

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

REPORT OF INVESTIGATION

REPORT NUMBER: IA 19-007

PERIOD COVERED: April 2019 – May 2019
DATE REPORTED: May 15, 2019
SUBJECT(S) NAME: Deputy Julio Oscar Rodriguez #7757
INVESTIGATING OFFICERS: Detective Glen Bennett #1452
BASIS FOR INVESTIGATION:

On May 15, 2019, Heritage Middle School officials contacted Sergeant Karen Ardoin in reference to some concerning issues with their assigned School Resource Deputy, Deputy Julio Oscar Rodriguez. School officials obtained written statements as well as an email documenting Deputy Rodriguez's alleged unprofessional behavior, which prompted Sergeant Ardoin to conduct a supervisor's inquiry.

During the course of her inquiry, further information concerning Deputy Rodriguez's alleged inappropriate conduct, comments and behavior involving students, staff, parents and school administrators began to unfold.

Furthermore, it was believed Deputy Rodriguez might not have followed Sheriff's Office policies in accordance with his official duties while assigned to Heritage Middle School.

OFFENSES:

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

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

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

(2) Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.

(12) Incompetent or unsatisfactory performances of duties.

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

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

26.2.24 Leaving Assigned Work Area - Employees shall remain at or in assigned work areas or District during working hours, unless otherwise authorized by a supervisor.

(Violation subject up to a 1 days suspension.)

26.2.41 Negligence Associated with Safety of Persons or Property - Employees shall be attentive to job duties and shall not violate official Directives, orders, supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property. *(Violation subject up to a demotion.)*

26.2.42 Endangering Others Through Neglect - Deputies shall take appropriate action in response to:

A. Emergency situations where there is a known danger to the lives of others;

B. In response to serious crimes. Particularly those of violent nature, which come to their attention on or off duty. *(Violation subject up to dismissal.)*

26.2.47 Courtesy - Employees shall be civil and respectful toward each other and toward the public in general. They shall be especially courteous to visitors, guests, speakers and instructors. *(Violation subject up to a 1 day suspension.)*

26.2.63 Harassment - Employees shall not use their official position to harass, threaten or coerce any person. *(Violation subject up to a 5 day suspension.)*

26.2.97 Careless Handling of Equipment - Not Resulting in Damage/Loss - Employees shall utilize VCSO/County equipment for its intended purpose in accordance with established procedures and shall not use said equipment in a careless manner. *(Violation subject up to a 1 day suspension and/or loss or suspension of the equipment use privileges.)*

26.2.142 Use of Equipment: AVL - Employees shall ensure proper maintenance and utilization of the VCSO AVL (GPS) for its intended purpose and in accordance with installation requirements.

RE: 26.2.143 AVL - Employees shall not intentionally cause the interruption of AVL equipment through purposeful acts of negligence or inattention. *(Violation subject up to a 1 day suspension.)*

26.2.144 AVL - Any employee found to engage in such purposeful acts with intent to deceive the AVL system in order to avoid detection while on duty shall be subject to disciplinary action up to dismissal.

26.2.155 Use of Equipment: BWC - Employees shall ensure proper maintenance and utilization of the VCSO BWC (body-worn cameras) for its intended purpose and in accordance with *Directive 41.20 Body-Worn Cameras*. *(Violation subject to up to 1 day suspension)*

26.2.156 Body Worn Camera - Employees shall not intentionally - through acts of negligence or inattention - cause interruption or defeat of the BWC for its intended purpose of recording law enforcement encounters. *(Violation subject up to 5 days suspension)*

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

INVESTIGATIVE SUMMARY:

On May 21, 2019, Chief Deputy John Creamer assigned the above incident to the Internal Affairs Unit for further investigation. This report details the internal investigation conducted by Detective Glen Bennett.

On May 22, 2019, Detective Bennett reviewed the Supervisor Investigation Report (SI) authored by Sergeant Karen Ardoin along with other Sheriff's Office reports and related documents. Sergeant Ardoin conducted interviews and collected written statements from multiple parties involved.

According to the SI, on May 15, 2019, Sergeant Ardoin was contacted by Heritage Middle School officials in reference to some concerning information obtained from students and parents involving Deputy Rodriguez. Thomas Vaughn, Principal of Heritage Middle School, provided Sergeant Ardoin the documents in question and advised her of several incidents concerning Deputy Rodriguez's inappropriate conduct, comments and behavior involving students, staff, parents and administrators.

Mr. Vaughn wrote a statement where he outlined his concerns and how Deputy Rodriguez's *"lack of professionalism has given me concern."* His opinion of Deputy Rodriguez was based on the increased reports of inappropriate conversation with female staff members and his inability to take law enforcement action when requested.

According to Mr. Vaughn, on May 1, 2019 at approximately 3:50PM, it was reported to him that a student was in possession of a firearm near the back entrance to the campus. Deputy Rodriguez, whom he was unable to reach on the school radio, was on a traffic stop just off campus. Mr. Vaughn eventually reached Deputy Rodriguez on his cell phone and informed him of the reported firearm. While on the phone, Mr. Vaughn overheard Deputy Rodriguez contact Sheriff's Office communications asking for another deputy to respond and assist. After the incident was over, he recalled Deputy Rodriguez telling that other deputy, *"I was halfway to the other side of Deltona when I got the call."* This made Mr. Vaughn question whether or not he was even on a traffic stop as he previously advised.

According to cell phone records, which were off by one hour, Mr. Vaughn called Deputy Rodriguez at 4:03PM, not 3:50PM. SRD's are required to stay on or near campus until 4:00PM; therefore, given the time Deputy Rodriguez was contacted by Mr. Vaughn, he was permitted to be off campus.

Deputy Rodriguez's Mobile Data Computer (MDC) was equipped with an Automated Vehicle Locator (AVL) antenna, which should be activated each time he powered up his MDC. The AVL antenna sends a signal, which would have provided his geographic location using the Global Positioning System (GPS). If a deputy is assigned an MDC with an AVL, they are required by Sheriff's Office policy to ensure the antenna is operational and transmitting a signal. On this date, Deputy Rodriguez's AVL was not operational; therefore, his location during the traffic stop could not be determined.

Additionally, Deputy Rodriguez was issued a Body Worn Camera (BWC), which he is required to wear and activate according to Sheriff's Office policy. There was no record or documentation of Deputy Rodriguez activating his BWC for the traffic stop in question. Furthermore, when he responded to the reported firearm incident on the other side of campus, he again failed to activate

his BWC. According to CAD reports from both incidents, Deputy Rodriguez was logged on duty with a BWC.

According to the Computer Aided Dispatch (CAD) report, Deputy Rodriguez conducted a traffic stop at Parnell Court and Courtland Boulevard in Deltona at 3:51PM, just outside the campus. He cleared the traffic stop at 3:57PM. Cell phone records indicated he received the call from Mr. Vaughn at 4:03PM, and was advised of the reported firearm.

At 4:05PM, Deputy Rodriguez radioed Sheriff's Office communications and transmitted the following information over the primary District – 4 Deltona channel:

- **1K44** (*Rodriguez call sign*) Central...Just got Signal – 14 (*information*) from AP, Principal at Heritage, possible Signal – 13 (*suspicious vehicle*) behind Golden Hills...Right behind Heritage Middle. I'm about 10 – 7 (*off duty*) already.
- **1K44** Central...Can you send a zone unit to the location cause I'm 10 – 7 (*off duty*) out of area.
- **1K44** Central...Signal 39's (*juveniles*) jumping the fence and making inappropriate remarks, I'm gonna be heading back in that direction until a zone unit is available.

(Patrol unit was dispatched to the incident)

According to Mr. Vaughn, Deputy Rodriguez was advised of the reported firearm; however, Deputy Rodriguez made no mention of the firearm in his radio transmissions to the Sheriff's Office communications center. Therefore, Sheriff's Office communications, including other law enforcement personnel monitoring the radio channel, were unaware of the potential hazard outside the rear gate of Heritage Middle School.

Furthermore, Sheriff's Office policy governing radio transmissions mandate the use of "plain talk;" radio transmissions without the use of signals or ten codes. This is done so all personnel have a clear understanding of what the deputy is transmitting not only within the Sheriff's Office but with other agencies as well.

According to CAD:

4:13 - Deputy Rodriguez arrives on scene (**No BWC, No AVL**)

4:20 - 1A45 (*patrol unit*) arrives on scene with BWC

4:24 - 1A45 enters CAD comments: *Ref kids playing in backyard with airsoft guns. No criminal acts.*

Deputy Rodriguez clears the call with no report

4:25 - 1A45 clears the call with no report

The call in CAD showed the incident to be a “suspicious vehicle” with no mention of possible firearms being involved near a school campus.

Although the reported firearm was later identified as an Airsoft rifle, it is unclear if notifications went out to any supervisors. According to the SI, neither Sergeant Ardoin nor Lieutenant Michelle Newman, Deputy Rodriguez’s immediate supervisors, were made aware of the incident. Being that no report was written, they only learned of the incident after Mr. Vaughn brought it to their attention during the course of their SI.

Another incident occurred on May 15, 2019, when the parent of a student, Starr Baldwin, was in the school’s administrative office acting belligerent towards the staff. According to the administrative assistant, Kristen Williams, Ms. Baldwin was under the influence of something based on her actions and verbal dialog. Ms. Baldwin was disrupting the office, screaming and using abusive language, as she demanded to speak to a deputy. Ms. Williams called Deputy Rodriguez, who was in his office not far away, and requested his assistance. While on the phone, Deputy Rodriguez began questioning Ms. Williams as to the reason and what he was needed for. Because of the situation, Ms. Williams did not have time to explain or answer his questions; she just wanted him to respond to defuse the situation. After being told he did not have time for it, Ms. Williams hung up the phone. A short time later Deputy Rodriguez entered the front office, as Ms. Baldwin continued with her abusive behavior.

Surveillance video of the front office showed Ms. Baldwin's physical behavior as described by Ms. Williams and the principal's secretary Rosemary Peterson; however, the video contained no audio. Ms. Baldwin's actions appear to draw the attention of parents and students along with other school faculty within the main office.

Deputy Rodriguez did enter the main office a few minutes later and appeared to engage Ms. Baldwin in conversation who looked to be acting in a belligerent manner. Ms. Baldwin eventually exited the office and walked out as Deputy Rodriguez followed. Upon Deputy Rodriguez's return, he was asked by Ms. Peterson if there was anything he could do about Ms. Baldwin walking around campus under the influence. According to Ms. Williams, Deputy Rodriguez looked over at her, pointed and said, "*She [Ms. Williams] walks around this place like she's drunk all the time.*" This infuriated Ms. Williams and she requested a private meeting with Mr. Vaughn to discuss what transpired.

The surveillance video supported Ms. Williams account of what occurred. It showed Deputy Rodriguez walking back into the main office and point in her direction. After doing do, Ms. Peterson is seen turning around and raising her arms in the air as she walked away. After being requested by Ms. Williams for assistance with a reportedly hostile parent under the influence, Deputy Rodriguez failed to activate his BWC, never notified Sheriff's Office communications in order to generate a call in CAD, and did not write a report documenting the incident.

Furthermore, Ms. Baldwin, who was reportedly under the influence, had her seven-year-old son in the vehicle as she sped through the school parking lot. Approximately forty-five minutes after leaving Heritage Middle School with her son, Ms. Baldwin was taken into custody by the Deland Police Department for possession of narcotics and child abuse.

This was not the first time Ms. Baldwin was on campus under the influence. According to Ms. Peterson, Deputy Rodriguez had prior contact with her because of similar behavior. During that past interaction, Ms. Baldwin admitted to Deputy Rodriguez she was under the influence; however, according to school officials, he took no action.

In and around the end of April 2019, Dr. Stephanie Owens, Mr. Vaughn and another campus advisor were standing in the school courtyard discussing ballistic body armor. Deputy Rodriguez commented on how heavy his Sheriff's Office duty belt was and proceeded to take it off and hand

it to school officials. Dr. Owens reluctantly held the duty belt as it was passed around amongst the other school officials. Deputy Rodriguez's duty belt would have contained his issued firearm, additional ammunition magazines, handcuffs, Taser, ASP baton and Capstun spray.

When Sergeant Ardoin first met with Mr. Vaughn he presented her with two written statements and an email, which outlined concerns with Deputy Rodriguez's behavior and actions. The two statements, written by Heritage Middle School students Aryanna Scorpio and Leila Alaoui, explained how Deputy Rodriguez would involve himself in their conversations asking questions about boyfriends and whom they were dating. This type of conversation with Deputy Rodriguez made the girls feel uncomfortable, specifically when they were asked to sit alongside him and to tell him stories beginning with "*Once upon a time.*"

In a written statement provided by Aryanna Scorpio on May 14, 2019, she described her contact with Deputy Rodriguez as unwanted and inappropriate. According to Ms. Scorpio, Deputy Rodriguez asked her and her friend's questions about their boyfriends and whom they were kissing. He singled out one of her friends, calling her a "dirty rat" because she may have been kissing one of their boyfriends.

On one occasion, Ms. Scorpio was assisting office personnel when Deputy Rodriguez stopped and asked her to sit next to him and tell him a story. She refused multiple times, but he insisted until a school staff member came by and she walked away.

That same day, her father, Vincenzo Scorpio, arrived at school early to pick her up for a scheduled doctor's appointment. Prior to signing her out of school, Mr. Scorpio engaged in a verbal altercation with Deputy Rodriguez over where he parked his vehicle. Ms. Scorpio, having just learned of her father's recent dispute with the deputy, told him about her prior negative experiences. This information was passed on to Mr. Scorpio's wife who in turn authored an email to Mr. Vaughn expressing her displeasure with Deputy Rodriguez's behavior towards her daughter and friends.

The email, written by Melissa Scorpio, was sent to Mr. Vaughn because she was concerned the school was not taking her daughter's complaint about Deputy Rodriguez seriously. According to the email, Mrs. Scorpio's daughter and her friends sat together at lunch. Deputy Rodriguez would approach and engage them in conversations that both Mr. and Mrs. Scorpio found "*Quite*

disturbing.” The girls were approached on multiple occasions, and according to the email, “Some conversations have included current boyfriends, seeing them make out, or cheating on one another.”

During one incident, her daughter and her friend were performing their office aide duties when Deputy Rodriguez stopped and asked them, “...to sit down next to him and tell him a story.” After the girls told him they were running errands for Dr. Owens, Deputy Rodriguez responded, “Forget Dr. Owens and tell me a story.” It was at this time Deputy Rodriguez reportedly told the friend she was a bad girl and accused her of sneaking off campus and, “Well, tell me about all the bad things you do or have done at school. I don’t care if you start it with once upon a time.” Mrs. Scorpio further wrote, “It is not acceptable that an officer is using his authority to intimidate these girls.”

In a written statement authored by Brianna Hamilton, a student at Heritage Middle School, she described,

“Deputy Rodriguez has made me feel uncomfortable by touching my hair three times of the time he has been there. He has called me a dirty rat in front of my friends. I don’t like walking near him because he’s always talking to much and I don’t feel comfortable with him. It made me feel very scared in an inappropriate way. [sic]”

Vanessa Amaral Torres, mother of Giovanna Bahiense a Heritage Middle School student, provided Sergeant Ardoin a written statement mentioning how the mother of one of her daughter’s friends knew Deputy Rodriguez from her time in court. Ms. Torres was driving the girls to school one day when Leila Alaoui explained how her mother remembered Deputy Rodriguez from the courthouse, recalling his inappropriate behavior towards her and other female inmates.

Ms. Torres supplied copies of a text message conversation that took place between her daughter and two of her friends. The text messages described the girl’s displeasure for Deputy Rodriguez and their concerns over his past behavior in the courthouse.

An incident involving the placing of handcuffs on female students in the cafeteria came to light in a witness statement collected from campus advisor, Glenn Wiley. According to his written

statement, Deputy Rodriguez was joking around with students in the cafeteria when he placed his handcuffs on a student. Mr. Wiley wrote, “...*the deputy joking around with a student during 7th or 8th grade lunch with his handcuffs...I witnessed him place one handcuff on a student in a joking manner.*”

In another statement authored by Gracie Smith, a student at Heritage Middle School, she wrote, “*I was asking the officer about the handcuffs and how they worked then he showed me by putting them on me.*” According to the statement, the handcuffs did not hurt and other students approached involving themselves in the demonstration.

Sergeant Ardoin and Lieutenant Newman conducted recorded interviews with multiple school officials and students at Heritage Middle School. These interviews supported the alarming pattern of behavior and unprofessional conduct originally reported to Sheriff’s Office officials.

Rosemary Peterson

On May 29, 2019, Detective Bennett and Detective Tara Burke conducted a sworn recorded interview with Rosemary Peterson at Heritage Middle School in Deltona, FL. The following is a summary of that interview:

Mrs. Peterson has worked at Heritage Middle School for approximately four years and is currently Principal Thomas Vaughn’s secretary.

On Friday June 10, 2019, while celebrating “Teachers Week,” Deputy Rodriguez was in her office as she discussed the annual teacher luncheon. Mrs. Peterson extended him an invitation and explained it was, “...*being catered by Panda Express and so you’re welcome to come and join us and he said, ‘Did you say you like breasts?’ I said, ‘No,’...I would never say that, it’s very unprofessional...*”

On another day, Deputy Rodriguez came into the office area while she was speaking to the receptionist and his uniform shirt was undone exposing the t-shirt underneath. Mrs. Peterson asked what he was doing and why he was not wearing protective body armor and he replied, “*Oh I don’t need a vest, if I ever got shot they’re not gonna shoot me here because they know I have a vest on.*”

Deputy Rodriguez would discuss “*extremely personal*” topics related to his life, which Mrs. Peterson never solicited. Telling her about his personal relationships and marital status and, “...*how he was under investigation (Internal Affairs) before twice.*” Deputy Rodriguez explained he was trying to get a job with a law enforcement agency in the Miami-Dade area and there was a background investigator watching him. Unsure of where the conversation was going she continued to listen as he went on to say, “*Well I was under investigation twice. One time was because I had an underage girl that I was dating from Stetson and the mother found out.*” The second time, she explained, Deputy Rodriguez had the girl in his patrol car nine minutes before he was to go off duty.

Deputy Rodriguez described his personal life to her saying, “...*he told me he loves to salsa [dance] and he loves to go to bars and of course he’s not seeing that one [girl] anymore, but he does have a girlfriend. She came here twice.*” Mrs. Peterson described Deputy Rodriguez’s unsolicited comments and/or conversations as both unprofessional and inappropriate.

According to Mrs. Peterson, Deputy Rodriguez’s girlfriend came to the school on two separate occasions. The first time she delivered him dinner, while he was working overtime during a basketball game. The second time she was on campus for approximately forty-five minutes as the two stood out front talking to one another.

Mrs. Peterson did not feel Deputy Rodriguez was sincerely interested in his duties at Heritage Middle School, making statements to her like, “*Oh I can’t wait to get out of this place,*” and “*I’m not doing this.*” Furthermore, she did not care to hear his personal stories and described the situation as, “*This is like a soap friggin opera*” denying she ever asked him about his personal life saying, “*No I stayed away from him. He creeped me out but it’s my personal feeling.*” Mrs. Peterson went on saying, “*I’ve never seen anybody so unprofessional. I told Thomas [Principal Vaughn] a couple times I don’t feel safe.*”

According to Mrs. Peterson, “*There were so many incidents in the short time he was here that I just kept shaking my head. Very disturbing. Where I was requesting for his professional help and opinion.*” There were times she would try to contact him on the school radio, but he would not answer or the time he refused to speak to a parent about a problem they were having with their child.

Mrs. Peterson witnessed the incident involving a parent named Starr Baldwin, which took place on May 15, 2019. Ms. Baldwin was reportedly under the influence, screaming at school officials over an issue with her daughter who was a student at Heritage Middle School. This was not the first time Ms. Baldwin was on campus under the influence creating an issue with school staff.

Sometime before May 15, 2019, Ms. Baldwin came to pick up her daughters from school and according to Mrs. Peterson, *“She comes in, I’m telling you bad, she’s gray, gray, she looks like she’s ready to keel over to get her girls. I was directed by an administrator to call him [Deputy Rodriguez] to have him not to have her take the kid’s like stop her. [sic]”* Deputy Rodriguez was contacted and he told Mrs. Peterson there was, *“Nothing I can do.’ And I got really pissed, really pissed I said ‘but she’s taking those girls what if she gets in an accident.”* He went and confronted her, but she got into her car with children and drove off. He came back in and said, *“She [Ms. Baldwin] said she’s under the influence of something but there’s nothing I can do.”*

The incident on May 15, 2019, Mrs. Peterson recalled looking at Deputy Rodriguez and reminding him this was the same parent that caused the prior issue. Deputy Rodriguez followed Ms. Baldwin outside as she yelled, *“Fuck you, you disgusting pig, fuck you!”* This was all occurring while her seven year old son witnessed the verbal exchange from the backseat of her car. Mrs. Peterson asked, *“Deputy Rodriguez isn’t there anything that you can do? She’s driving away, this is the same parent.”* He replied, *“Nah, nothing I can do”* as she reportedly sped away spinning her tires in the school parking lot. The Deland Police Department arrested Ms. Baldwin approximately forty minutes later for narcotics possession and child neglect.

Mrs. Peterson was familiar with the incident involving the female students where he reportedly asked them to, *“Sit down next to me and tell me a story and begin it with once upon a time.”* She confirmed the story with other students so she made the proper notifications to her superiors.

Principal Thomas Vaughn

On May 29, 2019, Detective Bennett and Detective Burke conducted a sworn recorded interview with Principal Thomas Vaughn at Heritage Middle School in Deltona, FL. The following is a summary of that interview:

Mr. Vaughn has been with the Volusia County School district for twenty years. He spent the last six years as a principal and the last four at Heritage Middle School.

According to Mr. Vaughn, Deputy Rodriguez had been assigned to Heritage Middle School for approximately half a school year. During that time, Mr. Vaughn described the issues with Deputy Rodriguez as “Multi-faceted.” Issues of him not performing his duties as well as unprofessional behavior.

Mr. Vaughn had an issue with a student who reportedly smelled of burnt cannabis and after being advised of the situation by a campus advisor, Deputy Rodriguez told him he wasn’t going to waste five dollars’ worth of paper on something that would be thrown out of court. Another issue was how Deputy Rodriguez was very open about his personal life to some female school staff members, something they did not want to hear nor did they solicit.

Mr. Vaughn described the incident involving a reported firearm just outside campus on May 1, 2019 at approximately 3:41PM. Mr. Vaughn said he tried contacting Deputy Rodriguez via school radio but was not successful so he called his cell phone. When he got hold of Deputy Rodriguez, he informed him, *“That there were kids hanging over our fence that may have had a gun that was reported at a house nearby and that I was standing at the back gate right now I don’t see the kids anymore, but I know what the houses and we’re you know we’re just standing here waiting for you to get back to further investigate.”*

Deputy Rodriguez said he was dealing with a traffic stop on the other side of campus near the front gate. Deputy Rodriguez advised he was going to contact Sheriff’s Office dispatch to have a road patrol deputy respond, but he would be on his way. Approximately five minutes later, Deputy Rodriguez came around the corner with lights and no siren, *“He had to have been hitting 80-100 miles an hour down that back road coming up towards our back entrance pretty fast, pretty dangerous but it was a serious situation...”* Mr. Vaughn was fearful he was going to hit a teacher approaching the intersection and he had to yell for them to stop.

While on scene, the campus advisor provided Deputy Rodriguez with details of the reported firearm that was possibly at a residence outside the back gate to the school. With this information, Deputy Rodriguez moved his patrol car towards the residence, went around the house on foot, and disappeared from sight.

When he returned, he advised the home owners admitted their children were playing with airsoft guns in the back yard. Deputy Rodriguez mentioned to Mr. Vaughn, law enforcement had been at the house on prior occasions for similar circumstances.

When the road deputy arrived on scene, Deputy Rodriguez approached him and made the comment, *"Yeah I was half way on the other side of Deltona when I got the call to come back. Kind of like joking about getting back there in time."* This lead Mr. Vaughn to question if he was actually on a traffic stop like he said.

According to Mr. Vaughn, there were instances when he was unable to reach Deputy Rodriguez on his school radio or when he became less visible in the cafeteria during lunches, adding, *"So I had to reiterate that but I've never had to tell a deputy to be in a high in a hot spot during the day but hey."* However, when approached directly and asked to do something, Deputy Rodriguez responded and did as requested.

On one particular day, Mr. Vaughn was present along with other school officials between 5th and 7th period when he observed Deputy Rodriguez, *"...walking from like the front office area that way and had his shirt unbuttoned a little bit and then he also was carrying his gun belt."* Everyone was complaining about how hot it was as Deputy Rodriguez commented on how heavy his gun belt was as he handed it to a school official saying, *"Feel that, feel how heavy that is."* Mr. Vaughn described the incident, *"This is some bizarre behavior, I've never seen a police officer do that before."* According to Mr. Vaughn, Deputy Rodriguez claimed not to wear a bulletproof vest, *"Because he's superman. That's also, he didn't say that to me but those were reports I got back from other staff members."*

Mr. Vaughn was brought up to speed on the comments and unprofessional behavior his staff was experiencing from Deputy Rodriguez. Issues pertaining to his girlfriend being on campus for forty-five minutes or his prior internal investigations which he told his secretary, *"You know so he was very open about his garbage, trash sort of speak."*

Mr. Vaughn was aware of the incident involving Mr. Scorpio's daughter and the verbal altercation between him and the deputy, where Deputy Rodriguez asked her, *"Sit down, tell me a story or start with once upon a [time]...some weird stuff you know."* Mr. Vaughn was unaware of any other type of inappropriate behavior, comments, or touching of any students stating, *"Not to my*

knowledge. Only Mr. Scorpio's daughter where that next morning they came in and wrote statements about the issue." After being advised of these issues, Mr. Vaughn notified Deputy Rodriguez's immediate supervisor.

After Deputy Rodriguez was removed from the school and a new SRD was assigned. A sixth grader approached Mr. Vaughn and stated, *"Is this gonna be our new person [deputy] because I hated that other guy he was not nice at all."*

Kristen Williams

On May 29, 2019, Detective Bennett and Detective Burke conducted a sworn recorded interview with Kristen Williams at Heritage Middle School in Deltona, FL. The following is a summary of that interview:

Ms. Williams has worked as the front office receptionist at Heritage Middle School since August of 2018.

According to Ms. Williams, she never heard or witnessed any inappropriate comments and/or behavior from Deputy Rodriguez. However, she has been directly involved in several instances where he was less than helpful and/or neglectful in the performance of his duties as the school resource deputy.

As the schools front desk receptionist, Ms. Williams handles many issues and multi-tasking is a must. Should an issue arise and Deputy Rodriguez was needed, she would call his office for assistance, which was approximately thirty feet away. Rather than just respond, he would bombard her with questions, which she was unable to answer based on the nature of the situation. Because the information surrounding the need for assistance was typically private in nature and her office was often filled with people, she did not want to discuss the matter over the phone. Ms. Williams said she explained this to him several times; however, he continued with the questions making her not wanting to even bother asking for his assistance. When confronted with the issue, Deputy Rodriguez would play it off as a joke. Ms. Williams stated, *"We're a school, we are responsible for eleven hundred students. There's no time to play you know what I mean?"*

One such incident occurred when a mother of a student was explaining how several children in a social media chat group were threatening her daughter. Feeling this issue required law

enforcement intervention, Ms. Williams contacted Deputy Rodriguez, “...and again with the questions you know, I just need you to come up here please you know there’s an incident and I need you up here.” When he arrived, she tried explaining the issue in a quiet manner because of the other people in the office. He in turn responded by saying, “Well why didn’t they call the Sheriff’s Office last night,” which she believed was overheard by the reporting parent. At that point, he got a phone call and as he answered it, he walked towards the door and said, “I can’t wait to get the fuck out of this place.” That was the reason Ms. Williams believed the mother did not want to talk to Deputy Rodriguez and the issue, according to Ms. Williams, was never addressed.

Ms. Williams was at her desk May 15, 2019, when Ms. Baldwin came into the main office, “...screaming yelling about she’s demanding that she sees the deputy...cursing and just a lot of this you know. A lot of arms (waiving).” It was apparent to Ms. Williams that Ms. Baldwin was under the influence of something, “Her jaw was moving back and forth like this constantly so I know that that’s some sort of sign of like a speedy type of drug I guess.” Using the office phone, Ms. Williams called Deputy Rodriguez who began asking personal questions about the family involved, all the while Ms. Baldwin stood in front of her along with other parents. I clearly told him, “Deputy I just need you up here right now,” and his answer was, “Well I don’t have time for this.”

Upset over the constant questions, Ms. Williams hung up the phone on Deputy Rodriguez. During this time, Ms. Baldwin began making a scene, multiple school officials exited their offices because of the commotion. In and around that time Deputy Rodriguez arrived as Ms. Williams removed herself from the situation to address other job related responsibilities; however, she was present for the remainder of the incident as it unfolded.

Ms. Baldwin exited the office as Deputy Rodriguez followed her towards the parking lot. When he returned, Ms. Peterson asked if he could do something about Ms. Baldwin walking around campus under the influence. According to Ms. Williams, Deputy Rodriguez looked over and pointed at her and said, “She walks around this place like she’s drunk all the time.”

After the incident, “...where I hung up on him it was just like you’re worthless. Why are you here?” Having had enough, Ms. Williams addressed the incident personally with Mr. Vaughn and

told him, *“Listen, I’m gonna be real frank and pardon my language, but that guy’s [Deputy Rodriguez] an asshole.”*

Deputy Rodriguez was issued a school radio so he could be reached by school officials. Ms. Williams explained how she attempted to reach him via radio, but often times he would not answer. By the time he was located, school personnel often handled the incident for which he was needed.

According to Ms. Williams, she went out of her way to assist Deputy Rodriguez with whatever clerical needs he may have needed. On one particular Friday, Deputy Rodriguez was completing paperwork his sergeant urgently needed before the weekend. She offered her assistance in sending the needed documents and stayed late without being compensated. Come the following Monday, Deputy Rodriguez “reamed” her out because his sergeant did not receive the documents and claimed they were never sent. Ms. Williams sent the documents as requested; however, the file may have been too large and was caught up in the system. Ms. Williams stayed late assisting Deputy Rodriguez with his duties without being compensated, *“And then that’s how he treated me Monday morning.”*

Asked if Deputy Rodriguez did his job, Ms. Williams responded,

“Hell no. No, no, no, no, no. He did not. He was too busy with what was on his cell phone, what was on his computer, his girlfriend... Like I was just fed up with him I was really fed up with him that I would rather call our campus advisor Mr. Wiley he’s a big huge guy. I’d much rather call him any given day than that deputy. And that’s not the way I felt when he first came in but by the end I feel like he was a con artist or something...I’m very happy he’s gone.”

Dr. Stephanie Owens

On May 30, 2019, Detective Bennett and Detective Burke conducted a sworn recorded interview with Dr. Stephanie Owens at Heritage Middle School in Deltona, FL. The following is a summary of that interview:

Dr. Owens has been at Heritage Middle School for approximately two years and works with the children in the exceptional student education (ESE) program.

Dr. Owens described an incident when she and Deputy Rodriguez were standing next to one another in the center of campus. According to Dr. Owens, a female student walked by and he looked at her in an inappropriate manner, kind of scanning over her body similar to what an adult man would do as he looked at an attractive adult female. Deputy Rodriguez's actions that day brought her concern as she began to watch him. Dr. Owens explained, "*...when he was looking at that little girl that made me uneasy...with that kind of personality working around females and girls that look like women it just it rubbed me the wrong way and so then like hearing other things people were saying it's like well, then I started being more vigilant. Yeah she looked like a woman. A lot of them [students] do but that don't mean look at them.*"

According to Dr. Owens, she never witnessed Deputy Rodriguez physically touch anyone; however, "*...the only thing I know of is a student saying he said something about her hair and he touched her hair I think.*"

Sometime in late April 2019, in and around the center of campus, she, Mr. Vaughn, a campus advisor and Deputy Rodriguez were discussing how hot and heavy bulletproof vests were. Dr. Owens was a corrections officer prior to her current position with the school so she was familiar with the weight and bulk of wearing body armor. According to Dr. Owens, Deputy Rodriguez mentioned how heavy his gun belt was and proceeded to take it off stating, "*Feel how heavy it is.*" When the gun belt was handed to Dr. Owens, "*...I wasn't gonna touch it and he just gave it to me and it was like it probably was two seconds and I gave it right back.*"

During lunch periods at the school, it has been normal practice with SRD's to have a presence in the cafeterias. Dr. Owens rarely saw him during lunch period, "*I can count the times that he was in my lunch [period]. He may come out after the lunch is over but all the SRO's prior to him they would be in lunch the whole three lunches.*" Eventually a school administrator asked him to be in the cafeteria; however, Dr. Owens was aware the cafeteria staff did not care for him so she never requested his presence when he failed to show.

According to Dr. Owens, a campus advisor, who requested not to be interviewed out of fear of retribution, told her that Deputy Rodriguez called a particular cafeteria worker, "*Hot.*" That same campus advisor informed her that Deputy Rodriguez made the statement, "*You see how she's*

looking at me, she wants me,” referencing the same cafeteria worker who also did not want to be interviewed.

Dr. Owens was aware of the incident involving Ms. Baldwin, which took place on May 15, 2019, when she was reportedly under the influence disrupting office personnel. Dr. Owens did not witness that day’s events, but she had knowledge of Ms. Baldwin’s past behavior and impairment issues. Dr. Owens was a drug counselor at a facility in Daytona Beach and has been exposed to individuals who have used drugs, and believed Ms. Baldwin was under the influence on prior visits to the school.

According to Dr. Owens, she was aware of the incident involving Mr. Scorpio. Sometime after the incident occurred, Deputy Rodriguez asked her about a man by the name of Scorpio who had told him, *“He just said he [Mr. Scorpio] called him a f’ing pervert.”*

According to Dr. Owens, when she would go to Deputy Rodriguez with information, which required law enforcement action or input, he would do, *“Nothing,”* and *“He would prefer not having to do paperwork.”* In the past when school officials consulted the SRD with law enforcement related information, the SRD would brief their supervisor and take appropriate action. Dr. Owens explained how he made the decision that was not going to happen. She used the example of a student making statements in reference to violence on campus. This information would be passed on to Deputy Rodriguez, but she felt he was not taking appropriate action; however, because of her persistence, according to Dr. Owens, Deputy Rodriguez reluctantly did his job. Dr. Owens described Deputy Rodriguez’s overall work performance at Heritage Middle School, *“I would say that he was, wasn’t that dependable.”*

Vincenzo Scorpio

On June 12, 2019, Detective Bennett and Detective Burke conducted a sworn recorded telephone interview with Vincenzo Scorpio from the Sheriff’s administrative offices in Deland, FL. The following is a summary of that interview:

Mr. Scorpio was not pleased with Deputy Rodriguez’s actions on the day he went to pick up his daughter from Heritage Middle School. Furthermore, Mr. Scorpio disapproved of Deputy Rodriguez’s interaction with his daughter.

On May 10, 2019, Mr. Scorpio went to Heritage Middle School to pick up his daughter for a doctor's appointment. He arrived at approximately 3:20PM, just before school was to be released, and drove to the front of the line so he could sign her out. As he parked, Deputy Rodriguez blocked his vehicle, and advised he could not park there and needed to get in the line with the other parents. Mr. Scorpio informed him he was signing his daughter out early for a doctor's appointment at 4:00PM. During this verbal exchange, Deputy Rodriguez commented he believed he was going to be struck. It was unclear whether he meant with the vehicle or a physical strike; nonetheless, Mr. Scorpio denied he was going to strike the deputy in anyway.

Mr. Scorpio moved his vehicle and pulled into a handicapped parking spot as Deputy Rodriguez pulled in behind him. After being told he could not park in the handicapped spot, Mr. Scorpio informed Deputy Rodriguez he has a handicap placard and to run his license plate as he proceeded to get his daughter.

Mr. Scorpio returned with his daughter and the verbal exchange continued as Deputy Rodriguez was asked for his name and badge number, which he provided. However, according to Mr. Scorpio, before providing the requested information, Deputy Rodriguez advised he was going to write him a traffic citation.

Deputy Rodriguez backed his patrol car from behind Mr. Scorpio's vehicle allowing him to leave, as he drove to the main entrance of the school and parked. As Mr. Scorpio drove through the school parking lot, his daughter told him, "*Dad I told you the guy's a creep.*" Prior to this incident, his daughter told him Deputy Rodriguez made her feel uncomfortable; however, being that she was a teenager and Deputy Rodriguez being in a position of authority, he told her, "*I'm sure your reading too much into it honey.*"

As they drove towards the front gate, his daughter proceeded to explain, "*You know what he did to me today? and then she told me about him trying to get her to tell a story, him trying to get Layla her friend to sit down next to him, that they said you know we're doing errands for Dr. Owen and he said, 'oh I don't care about Dr. Owen you do what I say.'*" According to Mr. Scorpio, after hearing this from his daughter, he pulled up next to Deputy Rodriguez and asked, "*Did you tell my daughter she has to sit with you and she has to tell you a story?'* he goes 'yeah' I said, 'don't you ever attempt to touch my daughter, speak to my daughter or look in my daughter's direction

ever again.” Deputy Rodriguez replied, *“I can do what I want I’m encouraged to spend time with the kids.”* Mr. Scorpio told him, *“Yeah, not mine...what are you a f’ing pedophile?”* As Deputy Rodriguez laughed and drove away.

Nicole Alaoui

On July 9, 2019, Detective Bennett and Detective Burke conducted a sworn recorded interview with Nicole Alaoui at the Sheriff’s administrative offices in Deland, FL. The following is a summary of that interview:

Ms. Alaoui’s daughter recently graduated from Heritage Middle School and was interviewed for the SI. In a written statement provided by another parent, it indicated Ms. Alaoui knew Deputy Rodriguez from her past experience in the drug court program at the Deland Courthouse in Deland, FL.

Ms. Alaoui’s daughter advised she was having some issues with the school resource deputy assigned to Heritage Middle School. According to Ms. Alaoui, Deputy Rodriguez would talk to her daughter in between classes, asking her and her friends to sit with him and tell him stories. These conversations became more personal and made her daughter uncomfortable when he asked if she did “bad things” or if she had a boyfriend and, *“I know you do stuff with your boyfriend.”* This line of questioning occurred, *“Almost every day she said,”* explained Ms. Alaoui. She questioned her daughter if Deputy Rodriguez made any advances to her, which she replied, *“Mom he was hitting on me.”*

Ms. Alaoui had a criminal history involving narcotics, which lead her to be placed in the drug court program. She took part in the program at the Deland Courthouse for approximately four years where Deputy Rodriguez had been assigned.

Ms. Alaoui was shown a document with pictures of six deputies and asked if she recognized any of them. Ms. Alaoui pointed and identified Deputy Rodriguez placing an “X” and her initials under the photograph.

According to Ms. Alaoui, Deputy Rodriguez would sometimes transport her along with other female inmates to and from the courthouse. If he wasn’t transporting, he would walk the inmates

back and forth from holding cells to the courtrooms. It was when Ms. Alaoui would ask to use the bathroom; she would be up close to Deputy Rodriguez,

“To take the cuff off and that’s when he would say really inappropriate shit to me...I mean he asked if I did Backpage [social network for hired sexual encounters] before. Which I told him no. He asked me if I’d ever be willing to do anything like that...he also asked if I would meet him. And obviously he didn’t give me any information where to meet him just to come back to the courthouse when I got out...I never like pursued him or nothing like when I got out I never went to the courthouse looking for him...”

Ms. Alaoui described Deputy Rodriguez as flirtatious, *“Like when he would take my cuff’s off...he would he’d rub my arm a little bit and then like take the cuff off. He was, it was very obvious what he was doing it wasn’t something discreet.”* According to Ms. Alaoui, she never witnessed Deputy Rodriguez being inappropriate with other female inmates nor was she touched on any other body part other than her wrists.

Courtney Hamilton

On July 11, 2019, Detective Bennett along with Sergeant Ryan Mills and Detective Seth Amrhine conducted a sworn recorded interview with Courtney Hamilton at the District – 4 headquarters in Deltona, FL. The following is a summary of that interview:

Ms. Hamilton has a daughter, Brianna, that attended the 2018 – 2019 academic year at Heritage Middle School as an eighth grader.

Ms. Hamilton’s daughter was diagnosed with a form of Autism. Her learning ability is within a normal range of most children her age; however, she takes special classes because *“...teachers are unable to deal with her.”*

Ms. Hamilton was unaware of her daughter having been interviewed by the Sheriff’s Office for the supervisor’s inquiry. Furthermore, she was unaware of her daughter having any issues with Deputy Rodriguez at Heritage Middle School. It was not until Detective Bennett contacted her and requested an interview, was she made aware of the circumstances surrounding her daughter’s claims against Deputy Rodriguez.

According to Ms. Hamilton, for the last three or so months, her daughter had been coming home from school early and not wanting to go back, “...*she did not want to go to school like begged me cried everything.*” Ms. Hamilton was unaware if her daughter’s behavior and absenteeism was related to the issues surrounding Deputy Rodriguez.

Prior to the interview, Ms. Hamilton spoke to Brianna, asking about any issues she may have had with Deputy Rodriguez. While questioning her, Brianna told her, “*I just don’t wanna talk about it anymore.*” Leaving her mother many unanswered questions. However, Brianna did confirm Deputy Rodriguez touched her on her head on three separate occasions and asked her questions about her boyfriend.

According to Ms. Hamilton, her daughter never elaborated further on the touching and stopped answering her questions. Ms. Hamilton explained, “*When Brianna gets to a point you have to leave her alone. When she gets to that point she won’t answer anything she clams up and you are not gonna get anywhere with her.*” “*Brianna doesn’t like to be touched period,*” explained Ms. Hamilton, “*That’s one of, that’s the main thing at her Autism. I can’t even touch her she won’t hug me or nothing.*”

Sergeant Ardoin and Lieutenant Newman conducted several recorded interviews with female students to include school officials. These interviews supported the criticism and unprofessional conduct as described in this report.

On July 11, 2019, the investigation was tolled and turned over to the Sheriff’s Office Major Case Unit for criminal investigation.

On September 9, 2019, Deputy Rodriguez submitted his resignation, which the Sheriff made effective immediately.

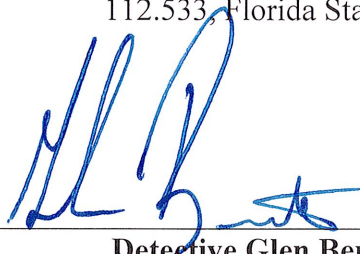
CONCLUSION:

On September 12, 2019, this investigation was presented to the Sheriff and his command staff. After review, the Sheriff determined the violation of the below listed department policies to be:

Volusia County Merit System Rules and Regulations 86-453:

(1) Willful neglect in the performance of the duties of the position to which the employee is assigned.	Sustained
(2) Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.	Sustained
(12) Incompetent or unsatisfactory performances of duties.	Sustained
(14) Any conduct, on or off duty, that reflects unfavorably on the county as an employer.	Sustained
(22) Any other conduct or action of such seriousness that disciplinary action is considered warranted.	Sustained
26.2.24 Leaving Assigned Work Area	Not Sustained
26.2.41 Negligence Associated with Safety of Persons or Property	Sustained
26.2.42 Endangering Others Through Neglect:	
A. Emergency situations where there is a known danger to the lives of others	Sustained
B. In response to serious crimes. Particularly those of violent nature, which come to their attention on or off duty	Sustained
26.2.47 Courtesy	Sustained
26.2.63 Harassment	Sustained
26.2.97 Careless Handling of Equipment	Not Sustained
26.2.143 Use of Equipment : AVL	Sustained
26.2.144 Use of Equipment : AVL	Not Sustained
26.2.155 Use of Equipment: BWC	Sustained

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

DETECTIVE:  DATE: 11/8/19

**Detective Glen Bennett
Internal Affairs Detective**

APPROVED BY:  DATE: 12-04-19

**CHIEF DEPUTY JOSEPH GALLAGHER
VOLUSIA COUNTY FLORIDA**