

VOLUSIA COUNTY SHERIFF'S OFFICE INTERNAL AFFAIRS

REPORT OF INVESTIGATION

REPORT NUMBER: IA-17-010

PERIOD COVERED: March 19, 2017
DATE REPORTED: March 19, 2017
SUBJECT(S) NAME: Sergeant Mike Chilcot #2347
Deputy Brant Lickiss #8316
INVESTIGATING OFFICER: Lieutenant Thomas Tatum #2405

BASIS FOR INVESTIGATION:

On Sunday, March 19, 2017, the Volusia County Sheriff's Office responded to assist the Deland Police Department with a report of shots fired in the area of 919 Biscayne Blvd, Deland, FL. Information was received that a male, later identified as Mario Simeos, was shooting at the building and made comments about killing himself. Deland Police Officers arrived on scene and attempted to make contact with Simeos. Volusia County Deputies arrived and began to block off roads in the area. While Deland Officers were attempting to contact Simeos, he began shooting his firearm once again. Additional Deputies began arriving in the area to assist.

Simeos entered his vehicle described as a black Mercedes Benz, and backed out of the parking space. He accelerated toward Biscayne Blvd where Stop Sticks were deployed causing the passenger side tires to deflate. Simeos continued to Old Daytona Rd at a high rate of speed where it struck another set of Stop Sticks. Sergeant Chilcot and Deputy Lickiss arrived on scene and located the Mercedes in the roadway on Old Daytona Rd near Amelia Ave where it appeared to be involved in a traffic crash. Sergeant Chilcot and Deputy Lickiss exited their patrol cars and took a position to cover the passenger side of the Mercedes. Simeos was in the driver seat of the vehicle. Deputies gave multiple verbal orders to Simeos. Information was relayed over the police radio that Simeos was re-loading his firearm. Deputies continued to give verbal commands for Simeos to show his hands. Sergeant Chilcot and Deputy Lickiss discharged their firearms, striking Simeos. Deland Police Officer Jason Floryance also fired his weapon during the incident.

At the request of the Volusia County Sheriff's Office, the Florida Department of Law Enforcement (FDLE) responded to the scene to conduct an independent investigation. Special Agent Mark Mynheir conducted the investigation into the use of deadly force by Sergeant Chilcot and Deputy Lickiss that resulted in the death of Mario Simeos. The completed FDLE Investigative Summary is

referenced by FDLE case #OR-27-0288. Volusia County Sheriff's Office Crime Scene Detective Peter Bethea responded to process the scene.

INVESTIGATIVE SUMMARY:

On Sunday March 19, 2017, Sergeant Justin Sawicki, Detective Glen Bennett and Detective Tara Burke of the Internal Affairs Unit responded to the area of Old Daytona Rd. and Amelia where Sergeant Chilcot and Deputy Lickiss had been involved in an officer involved shooting. *(See Tab B)*

On March 19, 2017, Sergeant Chilcot and Deputy Lickiss met Investigator Glen Bennett at the Employ Med in Port Orange, FL, where they submitted to a drug and alcohol urinalysis screening. *(See Tab E)*

On March 19, 2017, Chief Deputy John Creamer assigned the above described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Lieutenant Tatum.

On March 22, 2017, Sergeant Chilcot and Deputy Lickiss were served a Notification of Administrative Leave (with pay) as the result of the Use of Deadly Force on March 19, 2017. *(See Tab B)*

Sergeant Sawicki obtained a copy of the 2017 annual Firearms qualifications, which read that Sergeant Chilcot qualified with his department issued Glock 35, on January 18, 2017. Deputy Lickiss qualified with his department issued Glock 35, on March 4, 2017. *(See Tab F)*

On March 21, 2017, a fitness for duty examination was conducted on Deputy Lickiss by Dr. Greg Landrum, Ph.D. The finding of the examination was that he was *"Fit to return to duty without restriction."*

On March 27, 2017, a fitness for duty examination was conducted on Sergeant Chilcot by Dr. Greg Landrum, Ph.D. The finding of the examination was that he was *"Fit to return to duty without restriction."*

On March 28, 2017, Deputy Lickiss returned to Dr. Landrum for a follow up visit regarding the shooting. Dr. Landrum's finding was that Deputy Lickiss was *"Fit to return to duty without restriction."*

On March 29, 2017, Detective Bennett received an e-mail from Risk Management stating the medical specimens submitted the day of the shooting (March 19, 2017) by Sergeant Chilcot and Deputy Lickiss were negative. *(See Tab E)*

On September 6, 2017, Special Agent Mynheir signed his completed FDLE Investigative Summary along with a complete copy of the related police use of force case file referenced by OR-27-0288. The case file was comprehensive and the FDLE conclusion read:

“FDLE has completed a comprehensive investigation into the use of force by Deputy Lickiss, Sergeant Chilcot, and Officer Floryance. This presentation of facts is based on law enforcement witnesses, civilian witnesses, and physical evidence. FDLE submits this investigative summary to the Office of the State Attorney for their review and disposition.”

On November 30, 2017, Sheriff Mike Chitwood received a letter from State Attorney R. J. Larizza regarding the Office of the State Attorney’s review of Sergeant Chilcot and Deputy Lickiss’ use of deadly force on March 19, 2017. Mr. Larizza wrote:

“This letter is to advise that this office has reviewed all of the investigative reports, officer statements and witness statements provided by your office regarding the “police use of force” involving Deputy Brant Lickiss and Sgt. Michael Chilcot from the Volusia County Sheriff’s Office and Officer Jason Floryance from the DeLand Police Department that occurred on March 19, 2017.

Based on a review of the investigation and the information provided, no further action is warranted by this office.” (See Tab B)

Lieutenant Tatum reviewed the information provided by FDLE in their summary report. It was learned that during the incident, Deputy Lickiss failed to activate his Body Worn Camera for the use of force event. According to the Volusia County Sheriff’s Office Computer Aided Dispatch (CAD) report, the call for service originated at 1706 hours. Deputy Lickiss was placed on the call at 1716 hours and was reported on scene at 1720 hours.

Lieutenant Tatum reviewed the Body Worn Camera (BWC) of Sergeant Chilcot which captured the use of force event. Sergeant Chilcot took a position on the passenger side of a white pickup truck that was involved in the traffic crash. Deputy Lickiss took a position next to a palm tree on the passenger side of the Mercedes. Sergeant Chilcot had a clear, unobstructed view of Simeons in the driver seat. Sergeant Chilcot gave multiple commands for Simeons to drop the gun. After numerous attempts to get Simeons to drop the weapon, a shot was heard, then Sergeant Chilcot discharged his firearm multiple times. After the shooting, Sergeant Chilcot was talking with Deputy Lickiss and asked him if he was recording, to which Deputy Lickiss replied, *“I tried to when I got up here.”* There was no BWC video from Deputy Lickiss. According to the FDLE report and BWC video from Officer Floryance, a 40 cal. Kimber firearm was recovered from the lap of Simeons.

CONCLUSION:

On February 6, 2018, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff and his staff determined the use of deadly force was **Justified** as to prevent imminent death or great bodily harm to the deputies. *(See Tab B)*

It was determined that Deputy Lickiss failed to activate his BWC in accordance with Sheriff's Office Directives/Policy. **SUSTAINED**

OFFENSE:

26.2.34 Failure to Follow Directive or Order - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. *(Violation subject up to a 5 day suspension.)*

RE:

41.20.50 Enforcement Related Contacts include, but are not limited to, the following circumstances:

A. In-progress crimes

H. Use of force incidents

On February 27, 2018, Deputy Lickiss was served with a Letter of Intent to Suspend for 40 work hours for the BWC violation.

On March 6, 2018, Deputy Lickiss met with Sheriff Chitwood for his pre-discipline hearing. As a result of the meeting, Sheriff Chitwood's final decision was to issue Deputy Lickiss a Letter of Reprimand for the BWC violation.

EXHIBIT(S):

A) Report of Investigation

B) Official Correspondence/Use of Force Review Board/SAO Letter

C) Copies of VCSO Incident reports/CAD history

D) CAD history of call #P170781469

E) Alcohol and Drug Screening Results

F) Volusia County Firearms Qualification Log/Weapon inspection

G) FDLE Investigative Summary Report number OR-27-0288

H) Digital Media

WITNESSES: Per FDLE: Deputies/Officers listed by Agency:

**Volusia County Sheriff's Office
123 W. Indiana Ave
DeLand, FL 32721
Px 386-736-5961**

Deputy David McIntosh
Deputy Hector Rodriguez
Deputy Blaine Lewis
Deputy Richard Skrypinski
Deputy Pete Bethea
Deputy Brandon Watson
Lieutenant James Day
Detective Lance Lamee
Detective Chad Weaver
Detective Bryan Ford
Sergeant A.J. Pagliari
Deputy Eugene Mefford

**Deland Police Department
219 W. Howry Ave
DeLand FL 32720
Px 386-626-7400**

Sergeant Joel Hancock
Officer Chalen Godwin
Officer Justin Allen
Officer Rachel Riley
Detective Christopher Jusick
CSI Carol Hunter
Officer Craig Walter
Sergeant Tim Hughes
Detective Jamie Brazeau
Detective Jacob Hudson
Lieutenant Ben Moon
Detective Yohana Sanchez

Civilian Witnesses

Kimberley Simoes
1240 hazen Road
Deland, FL 32720

Cynthia Diane Wiles
122 Wiley Ave
DeLand, FL 32724

Robert Hill
1556 Bluegrass Blvd
DeLand, FL 32724

Sharon Hill
1556 Bluegrass Blvd
DeLand, FL 32724

Margarita DeLeon
4980 Dundee Ave
DeLeon Springs, FL 32130

Melanie DeLeon
4980 Dundee Ave
DeLeon Springs, FL 32130

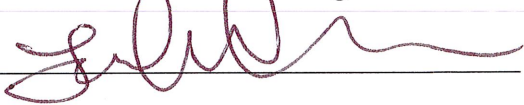
Christopher "Doc" Bailey
919 Biscayne Blvd Suite 13
DeLand, FL 32724

Wayne Erwin
219 Old Daytona Rd
DeLand, FL 32724

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: 4/19/18

**Lieutenant Thomas Tatum
Internal Affairs Investigator**

APPROVED BY:  DATE: 5/4/18

**Chief Deputy John Creamer
SHERIFF MICHAEL CHITWOOD
VOLUSIA COUNTY FLORIDA**