for a work related purpose. All community computers were occupied, so he entered the TAC unit office and asked Deputy Yackel and Deputy Gray if he could use a computer in their office. The deputies allowed Deputy Stoltz to use the computer in their office. Deputy Stoltz stated while he was using the computer, Captain Brown entered the office and began to speak to Deputy Yackel and Deputy Gray. Deputy Stoltz described the conversation between Captain Brown and the traffic deputies as if Captain Brown was threatening their jobs. Deputy Stoltz could not recall what was said verbatim; however, he did recall perceiving Captain Brown threatening the employment status of

the traffic deputies. Deputy Stoltz felt Captain Brown's actions towards Deputy Yackel and Deputy Gray were not appropriate for a captain. After Captain Brown finished speaking to Deputy Yackel and Deputy Gray, he turned his attention to Deputy Stoltz. The captain asked him why he was in the TAC office. Deputy Stoltz stated Captain Brown's demeanor was authoritative, and he could not recall if the captain used profanity when addressing him. Deputy Stoltz stated he attempted to explain to the captain why he was using the computer in the TAC office; however, the captain "*got frustrated*" and walked away.

Deputy Stoltz was asked how Captain Brown's overall demeanor made him feel. The deputy stated he has only interacted with Captain Brown several times; during those interactions, he (Captain Brown) was always "*sarcastic but kind of crude.*" Deputy Stoltz elaborated on that comment by saying, "*So when he came to me it was like he was always frustrated with someone else and he just and just directed something at me...*" Deputy Stoltz never reported Captain Brown's behavior to anyone, because he "*just kind of brushed it off.*" (See Tab – I for Official Transcript)

Sergeant Brian Cobb

On April 18, 2017, Lieutenant Sawicki conducted a sworn recorded interview with Sergeant Brian Cobb at the Internal Affairs office in DeLand, FL. The following is a summary of that interview:

Sergeant Cobb has been employed with the VCSO for approximately nine years. Sergeant Cobb is currently assigned to criminal investigation for District Three North and South.

According to Sergeant Cobb, he has fallen under the command of Captain Brown for a cumulative time of approximately four years. The vast majority of this time was when Captain Brown was the assistant commander and commander of District Two while Sergeant Cobb was assigned as criminal detective.

Sergeant Cobb stated the majority of the dealings he had with Captain Brown range from 2011 to 2015. Sergeant Cobb felt that Captain Brown led through intimidation; specifically, he would threaten employees with transfers if they questioned his direction. Sergeant Cobb stated he never was insubordinate; however, when Captain Brown would give orders, the sergeant or other

employees would try to have a discussion regarding the orders, but the captain would not entertain an open discussion. Sergeant Cobb alluded to contacting the State Attorney's office regarding orders from Captain Brown. If the sergeant was right, Captain Brown took personal offense that Sergeant Cobb or other employees sought a second opinion to his orders.

Sergeant Cobb was asked if Captain Brown ever called him names or belittled him. Sergeant Cobb stated the captain frequently uses "*colorful language*" on a daily basis towards employees. Sergeant Cobb felt this was inappropriate coming from a captain, because "*...with the captain bars they hold a lot of weight and people take them to heart.*" Sergeant Cobb could not recall any specific incidents due to the time lapse from when he worked for Captain Brown. Sergeant Cobb did recall that Captain Brown would call him and employees names; specifically, if Captain Brown did not like an action from an employee he would call that person "*a retard*" or tell them they were "*stupid.*" Sergeant Cobb did add that if an employee did a good job in the captain's opinion, he (Captain Brown) would commend them.

Sergeant Cobb was asked if Captain Brown ever told him to operate in the "gray area." Sergeant Cobb stated the captain never specifically told him to work in the "gray area;" however, according to Sergeant Cobb, Captain Brown wanted to be "*the shining star, so he wanted stuff done immediately*". In Sergeant Cobb's opinion, Captain Brown wanted results whether they were lawful or not. Sergeant Cobb elaborated on that comment by stating Captain Brown wanted immediate arrests; however, in many incidents, an immediate arrest would either violate someone's constitutional rights or lead to a weak criminal case for the State Attorney to prosecute.

The sergeant was asked if he ever observed Captain Brown directly violate a citizen's constitutional rights. Sergeant Cobb stated he and Detective Seth Amrhine were called by Captain Brown to a residence in DeLand where he (Captain Brown) believed a suspect was hiding; the sergeant could not remember the date or the location. Sergeant Cobb stated when the detectives arrived to the residence, Captain Brown was standing in the living room and an elderly female was seated on a couch. Captain Brown ordered the detectives to search the residence for the possible suspect, to which the detectives obliged. The detectives did not locate the suspect during their search of the residence and its surrounding area. Later that day, Sergeant Cobb stated he and Detective Amrhine were at the District Two office, when the elderly woman's

daughter called to complain about deputies searching her mother's residence with no lawful authority to do so. Sergeant Cobb stated he did not know what came of the complaint nor did he ever find out if Captain Brown received consent from the elderly female to search her residence. Sergeant Cobb was asked who handled the complaint and he stated, "*I believe he (Captain Brown) handled it himself. Yeah he had a complaint on whether or not the consent was good. And he handled the complaint and he would have been the one that obtained the consent.*" According to Sergeant Cobb he heard "*bits and pieces*" of Captain Brown's telephone conversation with the elderly female's daughter. Sergeant Cobb recalled Captain Brown discussing the search of the elderly female's home.

Sergeant Cobb presented e-mails he had received from Captain Brown in the past. One of the e-mails regarded a burglary suspect that had trafficked stolen items to Seminole County. Sergeant Cobb stated he and Captain Brown were in a debate over whether or not Sergeant Cobb could charge the suspect with dealing in stolen property (DSP) since that occurred in Seminole County. Sergeant Cobb stated he wished to charge the suspect with DSP since the original theft was from a burglary in Volusia County; furthermore, the sergeant stated he had done this for past cases. Due to the ongoing debate with Captain Brown, Sergeant Cobb sent Assistant State Attorney (ASA) Amy Walker an e-mail seeking legal advice. ASA Walker responded to Sergeant Cobb's e-mail stating, that as long as one part of the crime (the theft) occurred in Volusia County, he could charge the suspect for the DSP in Seminole County. Sergeant Cobb stated a week after his correspondence with ASA Walker, Captain Brown sent an e-mail that required District Two personnel to carbon copy (cc) their supervisors for all correspondence that was to be sent outside of District Two. Sergeant Cobb believed this order by Captain Brown was issued, because he (Sergeant Cobb) sent the e-mail to ASA Walker to confirm that Captain Brown was unaware of the ability to charge the suspect with DSP. Furthermore, Sergeant Cobb felt Captain Brown took it personally when he found out he was incorrect in regards to the knowledge of the DSP statute. Sergeant Cobb sent the captain an e-mail to clarify the order, so that he (Sergeant Cobb) would not violate Captain Brown's direction. Captain Brown responded with a clarifying e-mail and also requested a copy of Sergeant Cobb's e-mail to ASA Walker be sent to him Captain Brown wrote, "*Also please forward me the entire e-mail you initiated with Ms. Amy Walker without deletions of items blacked out. I want the most recent e-mail with all of the forwards included.*"

Sergeant Cobb did not know definitively why the captain would make a request for his e-mail chain with ASA Walker.

Sergeant Cobb was asked if Captain Brown ever told him that it was his (Sergeant Cobb) job to make Captain Brown look good. Sergeant Cobb stated, *“Yeah I’m certain that he said something along those lines. That you know yeah we were supposed to make him look good. I recall him saying at one point that he’d do anything he needed to do to promote to major.”* (See Tab – J for Official Transcript)

Lieutenant Sawicki determined through investigative resources/databases, the call for service in which Sergeant Cobb was referring to involving the elderly woman was referenced by VCSO case number 13-29526. Lieutenant Sawicki determined the elderly woman in question may have been Matsuko Hulsey. Lieutenant Sawicki obtained a telephone number for Ms. Hulsey and contacted her via telephone. Lieutenant Sawicki asked Ms. Hulsey if she recalled the incident, to which she advised she did and she wished to speak to the lieutenant about what had transpired on October 23, 2013. Lieutenant Sawicki scheduled an interview with Ms. Hulsey at a later time as she was not available to speak formally at the time of the telephone call.

Sergeant Tara Savercool

On April 18, 2017, Lieutenant Sawicki and Detective Burke conducted a sworn recorded interview with Sergeant Tara Savercool at the VCSO District Three North Substation in Ormond Beach, FL. The following is a summary of that interview:

Sergeant Savercool has been employed with the VCSO for approximately 23 years and has held the rank of sergeant for approximately 13 years. Sergeant Savercool is currently assigned to District Three North as a patrol shift supervisor.

Sergeant Savercool informed detectives that she was under Captain Brown’s command from the end of January to March of 2017; this was the only time she had worked for the captain throughout her career. Sergeant Savercool described Captain Brown’s supervisory style as, *“Mostly like a dictator. I can’t really use the term leader in the same sentence with him. I just feel he has poor leadership skills, the way he treats people, specifically.”*

According to Sergeant Savercool, she has received contradictory e-mails from Captain Brown; specifically, for patrol shift vacancies. Sergeant Savercool stated she had two vacancies on her patrol shift, and she was having difficulty getting deputies to cover the vacancies. Furthermore, on occasion, the sergeant would have three vacancies, because one of her assigned deputies would take military leave. The sergeant made a request with Captain Brown to temporarily reassign a deputy to her shift from a dayshift position. Sergeant Savercool informed detectives, in her experience in filling vacancies, it is usually easier to fill a dayshift position, compared to a nightshift position. When Sergeant Savercool presented her possible solution to Captain Brown, he denied her request and told her the opposite shift would have to continue to fill the vacancies and the captain told her to *"suck it up buttercup."* Sergeant Savercool tried explaining to Captain Brown that the opposite shift has several deputies on specialized units that must attend training and cannot work the overtime shifts for her. Sergeant Savercool informed detectives that the vacancies were causing a morale issue, because the deputies had to work seven to twelve days in a row and she was afraid overworking deputies would have an impact on their family lives. Sergeant Savercool stated she formulated the solution to take the burden of overtime work off of the opposite shift's deputies. According to Sergeant Savercool, Captain Brown did nothing to assist her with the staffing issues.

During early February of 2017, Sergeant Savercool informed detectives her staffing woes got worse, because she had her two normal vacancies, one deputy on military leave, and a fourth vacancy due to a deputy on bereavement leave. Sergeant Savercool was informed of the deputy on bereavement leave during her weekend off in early February. Sergeant Savercool contacted Captain Brown regarding the issue of another vacancy and he told her to *"take a deep breath and we'll deal with it"*; however, according to Sergeant Savercool, she and Sergeant Jason "Mike" Hattaway were left to try and fill the vacancy with one of Sergeant Hattaway's deputies. Sergeant Savercool stated she could not wait until she returned to duty to fill the vacancy on that Monday night, because she would need to have the vacant position filled by the start of her shift. Sergeant Savercool invested a lot of time during her weekend off by sending e-mails and making telephone calls to fill the vacancy. Sergeant Savercool stated, working during her time off placed a great strain on her family life that weekend. Sergeant Savercool informed Captain Brown via e-mail that she was becoming frustrated because she could not fill the vacancy. She also informed the captain that she had invested time in filling the vacancy during her off-duty time. The captain

informed her that she needed to “*clock in*” for the time she spent working while off-duty, to which the sergeant obliged.

Sergeant Savercool stated there were a few other times in which she worked while off-duty in regards to on-call scheduling and filling vacancies. Sergeant Savercool entered two hours of productive time into her electronic timecard for each occurrence. Sergeant Savercool stated she was questioned by Lieutenant Taylor in an e-mail regarding the aforementioned overtime hours. The sergeant informed Lieutenant Taylor why she had put in for the overtime and “*he was fine with it there was no big deal.*” After her conversation with Lieutenant Taylor, Sergeant Savercool once more had scheduling issues and handled the problem in her off-duty hours and accrued two more overtime hours. Sergeant Savercool sent an e-mail to Captain Brown in regards to these hours. The captain’s e-mail response was as follows:

“Tara I need you to explain why this couldn’t have been completed on your regular shift time? Or why you couldn’t have asked your opposite sergeant to fill? Also I need to know who authorized you to work outside your normal duty hours? Please do so on your regular work hours.”

Sergeant Savercool stated that the captain’s e-mail upset her, because he was the person who had told her to put in for the overtime hours when she was forced to fill vacancies while off-duty. Sergeant Savercool responded to Captain Brown’s e-mail asking if she could call him. Captain Brown responded to her request by writing, “*I said you can’t work and not get compensated for it.*” The sergeant felt as though Captain Brown was shutting her down and she contacted Lieutenant Taylor when she reported for duty on her next shift. Sergeant Savercool described her conversation with Lieutenant Taylor as follows:

“...he says hey Tara before you get started you just need to know Charlie’s not mad at you. And I go well I said good because he has no reason to be mad at me. I didn’t do anything wrong. And you know I explained to him that I was frustrated because he’s the one who; he’s like well yeah, yeah, yeah he just doesn’t want you to put that in email format. If you need to do that you need to just text him or text Don the personal phones essentially on our personal cell phones if there’s something that’s related to that...”

The sergeant stated she was apprehensive to contact the captain and/or lieutenant on their personal telephones, because the captain had questioned her in an e-mail correspondence. Sergeant Savercool elaborated by saying, if Captain Brown was going to question her overtime hours in an e-mail, which was the overtime that she felt was authorized by Captain Brown, she was going to respond via e-mail, because she did not want to give the perception she was falsifying her timecard.

Sergeant Savercool was asked why the lieutenant would direct her to call him or the captain's personal telephones. The sergeant was unsure why this direction would be made; however, she felt with the way Captain Brown was addressing the issue was to "jam" her up. Sergeant Savercool felt this way because, *"I was like well you know how are you going to tell me something on the phone or you know in person and then come at me in a different way on an email that's not the way that it occurred so."*

The sergeant alluded to an incident in regards to following up cases. According to Sergeant Savercool, Captain Brown has a *"very micromanaging type style and kind of like an attitude of you know like a one hour TV crime show..."* meaning that the captain wanted an immediate arrest in lieu of completing a thorough investigation. Sergeant Savercool gave an example of this in which a call held at the Volusia County Branch Jail (VCBJ) for a prolonged time, due to other calls for service. Sergeant Savercool advised the call at the VCBJ was one in which an inmate had battered a correctional officer. The correctional officer had minor injuries and the sergeant called the VCBJ to inform them of a delay in response from deputies due to the abundance of calls. The personnel at the VCBJ understood and informed Sergeant Savercool they would be there all night. When a deputy was able to respond to the VCBJ to complete the investigation, the correctional officer (victim) had gone home for the evening. Deputies attempted to contact the victim via telephone; however, they were unable to make contact at the time of the initial investigation. The responding deputy documented the incident and determined that the inmate (suspect) was not going to be released from custody, there were no photographs of injuries to the victim, and deputies were unable at the time to obtain a sworn statement from the victim. Given these facts, Sergeant Savercool was uncomfortable with making an arrest that night, and she was going to have the deputy conduct a follow-up investigation with the victim at a later time. Sergeant Savercool received an e-mail from Captain Brown asking why the deputy did not make

contact with the victim at the hospital. Sergeant Savercool was unaware that the victim had gone to the hospital the night of the incident. Sergeant Savercool sent a response to the captain informing him why deputies were delayed in responding to the hospital and that the deputy who handled the initial call would follow-up. According to Sergeant Savercool, Captain Brown informed her he had a dayshift deputy complete the investigation. Captain Brown wrote in an e-mail to Sergeant Savercool that in the future, he would like if the deputy would interview the victim at the time of the initial investigation. Sergeant Savercool stated she felt inadequate as Captain Brown only criticizes her and never issues praise for a job well done.

Sergeant Savercool could not recall any other specific incidents in which she witnessed Captain Brown belittle or demean employees. She did however, state that Sergeant Jason “Mike” Hattaway expressed displeasure with the way Captain Brown has treated him in the past. (*See Tab – K for Official Transcript*)

Sergeant Jason “Mike” Hattaway

On April 21, 2017, Lieutenant Sawicki conducted a sworn recorded interview with Sergeant Jason “Mike” Hattaway at a private residence in Ormond Beach, FL. The following is a summary of that interview:

Sergeant Hattaway has been employed with the VCSO for approximately 15 years and he has held the rank of sergeant for approximately eight years. Sergeant Hattaway is currently a patrol shift supervisor in District Three North.

Sergeant Hattaway confirmed he had worked for Captain Brown while the two were assigned to District Two and a brief time in District Three. Sergeant Hattaway stated, on multiple occasions he has witnessed Captain Brown act in an inappropriate fashion towards him or other employees.

Sergeant Hattaway provided an example from his time in District Two, in which a school teacher passed out at a school in the City of DeLand. Fire Rescue/EMS personnel were “working a code” on the teacher and the school resource deputy was present. When the call came out, Sergeant Hattaway was with the school resource sergeant (James Day), who informed Sergeant Hattaway that the school resource deputy would handle any incident report that would be needed. Both

sergeants proceeded to the school and when they arrived, the teacher had already been transported to the hospital. Later in the shift, Captain Brown contacted Sergeant Hattaway and asked for an update on the teacher's condition. Sergeant Hattaway did not have the hospital's telephone number; therefore, he requested a dispatcher contact the hospital to ascertain the teacher's condition. Sergeant Hattaway stated he was informed the teacher was still alive however, in critical condition. The sergeant relayed this information to Captain Brown. Captain Brown asked Sergeant Hattaway if the teacher was still on a ventilator, to which Sergeant Hattaway did not know. Captain Brown asked Sergeant Hattaway why he did not query hospital personnel about the ventilator and Sergeant Hattaway informed the captain a dispatcher made the telephone call. According to Sergeant Hattaway, Captain Brown's response was, "*I guess you're not smart enough to call yourself. Get the phone number and call yourself.*" Sergeant Hattaway was "*highly offended*" by the captain's comment and ended the telephone call.

Sergeant Hattaway recalled when he was first assigned to District Two, Captain Brown requested Sergeant Hattaway's notes and/or his paperwork from when he (Sergeant Hattaway) attended the Southern Police Institute (SPI). Captain Brown did not explain any reasons for the request and Sergeant Hattaway felt uncomfortable e-mailing the documents, because he did not want the request to be construed as academic impropriety. When Sergeant Hattaway came to work on his next shift, Captain Brown asked him why he failed to send the documents and he (Sergeant Hattaway) should respond to e-mails in a timely fashion. Sergeant Hattaway explained his concerns to the captain and Captain Brown told the sergeant he was ordered to get the information. Captain Brown informed Sergeant Hattaway, he (Captain Brown) did not have to explain why he made the request and the sergeant should follow his directions via e-mail and do so in a timely manner, even on the sergeant's days off.

According to Sergeant Hattaway, one of the most noteworthy incidents was when one of Sergeant Hattaway's assigned deputies was habitually coming to work late. Sergeant Hattaway stated he was going to begin disciplining/counseling the deputy by issuing him a verbal counseling. Sergeant Hattaway composed the verbal counseling document and met with Captain Brown and Lieutenant Taylor. All parties agreed to keep the counseling in the deputy's field file and not obtain a supervisory discipline (SD) tracking number. The captain and lieutenant informed Sergeant Hattaway to keep the counseling in the deputy's field file for six months and

if no other incidents of being tardy occurred, the form could be disposed. After the meeting, the deputy was tardy for another shift. Sergeant Hattaway, in the spirit of progressive discipline, composed a letter of reprimand for the deputy and presented it to the captain and lieutenant. During this meeting, all parties agreed to obtain a SD tracking number for the original counseling and place the letter of reprimand in the field file for six months without a SD number. Another subsequent tardy was noted, in which the deputy may have reported to work intoxicated, which led to the start of an Internal Affairs investigation. Sergeant Hattaway completed a memorandum regarding the latest incident and forwarded it to the sheriff. Sergeant Hattaway stated, a few days went by, and he was summoned by Captain Brown for a meeting. During the meeting, Captain Brown asked Sergeant Hattaway why a SD number was never pulled for the letter of reprimand. Sergeant Hattaway reminded the captain of their previous conversation about obtaining a SD number for the letter of reprimand. Captain Brown and Lieutenant Taylor informed Sergeant Hattaway that was not true, and they never agreed to not obtaining a SD number for the letter of reprimand. Sergeant Hattaway felt when administration asked Captain Brown why a SD number had not been obtained, he (Captain Brown) did not want to be blamed, so he made the sergeant the scapegoat. Sergeant Hattaway stated, Captain Brown told him it must have been a misunderstanding; however, Sergeant Hattaway said, *“It was an absolute lie.”* This comment was in regards to the captain denying he agreed to not obtain a SD number for the letter of reprimand. Sergeant Hattaway informed Captain Brown that if he were to be disciplined for the lack of a SD number, he (Sergeant Hattaway) would appeal any discipline he received.

Sergeant Hattaway stated, every day he had to work for Captain Brown was like *“walking into a minefield.”* The sergeant described Captain Brown’s supervisory style as:

“Dictatorship. He rules out of fear and intimidation. If you acquiesce to his will then he will be good with you but if you challenge him on anything or he perceives that you’re challenging him on anything he, the beatings begin and he will target you. He will look for anything and everything he can to do to bring you down. For you to bend to his will. So it’s like a dictatorship truly.”

Sergeant Hattaway stated he did not report any of Captain Brown’s behavior because, *“He was my boss’s boss. For fear of reprisal.”* (See Tab – L for Official Transcript)

Sergeant Justin Stewart

On April 24, 2017, Lieutenant Sawicki and Detective Burke conducted a sworn recorded interview with Sergeant Justin Stewart at the VCSO Internal Affairs Office in DeLand, FL. The following is a summary of that interview:

Sergeant Stewart has been employed with the VCSO for approximately 13 years and is currently the supervisor of District Two investigations.

The sergeant confirmed he has worked for Captain Brown on two different occasions in his career. Sergeant Stewart described Captain Brown's supervisory style as direct and very condescending when he speaks to employees. Sergeant Stewart stated, Captain Brown oftentimes makes employees feel "*stupid.*" According to Sergeant Stewart, he could not recall any specific incidents in which Captain Brown demeaned or belittled him personally. Sergeant Stewart however, informed detectives he felt the way Captain Brown treated employees was not the way a captain within the VCSO should treat their subordinates. *(See Tab – M for Official Transcript)*

Summary of Deputy John Szabo's Incident Report (13-29526)

Prior to interviewing Ms. Hulsey, Lieutenant Sawicki reviewed the associated incident reports from October 23, 2013. The following is a summary of Deputy John Szabo's incident report:

Deputy John Szabo conducted a traffic stop on a black vehicle in the 700 block of Lindley Boulevard, DeLand. The driver of the vehicle later identified as Charles Hulsey had fled on foot from the vehicle once it stopped. The passenger of the vehicle remained at the scene of the traffic stop and provided Deputy Szabo with Charles Hulsey's information. Deputy Szabo was informed Charles Hulsey may have been attempting to flee to his grandmother's residence at 524 East Compton Court in DeLand. Deputies set up a perimeter and VCSO K9 Deputy Brett Whitson located Charles Hulsey in the rear of a residence on Grove Place, DeLand. Charles Hulsey was taken into custody without further incident. It should be noted that Charles Hulsey's home residence as listed on Deputy Szabo's incident report was 1625 West Beresford Avenue, DeLand and not 524 East Compton Court, DeLand. *(See Tab – R for Incident Report)*

Summary of Captain Charles Brown's Incident Report (13-29526)

Lieutenant Sawicki reviewed Captain Brown's incident report for his interaction with Ms. Matsuko Hulsey at her residence. The following is a summary of Captain Brown's incident report:

Captain Brown wrote he responded to the area of Lindley Boulevard in DeLand to backup Deputy Szabo on a traffic stop in which the driver had fled on foot. Deputy Szabo informed deputies he had made contact with the passenger of the vehicle, who informed him (Deputy Szabo) the driver (Charles Hulsey) had just come from his grandmother's (Matsuko Hulsey) residence and he may be attempting to flee to her residence. Captain Brown drove to the area of Compton Court. Upon arrival the captain ran a tag in the driveway of 524 East Compton Court the results of the inquiry showed the vehicle was registered to Matsuko Harda Hulsey. Captain Brown wrote he "*...observed an older female subject inside the house of 524 N. Compton Ave. The female, later identified as Hulsey (O-2), was peering out the window in a feverous manner looking at Captain Brown's vehicle. The female's actions appeared nervous and made Captain Brown suspicious as to who (sic) else was in the residence.*" Captain Brown approached the residence and was met outside by the female (Ms. Hulsey). Captain Brown asked "*the female*" about her grandson Charles Hulsey and she stated she had not seen him in a few days. Captain Brown informed Ms. Hulsey that he was conducting a criminal investigation and "*he was aware that Charles was just there and she was lying.*" Captain Brown informed Ms. Hulsey what led him to believe Charles Hulsey had returned to the residence and he wrote "*Ms. Hulsey (O-2) continued to lie to Captain Brown. Captain Brown detained Ms. Hulsey by handcuffing her. Captain Brown asked Ms. Hulsey if there was anyone else in the house. She said no. Captain Brown then asked if we could go inside and she said yes. Both parties went inside where Ms. Hulsey was asked to sit on the couch. Captain Brown did a cursory check of the interior of the residence too (sic) see if anyone else was there. Due to being alone Captain Brown was unable to do a detailed search.*" Captain Brown requested investigators Amrhine and Cobb respond to the scene to "*check the residence for the suspect.*" Neither Charles Hulsey, nor anyone else was located inside or outside of the residence of Ms. Hulsey. According to Captain Brown's report, a few minutes later, deputies apprehended Charles Hulsey. Captain Brown removed the handcuffs

from Ms. Hulsey and continued a conversation with her, specifically asking why she lied to him. Captain Brown wrote: *“She said she did not know why. She said Charles was only there to get some money. She acknowledged she shouldn’t have lied. Captain Brown told Ms. Hulsey that she could go to jail for obstructing but he did not want to do that.”* It should be noted nowhere in Captain Brown’s incident report does it specifically articulate that he asked and received consent to enter and search Ms. Hulsey’s residence. *(See Tab – R for Incident Report)*

Ms. Matsuko Hulsey

On April 27, 2017, Lieutenant Sawicki and Detective Bennett conducted a sworn recorded interview with Ms. Matsuko Hulsey at 524 East Compton Court in DeLand, FL. The following is a summary of that interview:

Ms. Hulsey informed detectives that she is 84 years of age and was born in Japan. Ms. Hulsey is currently unemployed as she is retired.

Ms. Hulsey recalled the events from October 23, 2013, at approximately 1030 hours. Ms. Hulsey stated she observed a black in color, unmarked vehicle with tinted windows parked in front of her residence. Ms. Hulsey stated she kept the vehicle in her sight as she was awaiting the occupant(s) to exit. Ms. Hulsey stated a deputy sheriff exited the vehicle and began walking towards her residence; at this point, she exited her residence to make contact with the deputy. Upon making contact with the deputy, he asked Ms. Hulsey if *“Charlie is here.”* Ms. Hulsey informed the deputy (Captain Brown) that Charlie was not there, and that she did not know he (Charlie Hulsey) was in trouble at the time. Captain Brown asked Ms. Hulsey if her grandson lived with her or had come there recently and she answered no to both queries. According to Ms. Hulsey, Captain Brown accused her of *“lying to a police officer you’re going to go to jail.”* Ms. Hulsey stated, Captain Brown once more asked if her grandson was at the residence and she said, *“No he not here. He tell me you lying and he handcuffed me back.”* Detectives confirmed Ms. Hulsey was handcuffed by the captain behind her back and she stated, *“Yeah.”* Ms. Hulsey described what happened after she was handcuffed by stating the following: *“You know where am I going to go eighty-year-old. I can’t even run. So he handcuffed me so I’m not gonna sit there outside because I’m gonna come inside. I tell, I don’t say nothing. I just come inside.”*

Ms. Hulsey confirmed after she was handcuffed, Captain Brown did not escort her inside; rather, she walked inside because she did not want to sit down outside. Captain Brown followed Ms. Hulsey inside of her residence and began "*looking around.*" Ms. Hulsey was asked if Captain Brown ever asked for consent to enter and/or search her residence and she stated, "*No. He just come in looking. But I should have asked for the paper (referring to a search warrant) you know you have you know but I no ask a nothing and then he just come in. He look here.*" Ms. Hulsey informed detectives, Captain Brown entered several rooms within her residence searching for Charles Hulsey; however, he did not search every room of the residence, because he was "*all by himself.*" While the captain was searching various rooms of the residence, Ms. Hulsey continued to tell him that her grandson was not at the residence. Ms. Hulsey stated two deputies in street clothes came to her residence to back-up the captain. The captain ordered the investigators to search the remainder of the residence. When the investigators began searching all the rooms of her residence, Captain Brown stayed with Ms. Hulsey in the living room. Ms. Hulsey once more informed the captain that her grandson was not present, and she did not know where he was.

A short time later, Captain Brown received a telephone call informing him deputies had located her grandson. According to Ms. Hulsey, Captain Brown told her, "*I'm lucky today you don't have to go to jail.*" Captain Brown un-handcuffed Ms. Hulsey and asked her if she had ever been to jail in the past, and she informed the captain she had never been arrested. Captain Brown then left the residence.

Ms. Hulsey stated Charles Hulsey was not living with her at the time; rather, another grandson resided with her at that point in time. According to Ms. Hulsey, Charles Hulsey resided with her approximately 10 years ago, but not on October 23, 2013. Ms. Hulsey stated she evicted Charles Hulsey due to his criminal history.

Ms. Hulsey confirmed at no time during her encounter with Captain Brown did she give him consent to search her residence. Ms. Hulsey stated the encounter made her feel afraid, because she has never been "*in trouble.*" Ms. Hulsey informed detectives she felt that Captain Brown was prejudice towards her and he acted like a "*conceited prick.*"

After Captain Brown left Ms. Hulsey's residence, she contacted her daughter via telephone to inform her of the incident. Ms. Hulsey's daughter was angry with the information her mother

told her, so she called the VCSO District Two Substation. According to Ms. Hulsey, her daughter never informed her of the outcome of her telephone call to the VCSO. Ms. Hulsey said her daughter left a message and never received a telephone call back. No one from the VCSO had contacted her regarding this incident, until Lieutenant Sawicki contacted her via telephone regarding this investigation. When asked why she didn't pursue the complaint on Captain Brown, Ms. Hulsey stated the following: *"I don't want to cause trouble you know I don't want it. You know what am I going to do? Complain about police what you guys do? You'd probably laugh at it. Yeah. Look at here this eighty-year-old Oriental woman come in complain about something you know."* Ms. Hulsey concluded by stating she felt her complaint would not have been taken seriously. Prior to the conclusion of the interview, Ms. Hulsey provided detectives with her daughter's name (Ms. Joanne Fischer) and telephone number. *(See Tab – O for Official Transcript)*

Detective Seth Amrhine

On April 28, 2017, Lieutenant Sawicki and Detective Bennett conducted a sworn recorded interview with Detective Seth Amrhine at the Internal Affairs Office in DeLand, FL. The following is a summary of that interview:

Detective Amrhine has been employed with the VCSO for approximately seven years, and he is currently assigned to the Major Crimes Unit (MCU). Prior to being assigned to the MCU, Detective Amrhine was assigned to investigations and patrol in District Two.

Detective Amrhine stated he fell under the command of Captain Brown for a number of years in District Two. Detective Amrhine stated he has witnessed Captain Brown on numerous occasions use profanity toward employees in a joking and/or demeaning manner. Captain Brown would oftentimes refer to his subordinates as, *"You fuckers or you faggots."* Detective Amrhine could not confirm that this behavior occurred on a daily basis; however, it would happen *"on a regular basis."* Detective Amrhine informed detectives, this behavior would occur in case management meetings or in open door office settings in which other employees would be able to hear him.

According to Detective Amrhine, Captain Brown would use derogatory statements to employees as a form of verbal discipline in lieu of formal disciplinary action. During the verbal reprimands, Captain Brown would often call employees, "*fuckers.*" Detective Amrhine told detectives he had never been spoken to in this manner by any other captains from the VCSO. Detective Amrhine said he tried not to allow Captain Brown's behavior to bother him, as he did not have a personal relationship outside of the workplace with Captain Brown. According to Detective Amrhine, he did not report the behavior of Captain Brown because he did not allow it to bother him on a personal level. Detective Amrhine felt Captain Brown's demeanor and approach to employees was very inappropriate, and he did not feel this behavior is a proper way for reprimanding an employee.

Detective Amrhine recalled the incident involving Captain Brown and Ms. Hulsey. Detective Amrhine stated he and Sergeant Cobb (at the time Detective Cobb) were traveling to get food, when Captain Brown called Sergeant Cobb. Detective Amrhine described the telephone call as quick and "*frantic.*" Captain Brown asked where the detectives were, and he ordered them to respond to Compton Court in DeLand. When detectives arrived on scene, they observed the captain's car; however, they were unaware of which residence to respond to as Captain Brown did not provide a numerical address. One of the detectives called the captain on the telephone to determine which residence to respond to. Captain Brown frantically described where he was, and the detectives approached the residence of Ms. Hulsey. Captain Brown answered the door and let the detectives into the residence. Detective Amrhine described observing Ms. Hulsey seated on a couch, secured in handcuffs (behind her back) in the living room. Detective Amrhine could not recall what Ms. Hulsey was saying to Captain Brown; however, he did recall she was upset with the captain. Captain Brown "*had some words with her back and forth...*". Detective Amrhine found it peculiar that Captain Brown had Ms. Hulsey handcuffed, and he had his back to the residence as he was speaking to her. The detective felt this would be an officer safety issue if there was in fact someone within the residence that had just fled from law enforcement. Captain Brown ordered the detectives to search the residence; however, the captain did not tell the detectives if he had gained consent to search the residence. Detective Amrhine, stated he did not question whether the search was consensual in nature because of Captain Brown's rank. After searching the residence, Detective Amrhine informed Captain Brown no one else was located within the residence. Captain Brown and Ms. Hulsey once again engaged in conversation.

Detective Amrhine was asked if he could recall what the topic of conversation was, and he stated Captain Brown was accusing Ms. Hulsey of harboring her grandson. Detective Amrhine stated he and Sergeant Cobb left the residence after they searched for Charles Hulsey.

Later in the day on October 23, 2013, Detective Amrhine reported to the District Two Substation. Detective Amrhine stated he knew someone had made a complaint regarding what transpired at Ms. Hulsey's residence, however he did not know who made the complaint. Detective Amrhine stated Ms. Kathy Burnsed was the receptionist at District Two, and she received a telephone complaint. Ms. Burnsed informed Captain Brown the complainant was calling in reference to the incident. According to Detective Amrhine, Captain Brown stated, *"...I'll handle that or I'll take care of the or I'll take it in my office or something like that. Like he was going to talk to her. Whoever it was."* Detective Amrhine did not know the outcome of the telephone conversation between Captain Brown and the complainant.

Detective Amrhine was asked why he felt no one had made a complaint on Captain Brown to a higher ranking member in the chain of command, and the detectives response was as follows:

"I believe probably because of repercussions or potential backlash from Captain Brown because there had been mention in the past of things like if you're going to take a headshot at me you better aim high. Stuff like that. That was never directed towards me but it was directed towards people I worked with and it was; there was a kind of feeling that he would probably say what he needed to, to, to lessen the blow to him if there was any such complaint or anything like that and probably try to basically throw counter accusations to people that maybe brought up, lodge a complaint against him."

(See Tab – N for Official Transcript)

Ms. Joanne Fischer

On May 01, 2017, Lieutenant Sawicki conducted a sworn recorded telephone interview with Ms. Joanne Fischer. The following is a summary of that interview:

Ms. Fischer currently resides in Sarasota, FL, and is employed by the Sarasota Teachers Association.

Ms. Fischer confirmed she is the daughter of Ms. Hulsey and on October 23, 2013, she received a telephone call from her mother, regarding an incident with the VCSO. Ms. Fischer stated her mother was very upset, because deputies came to her residence and threatened her (Ms. Hulsey) with arrest if she did not tell them where Charles Hulsey was located. Ms. Fischer stated, she was informed the deputy handcuffed her mother and proceeded to search the residence, looking in all the bedrooms. Ms. Fischer said her mother was very upset after the incident, because she was handcuffed, and *“he was just treating her like a criminal...”* According to Ms. Fischer, her mother was very afraid and she did not understand what had transpired to lead law enforcement to her residence. Ms. Fischer stated she never asked her mother if she gave law enforcement consent to search her home, thus she could not testify to that topic.

After ending the telephone conversation with her mother, Ms. Fischer contacted the VCSO. Due to the amount of time between the incident date and this investigation, Ms. Fischer could not recall specifically when she contacted the VCSO. Ms. Fischer could not recall the name of the person she spoke with; however, she asked if there was a report regarding the incident. The person she had spoken with told Ms. Fischer they would get her a report and he asked for her personal information. Ms. Fischer stated, she never heard from the VCSO employee with whom she had spoken. Ms. Fischer said she was very upset no one called her back, that she was going to try to contact then Sheriff Ben F. Johnson to pursue the issue, however it was too upsetting for Ms. Hulsey, that she decided it would be best not to pursue a complaint.

Ms. Fischer reiterated she never received a follow-up telephone call or a copy of any incident report regarding the incident at her mother’s residence on October 23, 2013. Ms. Fischer expressed, she and her mother were extremely troubled by Ms. Hulsey being placed in handcuffs, given her age. Ms. Fischer said in the aftermath of the incident, her mother was *“really distraught.”* Ms. Fischer informed Lieutenant Sawicki, at no point during her conversation with the VCSO employee, did he allude to the fact that he was involved in the incident. Ms. Fischer concluded the interview by stating, *“Because I wanted to talk to somebody’s supervisor. I would have never filed a complaint with the person that did it.”* (See Tab – P for Official Transcript)

Captain Charles Brown

On May 18, 2017, Lieutenant Sawicki and Detective Tara Burke conducted a sworn recorded interview with Captain Charles Brown at the Internal Affairs Office in DeLand, FL. The following is a summary of that interview:

Captain Brown has been employed with the VCSO for a cumulative time of 22 years. Captain Brown is currently assigned as the commander for District Three North and South. Prior to this assignment, Captain Brown was commander of District Two and District Five (now District Three South). Captain Brown has held the rank of captain since 2013.

The supervisor's inquiry completed by Captain Paul Adkins was brought up to Captain Brown. The captain was asked to describe his interaction with Deputy Yackel and Deputy Gray on March 21, 2017. Captain Brown stated he was in District Two walking back to his office, when he observed a deputy (Stoltz) in the TAC Unit cubicle. Captain Brown stated he patted the deputy on the shoulder and said, "*Hey man, you a K-9 deputy?*" The deputy stated no, and the captain asked why he was on their (TAC Unit) computer. According to Captain Brown, he was joking during his interaction with Deputy Stoltz. Captain Brown stated, the next cubicle was the traffic deputies' office space and as he walked by, he observed the cubicle was decorated. Captain Brown observed two traffic deputies sitting in the cubicle on their "*butts.*" Captain Brown was "*struck by this,*" referring to the decorations in the cubicle, because the traffic deputies should be on the road more than in the office. Captain Brown engaged the deputies (Yackel and Gray) in conversation and asked them if they received their statistics from Bike Week. The deputies answered in the affirmative and Captain Brown asked them if the statistics were "*good.*" Again, the deputies answered in the affirmative and according to Captain Brown, Deputy Yackel "*said something smart-aleck back. It wasn't anything disrespectful.*" Captain Brown replied by also "*saying something smart-aleck back to him (Deputy Yackel).*" Captain Brown said he told Deputy Yackel that he had heard Deputy Yackel made a statement that he

(Deputy Yackel) gets paid by the hour¹. Deputy Yackel responded to the captain by asking him if he could not make jokes around the office any longer (implying the “paid by the hour” comment was a joke). Captain Brown informed Deputy Yackel that he could joke; however, certain things “aren’t funny anymore.” Captain Brown stated he and Deputy Yackel continued the conversation back and forth; however, he could not recall what was specifically said. Captain Brown ended the conversation by informing Deputy Yackel to “*let your conscience be your guide.*”

Captain Brown walked into his office after the conversation and a short time later, Deputy Yackel knocked on the open door to the captain’s office and asked the captain if he could “*clear the air a little bit.*” Captain Brown informed Deputy Yackel that he (Yackel) can’t just say what he wants that it “*...isn’t the old way. There’s a new way here. Laziness is not tolerated.*” According to Captain Brown, he continued to counsel Deputy Yackel on how he was in a specialized unit and laziness and/or comments that alluded to laziness will no longer be tolerated. Captain Brown stated during this conversation, there was “*no screaming or yelling.*” Captain Brown shifted the focus of the conversation to a study of traffic crashes in the District Two area and the traffic unit’s schedule. While the two were talking about scheduling, the captain requested Deputy Yackel summon Deputy Gray to his office so the three could have a discussion. During the discussion, the traffic deputies brought up the traffic crash study, and Captain Brown asked them to elaborate on the study. Captain Brown asked the deputies if the study articulated specific days of the week and times when the most traffic crashes occur, and the deputies answered him in the affirmative. Captain Brown asked the deputies if only a small portion of their job function was traffic crashes, and according to the captain, the deputies said yes. The discussion then returned to the traffic unit’s schedule which was Monday through Friday. The captain asked how the traffic unit does weekend tasks, if there schedule is only during weekdays and he was informed they flex their hours as needed to accommodate weekend tasks.

¹ Captain Brown stated he had heard from Captain David Brannon that Deputy Yackel made this comment to Sergeant James Whittet, regarding a DUI and Sergeant Whittet took this as a lazy comment from Deputy Yackel; furthermore, it has been alleged Deputy Yackel has a concept of 10 by 10 referring to writing 10 traffic citations by 10AM and doing no proactive work the remainder of a shift. Captain Brown alluded to the paid by the hour comment as meaning Deputy Yackel was a lazy deputy.

The captain brought up the Rolling Thunder operation that was occurring the same week as this discussion. Captain Brown was informed by Deputy Yackel that he and Deputy Gray were not working the Rolling Thunder operation when it was in the District Two area. Captain Brown asked why the deputies would not be working the operation when it was in the district they were assigned to. Deputy Yackel informed the captain it was their normally scheduled day off and they had plans with their respective families. Captain Brown informed the deputies that they could get paid overtime, if they were unable to change their schedules to accommodate the Rolling Thunder operation. Deputy Yackel informed Captain Brown he had plans to take his family to Disney World. Deputy Gray informed Captain Brown he did not have particular plans scheduled, he just wished to spend time with his family. According to Captain Brown, he told the deputies he appreciated that they wanted to spend time with their families; however, the operation was planned six weeks in advance. Furthermore, the captain said he was unsure why their prior supervisor did not inform them of the Rolling Thunder operation and have the deputies adjust their schedule. Captain Brown said he didn't want the District Two traffic deputies to not be a part of the operation when it was taking place within their assigned district because it would not look good. Captain Brown said had Deputy Yackel informed him he had purchased lodging or other tickets at Disney World, he could "*defend that.*" *I can't defend well he was going to Disney with his family on Friday.*" Deputy Yackel informed Captain Brown he and Deputy Gray had just finished working many days for Bike Week. Captain Brown however, stated when a deputy is assigned to a traffic unit, it is well known that Bike Week and special events are peak times for the traffic unit to be utilized. According to Captain Brown, Bike Week was slow in 2017 and there were weather issues, and deputies did not work as many hours due to inclement weather.² Captain Brown felt the deputies were being lazy and unwilling to work the Rolling Thunder operation. Captain Brown stated "*...the sheriff and the chief [Deputy] look at the specialized units as their special people. They're held to a higher standard.*" Captain Brown informed the deputies that the Rolling Thunder operation was conceived from Sheriff Chitwood and that he (Captain Brown) was sorry about their families, but they would have to work as the

² It should be noted Bike Week in 2017 was from March 10th to March 19th. A historical precipitation data search was conducted via the National Weather Service's (NWS) website for the dates of Bike Week. The 12th had .22" of rain, the 13th had .30" of rain, and the 14th had .12" of rain; all other dates had no precipitation. The NWS gathered this data from the Daytona Beach International Airport. A review of the Bike Week After Action Report and Deputy Stats Sheet showed both Deputy Yackel and Deputy Gray worked every day of the event. Their shifts ranged from eight to twelve hours per day.

operation was a priority. According to Captain Brown, Deputy Yackel “*snapped back*” by telling the captain “...*if your family is not a priority to you but my family is a priority to me and I want to spend some time with my family.*” Captain Brown told Deputy Yackel, that he was not trying to say his (Deputy Yackel) family was not important; however, the Rolling Thunder operation is also important and a priority. Captain Brown said he had to cancel a gymnastics event with his family during Bike Week to work and he too had to make familial sacrifices. According to Captain Brown, he was trying to mentor the deputies and inform them that when the sheriff or chief deputy wants the deputies to do something, they must do what is asked of them.

The deputies were informed their roles within the district would be changing, and they would be deployed more in high crime areas. Captain Brown told the deputies writing citations was no longer a priority; rather, speaking to people and completing field interview cards after gaining information from people they stopped. Deputy Yackel told Captain Brown that the traffic unit’s statistics may decrease with this philosophy and the captain told him “...*any monkey can sit on the side of the road and do a radar ticket.*” Captain Brown said the deputies understood and were “*amicable and it was friendly.*” Captain Brown then informed the deputies that sometimes, they would have to be the “*do-boys*” for the district to accomplish certain tasks or requests from command staff. Again, according to Captain Brown, the deputies understood and the three made several jokes back and forth. Captain Brown said at no point during the meeting was it contentious, and the majority of the time, the captain was mentoring them.

Detectives asked Captain Brown if he told the deputies their families were of no concern to the VCSO and he stated, “*No. I never would have said that.*” Captain Brown stated he did not work the Rolling Thunder when it was held in District Two because he received permission from Chief Deputy Creamer to be excused from the event when it was to be held in his district. According to Captain Brown, he had a wedding and when the Rolling Thunder operation was planned, he was the Eastside commander and chose dates that would not conflict with the wedding. Captain Brown was queried if he called the deputies “*faggots*” and/or “*butt-buddies.*” Captain Brown stated he called the deputies, “*butt-buddies.*” He however did not mean this in a derogatory, homosexual manner; rather, he justified the comment by stating the following, “...*I remember them sitting on their butts and they’re buddies and the picture of those two guys in this*

little cubical sitting, sitting together all I could think of was when they said they were buddies and they're best friends and all that." Captain Brown was asked if he clarified his meaning of the term "*butt-buddies*" with the deputies because it could be perceived as a derogatory, homosexual statement and he said, "*It was never an issue.*" Captain Brown denied calling the deputies "*faggots.*" Captain Brown denied telling the deputies it was their job to make him look good, and that he told the deputies they were his "*do-bitches.*" Captain Brown said he did not at any point tell the deputies, if they worked in the "*gray area*" he would have their backs.

In regards to his interaction with Deputy Stoltz in the TAC unit cubicle, Captain Brown maintained that he was being sarcastic and joking with the deputy, and he was unaware his dialogue was perceived as hostile or threatening. Captain Brown was also asked about how Deputy Stoltz perceived the captain's interaction with Deputy Yackel and Deputy Gray to be threatening their jobs. Captain Brown said it was bothersome to him, and he understood how it could be perceived in that manner.

Detectives referred to the aircraft crash, in which Captain Brown and Lieutenant Newman responded to in the Edgewater area. Captain Brown was asked if he told Lieutenant Newman that Division Chief Morgan was promoted to upper management because he was "*black.*" Captain Brown's response was, "*No. I absolutely did not say that.*" Captain Brown stated, when he arrived at the aircraft crash, he met with Lieutenant Newman and she apologized for not contacting him because she had forgotten he was transferred to the Eastside of the county. During the conversation, Lieutenant Newman informed Captain Brown she had scheduling issues with another lieutenant regarding the weekend daytime watch commander schedule. According to Captain Brown, he and the lieutenant had a conversation regarding the "*frat boys.*" The captain said "*frat boys*" is a common term used around the agency since the 2016 election for sheriff, and it was a group of agency members who supported Captain Eric Dietrich for sheriff. Captain Brown elaborated by stating he considered the members of the "*frat boys*" to be Captain Paul Kammerer, Captain Shane Summers, Lieutenant Richard Fortin, and Sergeant Thomas Tatum. Captain Brown said he has had a great working relationship with Division Chief Morgan and would not make a comment regarding his ethnicity. Captain Brown informed detectives he felt Division Chief Morgan fit the mold of what Sheriff Chitwood desired to have in upper management, due to his SWAT and law enforcement experience.

Captain Brown said that he has never called employees names such as, *“retard, stupid, faggots, or fuckers.”* The captain said, *“No I don’t think that I’ve ever called employees bad names that were offensive. Have I cursed in front of employees? Yes.”* Captain Brown said he would never berate an employee. According to Captain Brown, when he is angry, he tends to be more quiet and subdued and chooses what he is going to say, but when he is joking or in a jovial conversation, he tends to be louder and use more profanity. Captain Brown stated it was bothersome to him that the witnesses in this investigation labeled him as a *“dictator”*; the captain said he tries to make the workplace fun and light hearted. Captain Brown however, also tells his employees he has high standards for them and expects a high level of professionalism. According to Captain Brown, he feels some of the witnesses may not like that he is direct and holds them accountable. Captain Brown informed detectives, on a frequent basis he would provide employees with positive employee performance notices (EPN) for a job well done.

Captain Brown described his supervisory style as *“hands on”* and stated, *“It’s not that I don’t respect the chain of command. I do respect the chain of command; however, I have no problem with going directly to a deputy and talking to a deputy about whatever.”* Captain Brown stated he has an open-door policy and welcomes deputies or other employees to come speak to him anytime. According to the captain, he solicits feedback from employees when he has an idea or a new way of conducting business. Captain Brown said he felt his supervisory style is appropriate.

Captain Brown was asked if he rushes employees to make premature arrests. Captain Brown stated he did not and referred to the child abuse case that Sergeant Cobb informed detectives about. According to the captain, he approached Sergeant Cobb about the incident to obtain a case status. Sergeant Cobb informed him the investigation was held up because the Department of Children and Families was having difficulty conducting an interview (CPT) with the victim. Captain Brown informed Sergeant Cobb that if he needed anything from him (Captain Brown) to let him know, and the conversation was ended. Captain Brown said he never rushed Sergeant Cobb into completing a case prematurely. Captain Brown said he only motivated employees on cases when they were stagnant and the detectives were not actively pursuing leads. Captain Brown admitted he and Sergeant Cobb had a personality conflict. Anytime the captain would send work back to Sergeant Cobb, he allegedly would take personal offense to the work being sent back for corrections.

Captain Brown then brought up Sergeant Savercool's testimony during this investigation. Captain Brown specifically spoke about the correction's officer that had been battered by an inmate. The captain sent Sergeant Savercool an e-mail regarding the status of the case. When Captain Brown did not see a supplemental report, he questioned the case status. Captain Brown informed Sergeant Savercool this case was a minor case, and a deputy should have been able to go to the jail, conduct interviews, and complete a charging affidavit. Captain Brown stated he felt he was professional in his e-mail correspondence with the sergeant regarding this incident. Captain Brown said he felt Sergeant Savercool took personal offense to every e-mail or other correspondence he had with her.

Detectives asked Captain Brown if he or Lieutenant Taylor ever told employees to contact them on their personal telephones only. Captain Brown said he always gives employees his county issued and personal telephone numbers. The captain told employees, "*...if you had something that was questionable or smart-aleck don't do it on the county phone. Do it on personal phone.*" When Captain Brown was asked to elaborate on what he meant by questionable he said, "*Joking manner. A, a something that's smart ass. Something that, something that wouldn't be viewed positively in the public eye.*"

Captain Brown was asked about Sergeant Savercool's allegations regarding filling vacant zones. Captain Brown said he moved a deputy from a swing shift position to permanently fill a zone on Sergeant Savercool's shift. Captain Brown said he did not want the district to work a zone short and when he observed Sergeant Savercool's shift worked a zone short, he sent an e-mail to her and other employees informing them that they would need to order someone in to work the vacant zone in the future. Captain Brown said he arranged for a deputy to transfer to District Three North from District Three South, and he assigned that deputy to Sergeant Savercool's shift to fill a vacancy. Captain Brown informed detectives, he was fine with sergeants adjusting deputies' schedules, so long as the minimum staffing levels were met. Furthermore, he spoke to Sergeant Hattaway and told him to have his deputies work the vacancies on Sergeant Savercool's shift.

The captain was asked about Sergeant Savercool's testimony in which he allegedly told her to "*suck it up buttercup.*" Captain Brown stated he told that to her; however, he was referencing Sergeant Hattaway's shift needing to cover the vacancies on Sergeant Savercool's shift.

Detectives asked Captain Brown if he recalled responded to 524 East Compton Court in DeLand on October 23, 2013. The captain said he did remember and he recalled his interaction with Ms. Hulsey. Captain Brown informed detectives he assisted District Two deputies with a driver of a vehicle that fled on foot during a traffic stop. Captain Brown said he was told the subject of the traffic may be attempting to flee to an address on Compton Court. When the captain arrived on Compton Court, he ran tags to determine which residence the subject may be fleeing to. Captain Brown ran a tag at 524 East Compton Court and found the vehicle was registered to Ms. Hulsey and assumed she was related to the subject fleeing (Charles Hulsey). Captain Brown could not recall where he parked in the cul-de-sac in relation to Ms. Hulsey's residence. Captain Brown said he observed an elderly female later identified as Ms. Hulsey, peering out of a window in the residence and Captain Brown felt this was "*suspicious.*" Captain Brown exited his vehicle, and Ms. Hulsey met him outside in the driveway of her residence. Captain Brown asked Ms. Hulsey about her grandson, to which Ms. Hulsey informed the captain she had not seen him and that he had not been to her residence. Captain Brown informed Ms. Hulsey, deputies were looking for her grandson as he fled from a traffic stop. According to Captain Brown, Ms. Hulsey denied that her grandson was at the residence at the time of the captain's investigation, and that he was not there prior to the investigation. Captain Brown said:

"She, she continued to lie to me she continued to act suspicious. At that point I didn't know how far necessarily that where this occurred and where he was I didn't you're talking about in the woods. I really couldn't tell I didn't know when he was gonna be there or not so I detained her, I handcuffed her and detained her outside while we were having our conversation."

Captain Brown told detectives, in his opinion, he felt he had sufficient, probable cause to arrest Ms. Hulsey for Resisting Arrest without Violence or Interfering with a Felony Investigation. Captain Brown justified this by stating, "*...which I thought I was and she was, she was lying to me in the course of a felony investigation. I felt as though that at that point in time with the information that I had at that time I was appropriate to detain her.*" Captain Brown asked Ms. Hulsey if anyone was inside the residence, and she answered in the negative. According to Captain Brown, he asked Ms. Hulsey if they could go into the residence and she said yes. Once inside the residence, Captain Brown had Ms. Hulsey sit on a couch in the living room. The

captain called Sergeant Cobb and Detective Amrhine and asked them to respond to his location and assist him in searching the residence. Captain Brown said he wanted to get into Ms. Hulsey's residence to ascertain if Charles Hulsey was inside and if he wasn't, he did not want Charles Hulsey to observe him standing outside if he was fleeing to Ms. Hulsey's residence. According to Captain Brown, he then asked Ms. Hulsey if he could search the residence, and she said yes. Captain Brown stated while he was awaiting the arrival of detectives and during the search, he had casual conversation with Ms. Hulsey. Captain Brown said during this interaction with Ms. Hulsey, she was calm and did not tell him to leave her residence. When the detectives arrived on scene, Captain Brown instructed them to search the residence for Charles Hulsey; the search determined Charles Hulsey was not inside or around the residence. After the search, Captain Brown engaged Ms. Hulsey in another conversation regarding her veracity and why she "*would take the fall for him.*" According to Captain Brown, Ms. Hulsey at this time informed him that prior to this incident, her grandson came to the residence for money; however, he did not return once he left. Captain Brown said after the search and subsequent conversation with Ms. Hulsey, he opted to not place her under arrest. Captain Brown then un-handcuffed Ms. Hulsey and responded to the location deputies located Charles Hulsey.

Captain Brown was asked to clarify when he asked Ms. Hulsey for consent to search her residence. Captain Brown informed detectives he would have asked for consent to search the residence, when he asked Ms. Hulsey if they could go inside once she was placed in handcuffs. This comment was contradictory to Captain Brown's initial statement, in which he said he asked for consent to search the residence once he and Ms. Hulsey were inside the living room and she was seated on the couch. Captain Brown was asked if he articulated the fact that he received consent to search Ms. Hulsey's residence in his supplemental incident report. Captain Brown responded by saying the following:

"You know after reading it everything else but that and I believe I can only assume back at the time when I wrote this I'm gonna try and find the right... I asked Hulsey if anybody was in the house she said no then I asked if we could go inside the house and she said yes. At the same time I would have asked her if we could search the house or at the same time. You know when I wrote that I probably assumed that I covered the consent portion of it and I obviously you

know if I was writing the report today I would make sure that was in there but back then I, I should have made that more clear.”

Detectives referenced Ms. Hulsey’s testimony, in which she stated she was handcuffed and freely walked inside the residence. Captain Brown denied allowing Ms. Hulsey to walk into her residence unescorted. The captain said the two had a “*gentle conversation*” and they walked into the residence together, so she could be comfortable.

Captain Brown was asked why, if the conversation was “*gentle and non-contentious*” and if Ms. Hulsey was not a flight risk, why he placed her into handcuffs. Captain Brown stated he had to worry about Ms. Hulsey and her actions, coupled with the fact if her grandson was inside or fled to the residence while the captain was present. Captain Brown was asked specifically, what charges and/or elements of a crime he had to place Ms. Hulsey into handcuffs. The captain responded by stating:

“At the time? I believed that the, the that we were investigating a felony I thought it was fleeing and eluding at the time and looking back on it that it wasn’t I just thought it was. The she was lying to me she was obstructing my investigation. She wasn’t, I knew that the information that we had got wasn’t true wasn’t accurate and I felt like she could be harboring him in there and in the course of my felony investigation and I don’t have the statute in front of me. It’s not necessarily obstruction but there a, there’s a statute that in the course of a felony investigation if a person provides false information they could be charged. And that’s, that’s what I was looking towards. You know at the end of this I chose not to arrest her I didn’t think it was the right thing to do to you know under the circumstances. She was trying to protect her relative I get that. It’s wrong and it’s illegal but in my mind it’s illegal but that’s why I did what I did.”

Captain Brown confirmed to detectives that at the time of his investigation with Ms. Hulsey, Charles Hulsey was not in the residence nor was Ms. Hulsey harboring him. Captain Brown said Ms. Hulsey was deceitful in the fact that her grandson was at her residence prior to the incident with Deputy Szabo.

Detectives asked Captain Brown if he had Ms. Hulsey sign a consent to search form, to which the captain did not. Captain Brown was provided with a VCSO *Voluntary Consent to Search Form*. Captain Brown was asked to read the parameters and guidelines on the form that articulated what a voluntary consent to search³. The captain was asked if he felt when asking for consent to search, regardless if the form was utilized, if the guidelines should be adhered to for all requests to consent for a search, and he said yes. The captain was asked if it was commonplace to place a subject into handcuffs and then ask them for consent to search. Captain Brown stated, *"I can't say that it's common. Again being a supervisor all that time I can't say it's common but I think it's legal and I think there's nothing wrong with that."* Detectives referenced guideline two on the *Voluntary Consent to Search Form* and asked if he felt that Ms. Hulsey may have felt intimidated, compelled, or coerced due to being handcuffed to allow him into the residence. Captain Brown answered in the negative and justified this answer by saying, *"And the reason why is because I sat and talked to her the whole time."* Captain Brown said he and Ms. Hulsey had an amicable conversation, and there was not any yelling or arguing between the two. Captain Brown said at no point was he trying to intimidate Ms. Hulsey during their encounter, and he was as friendly as possible. Captain Brown informed detectives that during the conversation, he *"probably"* did tell Ms. Hulsey he could take her to jail. When asked if this could have been construed as a threat, the captain stated, *"No I think it's I think it's actual, I think it's real, I don't think it's a threat. I think if I had probable cause to arrest her I could take her to jail, I don't think it's a threat."* Captain Brown was asked if his actions violated Ms. Hulsey's Constitutional Rights and he said, *"I do not."* Captain Brown was asked why he did not specifically write in his report that he received consent to search Ms. Hulsey's residence and why he merely wrote that he asked to go inside of her residence. Captain Brown said the following:

"I can only assume I thought that I covered that well enough when I did at the time and I didn't. I go back to if I didn't get consent to search the house we wouldn't have searched the house. I thought that I, I thought that I wrote the report. I've got to be honest with you I thought I wrote that report pretty well"

³ The guidelines on the Voluntary Consent to Search Form are as follows: **1.** I have not been promised anything in exchange for consenting to this search. **2.** I have not been threatened in any way to force or compel me to give this voluntary consent to search my Residence – Business. My consent is freely given. **3.** I fully understand that anything found in the search of my Residence – Business may be used against me in a court of law. **4.** I can read, write, and understand the English Language.

looking and I didn't, I didn't remember that I wrote this report until I looked it up after I had received this packet of information."

Captain Brown was asked if he received a telephone call from Ms. Fischer after the incident with Ms. Hulsey. Captain Brown stated he did receive a telephone call from Ms. Fischer, and she was seeking information on what transpired at her mother's residence. Captain Brown briefed Ms. Fischer on the incident and according to the captain, at no point did Ms. Fischer tell him she wanted to file a complaint. Captain Brown said he referred Ms. Fischer to the VCSO Records Department when she requested a copy of incident reports for the incident. Captain Brown described the telephone call as a citizen just wanting information regarding an incident and he stated, *"In this case like has happened in other cases I just happened to be there. And I was able to give her a firsthand account of what was going on."* Detectives asked Captain Brown if it was commonplace for him to handle a complaint on himself, or if he was supposed to forward the telephone call to his supervisor. Captain Brown's response was, *"No, I would handle that phone call on a regular basis. Back at this point in time for me to refer that phone call to Major Jones or something like that to handle the phone, that wouldn't have occurred."* Captain Brown reiterated, had Ms. Fischer demanded a complaint form or said specifically that she wanted to make a complaint, he would at that point forward her to Major Jones. According to Captain Brown, Ms. Fischer just wanted information, which is what the captain provided to her.

Detectives queried Captain Brown if he composed his supplemental report before or after he spoke with Ms. Fischer and the captain could not recall. Captain Brown further stated, *"If you're asking me did I write this report you know she called me complaining so I quick wrote this report I think this report shows I didn't write this report quick."* The captain reiterated that he did not compose the report because Ms. Fischer called him regarding the incident with Ms. Hulsey.

Prior to the conclusion of the interview, Captain Brown was asked due to the vast contradictions in his testimony compared to that of witness testimony in this investigation, if he would say the witnesses were liars. Captain Brown said, *"No. I think people remember things their own way. People have a reason or a predetermined way of doing things."* The captain elaborated and said, people have a predisposition to how they view something or someone.

Captain Brown was questioned if he felt he violated the below listed policies regarding this

investigation. The following are his responses to the alleged violations:

Volusia County Merit System Rules and Regulations 86-453 (2)	No
Volusia County Merit System Rules and Regulations 86-453 (8)	No
Volusia County Merit System Rules and Regulations 86-453 (10)	No
Volusia County Merit System Rules and Regulations 86-453 (13)	No
Volusia County Merit System Rules and Regulations 86-453 (21)	No
26.2.48 Use of Profanity	Yes
26.2.62 Derogatory Ethnic Remarks	No
26.2.118 Code of Ethics for Public Officers and Employees	No
26.2.122 Abusiveness	No

(See Tab – Q for Official Transcript)

EXECUTIVE SUMMARY:

On April 03, 2017, Captain Paul Adkins spoke to Deputy Nicholas Yackel and Deputy Donald Gray regarding their job function. During this meeting, the deputies informed Captain Adkins that they had felt demeaned by Captain Charles Brown in a meeting on March 21, 2017, regarding the deputies' schedules and working the Rolling Thunder Operation. During this meeting, the deputies said Captain Brown called them derogatory names such as "*faggots, butt-buddies, and monkeys.*" During their interview with Internal Affairs, both deputies confirmed these allegations and stated they felt a captain within this agency should not treat subordinates in the manner Captain Brown does. The deputies informed Internal Affairs, Captain Brown told them it was their job to make him look good and if they had to work in the "*gray area*" he would have their backs. Furthermore, both deputies stressed that after the meeting with Captain Brown, they both questioned their employment with the VCSO and pondered the notion of resigning if they found employment elsewhere. During the captain's interview with Internal Affairs, Captain

Brown denied the allegations and stated he did call the deputies, "*butt-buddies*". Captain Brown however indicated, he did not mean that in a derogatory, homosexual manner; rather, his meaning was that the deputies were friends, and the captain found them sitting on their "*butts*."

Internal Affairs Detectives were informed of possible other witnesses for this investigation. Internal Affairs made contact with Sergeant Keith Peck, Sergeant Omar McKnight, and Sergeant Greg Miles; all advised they have heard or seen Captain Brown act in an unbecoming manner, however they could not provide specific incidents of when and what specifically was said. Therefore, none of them were formally interviewed. The remainder of the witnesses contacted had pertinent information to the investigation, thus formal interviews were conducted.

During the course of the investigation, Internal Affairs detectives were informed Captain Brown may have made racial remarks regarding Division Chief Timothy Morgan to Lieutenant Michelle Newman. During her interview with Internal Affairs, Lieutenant Newman said Captain Brown told her, Division Chief Morgan was in upper management/administration with the VCSO, because of his race and not qualifications. Furthermore, Captain Brown made derogatory statements regarding members of the "*frat club*", which is a group of primarily captains and lieutenants within the VCSO. During his interview with Internal Affairs, Captain Brown denied making any racial statements regarding Division Chief Morgan and he felt Division Chief Morgan and the captain had "*a great working relationship*."

Deputy Yackel and Deputy Gray informed Internal Affairs, Sergeant Tara Savercool would be a potential witness. Upon interviewing Sergeant Savercool, she alleged Captain Brown acted as if he were a "*dictator*." Sergeant Savercool informed detectives her issues with Captain Brown began over staffing of vacant positions on her shift. Sergeant Savercool posed a possible solution to Sergeant Savercool; however, the captain declined her proposal. Sergeant Savercool said she had to work on covering the vacant positions during a weekend off. Captain Brown instructed Sergeant Savercool to add those hours to her timecard, so she could be compensated for the hours she worked. Captain Brown however, sent Sergeant Savercool an e-mail asking why she was completing these tasks during her time off and not on her regular shift. Sergeant Savercool became upset because she felt she was receiving contradictory information from the captain. During Captain Brown's interview with Internal Affairs, he stated that he declined Sergeant Savercool's proposal because he assisted in getting two different deputies assigned to her shift to

fill vacant positions. It should be noted Captain Brown did bring documentation to support his statements regarding the assignment of the deputies.

Sergeant Savercool also claimed that Captain Brown would rush deputies and sergeants to make an arrest even though a more thorough investigation was needed. Sergeant Savercool provided an example of a battery complaint from the VCBJ, in which the call held due to higher priority calls and when a deputy was able to respond to the VCBJ, the investigation was unable to be completed in its entirety because the victim had left for the evening. According to Sergeant Savercool, Captain Brown became upset that the call was not handled that shift, and it placed an undue burden on another shift. According to Captain Brown, during his interview, he was not being rude or condescending towards Sergeant Savercool; he wanted to inform her that it was easier to handle the call as quickly as possible, so that it would not take days to complete. The captain felt that Sergeant Savercool's shift could have completed the call in its entirety had they responded more expeditiously.

Sergeant Brian Cobb informed Internal Affairs he and Captain Brown have had issues in the past, due to a personality conflict. Sergeant Cobb stated that Captain Brown would oftentimes use "*colorful language*" when addressing employees. Sergeant Cobb also alleged that Captain Brown would want immediate results, even if there was more investigative work to be done.

Sergeant Cobb recalled an incident in which Captain Brown detained an elderly woman in handcuffs and he (Captain Brown) may have ordered detectives to search her residence for a fleeing subject without her consent. Sergeant Cobb could not provide great detail into this case; however, he stated when he and Detective Seth Amrhine responded to the female's residence, she was detained in handcuffs and seated on a couch in the living room. Captain Brown ordered the detectives to search the residence to which they obliged, believing the captain obtained consent to search. While the detectives searched the residence, Captain Brown and the female had "*words back and forth.*" Later that day, Sergeant Cobb and Detective Amrhine both informed Internal Affairs; Captain Brown received a telephone call from the elderly female's daughter regarding the search of her mother's residence. Sergeant Cobb said he heard "*bits and pieces*" of the telephone call, and it appeared Captain Brown handled a complaint on himself.

In regards to the incident that occurred with the elderly female, Internal Affairs detectives used law enforcement databases to determine the incident in question occurred on October 23, 2013 at 524 East Compton Court in DeLand. The name of the female was Ms. Matsuko Hulsey. During her interview with Internal Affairs, Ms. Hulsey stated Captain Brown came to her residence looking for her grandson, Charles Hulsey. Ms. Hulsey said she informed Captain Brown her grandson was not at her residence at the time of his investigation, to which he called her a liar two or three times, placed her into handcuffs behind her back, and threatened to take her to jail. It should be noted at the time of this incident, Ms. Hulsey was 80 years of age. According to Ms. Hulsey, she walked inside after being handcuffed and sat on a couch in her living room. Ms. Hulsey stated Captain Brown followed her in and began to “*look around*” her residence without consent. Ms. Hulsey said shortly after, two detectives arrived at her residence and Captain Brown ordered them to search her residence. Ms. Hulsey was adamant that at no point did she provide consent for Captain Brown or any VCSO personnel to search her residence. After the search yielded negative results and Charles Hulsey was apprehended blocks away from Ms. Hulsey’s residence, Captain Brown removed the handcuffs and told her she “*was lucky*” that she did not have to go to jail. Ms. Hulsey did not pursue a complaint because she felt that due to her age and ethnicity (Japanese), no one within the VCSO would believe her allegations.

Internal Affairs conducted an interview with Ms. Hulsey’s daughter, Ms. Joanne Fischer, who had spoken to Captain Brown on the telephone after the incident with Ms. Hulsey. According to Ms. Fischer, when she spoke to Captain Brown (she could not recall Captain Brown’s name during the interview), he had told her he would obtain a report for her and call her back at a later time. Ms. Fischer stated she never received a report, nor has she heard from anyone from VCSO until this investigation. Ms. Fischer informed Internal Affairs that had she known the person she was calling to complain on was the person she spoke with, she would have asked to speak to a different command staff level employee.

Prior to interviewing Captain Brown, Internal Affairs detectives reviewed Captain Brown’s incident report regarding his interaction with Ms. Hulsey. It was noted the captain did not write in his report that he had asked nor received voluntary consent to search Ms. Hulsey’s residence; rather, he wrote, “*Captain Brown then asked if we could go inside and she said yes.*” The captain went on to write, “*Captain Brown did a cursory check of the interior of the residence too*

(sic) *see if anyone else was there.*” Captain Brown wrote that detectives responded to the scene and “*checked*” the residence for the suspect.

During his interview with Internal Affairs, Captain Brown stated he did in fact receive voluntary consent to search the residence from Ms. Hulsey. It should be noted Captain Brown initially told detectives he received consent to search after Ms. Hulsey was placed in handcuffs and the two walked inside of her residence. Later in the interview, Captain Brown stated he received consent after he handcuffed Ms. Hulsey, but prior to entering the residence, as he would have asked to enter and search the residence concurrently. Captain Brown said he placed Ms. Hulsey into handcuffs because he had sufficient probable cause to charge with a crime of Resisting Arrest without Violence, or Interfering with a Felony Investigation, because he felt she was being untruthful with him regarding the whereabouts of her grandson. Although Captain Brown’s statements regarding when he asked for consent to search the residence were inconsistent, one item that was consistent was that Ms. Hulsey was secured in handcuffs when he asked for permission to search the residence. Captain Brown was shown a *Voluntary Consent to Search* form and guideline two states: “I have not been threatened in any way to force or compel me to give this voluntary consent to search my Residence- Business. My consent is freely given.” The captain stated that Ms. Hulsey was not threatened when he allegedly asked for consent to search her residence because they were having a “*friendly*” conversation, and he was talking to her the whole time. Captain Brown did admit he told Ms. Hulsey she could go to jail when she was placed in handcuffs. Captain Brown was asked if it was common for law enforcement to secure someone in handcuffs, tell them they could go to jail, and then ask for consent to search and the captain said, “*I can’t say that it’s common.*”

Regarding handling the complaint from Ms. Fischer, Captain Brown said it was not a complaint, and Ms. Fischer was just calling to receive information as to what happened at her mother’s residence. Captain Brown said he did not refer Ms. Fischer to his supervisor at the time because she never articulated to him that she wanted to file a complaint. This contradicted Ms. Fischer’s testimony being that she did not know Captain Brown was the person who was involved with her mother.

During this investigation, Captain Brown’s and witnesses’ testimony was contradictory. Many witnesses said Captain Brown’s leadership style was that of a “*dictator*”, and that he would

often verbally reprimand them by using profanity and calling them names. Captain Brown denied calling deputies names; however, he stated he used profanity while conversing with the deputies. Captain Brown referred to himself as a “hands on” supervisor, and some of his subordinates did not like being held accountable.

Conclusion:

This investigation was presented to the Sheriff. After review, the Sheriff determined the violation of the below listed department and county policies to be:

Volusia County Merit System Rules and Regulations 86-453 (2)	Sustained
Volusia County Merit System Rules and Regulations 86-453 (8)	Sustained
Volusia County Merit System Rules and Regulations 86-453 (10)	Sustained
Volusia County Merit System Rules and Regulations 86-453 (13)	Sustained
Volusia County Merit System Rules and Regulations 86-453 (21)	Sustained
26.2.48 Use of Profanity	Sustained
26.2.62 Derogatory Ethnic Remarks	Sustained
26.2.118 Code of Ethics for Public Officers and Employees	Sustained
26.2.122 Abusiveness	Sustained

On June 29, 2017, Captain Brown was served with an Intent to Terminate Letter at a private residence in Port Orange, FL.

On July 31, 2017, Captain Brown was served with a Final Termination Letter at a private residence in Port Orange, FL.

WITNESSES:

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DeLand, FL
386-736-5961

Deputy Nicholas Yackel
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Lieutenant Michelle Newman
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Lieutenant Donaldson Taylor
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Deputy Micah Stoltz
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Sergeant Tara Savercool
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Sergeant Jason "Mike" Hattaway
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Sergeant Justin Stewart
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Detective Seth Amrhine
Volusia County Sheriff's Office
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386-736-5961


Ms. Matsuko Hulsey
524 East Compton Court
DeLand, FL
386-738-2819


Ms. Joanne Fischer
4873 Cedar Oak Way
Sarasota, FL
941-552-8783

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Complaint/Supervisor's Inquiry
- D. Administration of Oath/Perjury Warning
- E. Official Transcript of Deputy Donald Gray
- F. Official Transcript of Deputy Nicholas Yackel
- G. Official Transcript of Lieutenant Michelle Newman
- H. Official Transcript of Lieutenant Donaldson Taylor
- I. Official Transcript of Deputy Micah Stoltz
- J. Official Transcript of Sergeant Brian Cobb
- K. Official Transcript of Sergeant Tara Savercool
- L. Official Transcript of Sergeant Jason "Mike" Hattaway
- M. Official Transcript of Sergeant Justin Stewart
- N. Official Transcript of Detective Seth Amrhine
- O. Official Transcript of Ms. Matsuko Hulsey
- P. Official Transcript of Ms. Joanne Fischer
- Q. Official Transcript of Captain Charles Brown
- R. Miscellaneous Documents
- S. Digital Media

I, the undersigned, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

INVESTIGATOR:  DATE: 08/02/17
Lieutenant Justin G. Sawicki
Internal Affairs Investigator

APPROVED BY:  DATE: 08/03/17
Chief Deputy John W. Creamer
SHERIFF MICHAEL J. CHITWOOD
VOLUSIA COUNTY FLORIDA