



VOLUSIA SHERIFF'S OFFICE

MICHAEL J. CHITWOOD, SHERIFF

Office of Chief Deputy Brian M. Henderson – Internal Affairs

REPORT OF INVESTIGATION

REPORT NUMBER: IA 22-003

PERIOD COVERED: May 24, 2022

DATE REPORTED: June 2, 2022

SUBJECT NAME: Deputy Sean Castro, #9100

INVESTIGATING OFFICER: Sergeant Andrew Calkins, #7929

BASIS FOR INVESTIGATION:

On May 24, 2022, Deputy Charles Smith located a vehicle parked in the middle of U.S. 92 in Daytona Beach. Deputy Smith, assigned to a different district and en route to his residence, requested a District 3 North unit respond. Deputy Sean Castro responded to assume the investigation. Deputy Castro made contact with the driver of the vehicle, Darin Hilgeman, who was clearly and unmistakably intoxicated. Hilgeman's Florida driver's license query showed he was permanently revoked for driving under the influence (D.U.I.). The query also showed Hilgeman had four previous D.U.I. convictions. Due to the prior convictions, a felony investigation should have been conducted by Deputy Castro. Instead of making a physical arrest for the criminal law violations, Deputy Castro transported Hilgeman to his residence while leaving the vehicle unsecured on the side of the road.

In addition, while Deputy Castro was on the scene in contact with Hilgeman, he deactivated his Body Worn Camera (B.W.C.) three separate times, failing to capture the entire incident.

OFFENSES:

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order – Employees shall adhere to all official general orders, standard operational procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position

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

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

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

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

GO-026-02. IV.C.5.M - Negligence, Not Endangering – Employees shall not ignore or violate official general orders, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions.

GO-061-03.IV.A.4 – Traffic Law Enforcement - Deputies shall use discretion in reference to the type of enforcement action to take for traffic violations. When deciding the level of enforcement action to take, the type and severity of the violation committed shall be considered. There are three general levels of enforcement action available to Deputies:

- **Warning** – Warnings may be either verbal or written. Warnings may be given for minor traffic infractions when the Deputy feels the warning is sufficient to correct the violation.

- **Traffic Citation** – Deputies may issue Uniform Traffic Citations for specific violations of Florida Statutes. Traffic infractions are non-criminal violations and may only be charged through use of a Uniform Traffic Citation (UTC). Criminal traffic violations must be evaluated with the utmost care. As in most cases, Deputies have the option to physically arrest the offender. If physical arrest is not possible or deemed inappropriate, the defendant will be charged using the Uniform Traffic Citation.

• **Physical Arrest** – Physical arrest may be made for most misdemeanor and all felony criminal violations of the traffic laws. All arrests will be in accordance with current Florida law.

GO-061-03.IV.C.2.a – Uniform Traffic Law Enforcement Actions – Driving Under the Influence of Alcohol/Drugs - Deputies shall make a concerted effort to detect and apprehend those persons suspected of violating Fla. Stat. § 316.193, Driving or Actual Physical Control of a Motor Vehicle While Impaired Due to Alcohol or Controlled Substances; or, Driving with an Unlawful Blood-Alcohol Level (See general order *GO-061-06 DUI Enforcement Program*).

INVESTIGATION:

On June 14, 2022, Chief Deputy Brian Henderson assigned the incident to the Internal Affairs Unit. This report details the Internal Affairs investigation conducted by Sergeant Andrew Calkins.

On June 14, 2022, Sergeant Calkins served Deputy Castro with a Notice of Internal Investigation. In addition, Deputy Castro was also provided a copy of his Law Enforcement Officer's Bill of Rights. Deputy Castro signed both documents acknowledging his receipt of the documents.

Sergeant Calkins observed there were two supervisors' inquires and a supervisor's discipline related to this incident. Sergeant Calkins noted that the documents lacked pertinent detail and did not capture the incident's relevant facts.

On June 1, 2022, Sergeant Ted Richard generated an Employee Performance Notice (E.P.N.) which listed three General Order violations, none of which had the correct subsections. Sergeant Calkins noted the narrative also lacked information about the appeal process, which is required.

The following was the narrative of the E.P.N.:

"Employee Performance Notice (E.P.N.)

Employee Name- Castro, Sean D.

I.D. #- 9100

Division/District or Section- LES D3N

Date of Occurrence- 05/24/2022

Violations of the Volusia Sheriff's Office General Orders.

GO-026-02(G)(1) Job Knowledge and Performance / General Proficiency.

GO-061-03(C)(2)(a) Uniform Traffic Law Enforcement Action / Driving Under the Influence of Alcohol / Drugs.

GO-041-20(H)(4)(c)(3) Body Worn Cameras / Required Activations / Enforcement Related Contacts / Traffic Stops.

On 05/24/2022 you encountered Mr. Darin Hilgeman, who had stopped his vehicle in the middle of the road on E. International Speedway. Mr. Hilgeman had suspended license for prior D.U.I.'s / refusals and appeared intoxicated. Rather than investigate a possible felony traffic violation / D.U.I., you chose to give Mr. Hilgeman a ride home. During the encounter, you turned off your B.C.W. three different times. During the review of your B.C.W., the following was observed; First B.W.C. video - (1:00) you run Mr. Hilgeman's name. (2:25) you tell Smith we was supposed to go home and Smith tells Castro the subject is intoxicated. (6:41) You call Deputy Bissonnette for direction, as you deactivate your B.W.C. Second B.W.C. Video - (1:17) You run Mr. Hilgeman's name again. (5:19) You deactivate your B.W.C. to talk to subject's mother. Third B.C.W. Video - (3:06) You deactivate your B.W.C. again. Forth B.C.W. Video - (0:01) Mr. Hilgeman's vehicle is moved and you drive him home.

Continued violations will be subject to progressive discipline. Please take notice and govern your your accordingly."

Sergeant Calkins observed the E.P.N. was routed in Blue Team to Lieutenant Donald Heaton. It was then sent back to Sergeant Richard for corrections with a note to complete a separate supervisor inquiry for the B.W.C. violation. Sergeant Calkins noted the E.P.N. was never transacted with the employee.

Sergeant Calkins reviewed the first supervisory inquiry (SI 22-044) which Sergeant Richard also completed. The inquiry stated the following:

"Employee Name- Castro, Sean D.

I.D. #- 9100

Division/District or Section- LES D3N

Date of Occurrence- 05/24/2022

Violations of the Volusia Sheriff's Office General Orders.

GO-026-02 (IV) (9) (p) Use of Equipment: B.W.C. (1) & (2) – Employees shall ensure proper maintenance and utilization of the VSO BWC (body-worn cameras) for its intended purpose and in accordance with general order GO-041-20 Body-Worn Cameras.

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

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

Background:

On 05/24/2022, Deputy Charles Smith requested a D3N unit come assist him reference to a vehicle stopped in the middle of the road and possible D.U.I. Deputy Sean Castro responded and met with Deputy Smith. Deputy Smith advised Deputy Castro he was heading home after finishing his shift and came across a grey Toyota stopped in the middle of the road (4300 block of E. International Speedway Blvd). The driver, later identified as Mr. Darin Hilgeman, was behind the wheel when Deputy Smith contacted him. Deputy Smith advises Deputy Castro that Mr. Hilgeman appears intoxicated. B.W.C.'s were reviewed and it appears Mr. Hilgeman is impaired and he claimed to have "100 DUI's." A check of his driver's license showed multiple D.U.I. suspensions / suspension for refusal to submit to lawful test of breath, urine, blood. Deputy Castro failed to perform any field sobriety exercises or any further investigation into a possible felony level D.U.I. violation. Deputy Castro B.W.C. was stopped multiple times during the encounter, during which time, Mr. Hilgeman's vehicle is moved from in the road to the side of the road. After the vehicle is moved the road, Deputy Castro gives Mr. Hilgeman a courtesy ride home. There is no further investigation into the various traffic violations.

Summary: A review of the B.W.C.'s showed you turned off your B.W.C. three different times. During the review of your B.W.C., the following was observed; First B.W.C. video - (1:00), you run Mr. Hilgeman's name. (2:25) you tell Smith we were supposed to go home, and Smith tells Castro the subject is intoxicated. (6:41) You call Deputy Bissonnette for direction as you deactivate your B.W.C. Second B.W.C. Video - (1:17) You rerun Mr. Hilgeman's name. (5:19) You deactivate your B.W.C. to talk to the subject's mother. Third B.W.C. Video - (3:06) You deactivate your B.W.C. again. Forth B.W.C. Video - (0:01) Mr. Hilgeman's vehicle is moved, and you drive him home.

Conclusion: Upon completion of this inquiry, Sgt. Richard found Deputy Castro failed to follow VSO general orders. Disciplinary recommendation is a Letter of Reprimand for the above VSO general orders violations."

Sergeant Calkins reviewed the second supervisory inquiry (SI 22-045) which Sergeant Richard also completed. The inquiry stated the following:

"Employee Name- Castro, Sean D.

ID#- 9100 Division/District or Section- LES D3N

Date of Occurrence- 05/24/2022

Violations of the Volusia Sheriff's Office General Orders.

GO-026-02 (IV) (G) (1) Job Knowledge and Performance / General Proficiency.

- a. VSO personnel are required to maintain the job knowledge, skills, and abilities required for the performance of the duties and responsibilities attendant to their positions.*
- b. Failure to maintain required skills, knowledge, and abilities within acceptable levels shall result in counseling, instruction, or training.*
- c. Repeated failure to maintain necessary skills, knowledge, and abilities after counseling and instruction shall result in increasing the severity of disciplinary actions.*
- d. Incompetent or unsatisfactory performance of duties, as deemed by the Sheriff or designee shall result in disciplinary actions.*

GO-061-03 (IV) (C) (2) (a) Uniform Traffic Law Enforcement Action / Driving Under the Influence of Alcohol / Drugs. Deputies shall make a concerted effort to detect and apprehend those persons suspected of violating Fla. Stat. § 316.193, Driving or Actual Physical Control of a Motor Vehicle While Impaired Due to Alcohol or Controlled Substances; or, Driving with an Unlawful Blood-Alcohol Level (See general order GO-061-06 DUI Enforcement Program).

On 05/24/2022, Deputy Charles Smith requested a D3N unit come assist him reference to a vehicle stopped in the middle of the road and possible D.U.I. Deputy Sean Castro responded and met with Deputy Smith. Deputy Smith advised Deputy Castro he was heading home after finishing his shift and came across a grey Toyota stopped in the middle of the road (4300 block of E. International Speedway Blvd). The driver, later identified as Mr. Darin Hilgeman, was behind the wheel when Deputy Smith contacted him. Deputy Smith advises Deputy Castro that Mr. Hilgeman appears intoxicated. B.W.C.'s were reviewed and it appears Mr. Hilgeman is impaired and he claimed to have "100 DUI's." A check of his driver's license showed multiple D.U.I. suspensions / suspension for refusal to submit to lawful test of breath, urine, blood. Deputy Castro failed to perform any field sobriety exercises or any further investigation into a possible felony level D.U.I. violation. Deputy Castro B.W.C. was stopped multiple times during the encounter, during which time, Mr. Hilgeman's vehicle is moved from in the road to the side of the road. After the vehicle is moved the road, Deputy Castro gives Mr. Hilgeman a courtesy ride home. There is no further investigation into the various traffic violations.

Summary:

A review of the B.W.C.'s showed that Mr. Hilgeman was stopped in the middle of the outside lane of E. International Speedway Blvd. Mr. Hilgeman was in the driver's seat, with music playing, as Deputy Smith approached and made contact with Mr. Hilgeman. Mr. Hilgeman visibly had difficulty exiting the vehicle and standing on the side of the road. Mr. Hilgeman had difficulty answering questions and was unsure of his location and direction of travel. There was no attempt by Deputy Castro to investigate D.U.I. charges. Deputy Castro made contact with Mr. Hilgeman's mother (Marilyn Hilgeman) and brought him home to 3117 Kailani Ct., Ormond Beach.

Conclusion: Upon completion of this inquiry, Sgt. Richard found Deputy Castro failed to follow VSO general orders and failed to properly conduct an investigation into a D.U.I. Disciplinary recommendation is a Letter of Reprimand for the above VSO general orders violations"

Sergeant Calkins noted the documents failed to provide pertinent information including how the supervisory inquiry was initiated. The documents also failed to articulate many issues, one of which was that Hilgeman's license was revoked for D.U.I., which would also be a felony.

Sergeant Calkins conducted further investigation and noted the documents never addressed the issue of the attached tag not assigned to the vehicle. Also, there was never any documentation of an unauthorized individual signing the release of liability. Sergeant Calkins noted attachments required per the Blue Team manual were also not attached to the document.

Computer Aided Dispatch

Sergeant Calkins reviewed the computer-aided dispatch (CAD) and observed Deputy Smith called out with a disabled vehicle on May 25, 2022, at 0206 hours. The location of the incident was the 4300 block of East International Speedway Boulevard in the District 3 North area.

Sergeant Calkins observed Deputy Castro arrive and put himself on the scene via his Mobile Data Computer (MDC) at 0217 hours. At 0301 hours, Deputy Castro transports Hilgeman to 3117 Kailani Court, Ormond Beach. Deputy Castro completes the transport at 0328 hours and clears the call at 0400 after changing his location to Distinct 3 North. Sergeant Calkins observed Deputy Castro imputed the information manually into his MDC instead of via radio. Sergeant Calkins later reviewed the radio traffic about this incident which conformed Deputy Castro did not utilize his radio to notify central of his location changes.

Deputy Smith's Body Worn Camera

Sergeant Calkins reviewed the B.W.C. footage from Deputy Smith and noted the following pertinent information:

Deputy Smith activates his camera while he approaches a silver Toyota S.U.V. The vehicle is parked sideways in the outside lane of U.S. 92. Deputy Smith approaches the passenger side door and makes contact with Hilgeman, who's sitting in the driver's seat. Hilgeman slowly exits the vehicle via the driver's side and stands in the middle of the inside lane of U.S. 92. Upon contact with Hilgeman, it's abundantly clear he's intoxicated due to several indicators, including his speech, movements, and mannerisms. Hilgeman tells Deputy Smith he's headed to Halifax Hospital. Sergeant Calkins notes that Hilgeman was westbound towards DeLand in the opposite

direction of Halifax Hospital. Deputy Smith contacts dispatch to run a check of Hilgeman's license. While on the radio Hilgeman admits to Deputy Smith he's had "*one hundred D.U.I.'s.*"

Deputy Smith stands by with Hilgeman while awaiting Deputy Castro. While waiting, Hilgeman can be seen swaying forward and backward. While swaying, Hilgeman must put his feet out and take multiple small steps to stop himself from falling over.

Deputy Castro's Body Worn Camera

Deputy Castro arrives and puts himself on the scene via MDC. Deputy Castro contacts Deputy Smith and Hilgeman, who is visibly intoxicated. Deputy Smith tells Deputy Castro he was heading home early due to an interview in the early morning hours and that Hilgeman is "*shitcanned.*" Hilgeman is standing on the side of the road and stumbling back and forth, attempting to keep his balance. At one point, Hilgeman tries to sit in the grass on the shoulder of the road. While squatting down, Hilgeman falls backward onto his back.

Deputy Castro asks Hilgeman his address, to which he responds, "177 Killani Court" in Ormond. Deputy Smith relayed to Deputy Castro that Hilgeman admitted to having "*one hundred D.U.I.'s.*" Deputy Castro can be heard stating, "*10-98 going off until I make a phone call.*" Deputy Castro deactivates his camera at 0222 hours. Before the camera is deactivated, Deputy Castro pulls out his phone, which shows the name "Bissonette," presumably his shift mate Deputy Jacob Bissonette.

At 0225 hours, Deputy Castro reactivates his B.W.C. and is standing by his patrol vehicle. Deputy Castro checks his MDC and observes on D.A.V.I.D. that Hilgeman's license is revoked. Deputy Castro approaches Hilgeman, who is lying in the grass off the shoulder of the road. Hilgeman states the vehicle belongs to his mother, who lives in Halifax Plantation. Deputy Castro tells Hilgeman to contact his mother because they could handle this in a "*multitude of ways.*" Still lying on the ground, Hilgeman struggles to sit up and states his phone is in the vehicle. Hilgeman provides his mother's phone number to Deputy Castro and eventually makes contact with her. While Deputy Castro is speaking with Hilgeman's mother, he deactivates his B.W.C. at 0230 hours.

At 0246 hours, Deputy Castro is standing beside his vehicle. Deputy Castro interacts with Deputy Smith, sitting in his patrol car, and both have a brief conversation. The audio in the video is not captured due to the buffer period in the recording. Deputy Smith then drives away from the scene. Deputy Castro enters his vehicle and pulls it closer to Hilgeman's vehicle. Deputy Castro makes contact with Hilgeman again, whose still lying on the shoulder of the roadway with his legs crossed. Deputy Castro asks Hilgeman what day it is, to which he responds, "*Monday.*" Deputy Castro asks Hilgeman if he has any money for a tow truck, to which he replies, "*no.*" Hilgeman

tells Deputy Castro to pull his vehicle off the side of the road, and he can walk home. Deputy Castro returns to his car and deactivates his camera at 0249 hours.

At 0257 hours, Deputy Castro reactivates his B.W.C. and is in his patrol vehicle filling out a Volusia Sheriff's Office Affidavit and Waiver, which is a release of liability. Deputy Castro approaches Hilgeman, whose standing beside his car. Sergeant Calkins notes Hilgeman's vehicle is now located off the road on the shoulder of the roadway. Deputy Castro asks Hilgeman if his car is locked up, which he acknowledges. Hilgeman walks to Deputy Castro's patrol vehicle, where he does a cursory search of his person. Deputy Castro places Hilgeman in the backseat of the car, unsecured, without any handcuffs. Deputy Castro gets in the vehicle, changes his location via his MDC, and drives towards Hilgeman's residence.

At 0329 hours, Deputy Castro arrives at the residence and contacts Hilgeman's mother, Marilyn Hilgeman, who signs the Volusia Sheriff's Office Affidavit and Waiver. Deputy Castro exits the residence at 0334 hours and deactivates his camera.

Sergeant Calkins notes the total time Deputy Castro's B.W.C. was deactivated was approximately 27 minutes. Sergeant Calkins reviewed a B.W.C. audit and verified there were no malfunctions with Deputy Castro's B.W.C.

Sergeant Calkins contacted the Volusia Sheriff's Office Major Case Unit about obtaining possible criminal charges against Hilgeman. After further investigation, Detective Corbin secured a felony warrant for Hilgeman for Driving on a Permanently Revoked License.

Vehicle Tag Violation

Sergeant Calkins observed the Florida tag 0860JW attached to Hilgeman's vehicle was unassigned and not registered to any motor vehicle. Sergeant Calkins observed the V.I.N. number showed tag Y301DG was currently registered to the vehicle however was not attached. Sergeant Calkins noted this issue is a misdemeanor in violation of FSS 320.261 and was not outlined in any of the documentation completed by Sergeant Richard.

Hilgeman's Driver's License Violation

Sergeant Calkins ran Hilgeman's license through FCIC/NCIC, which showed he was permanently revoked for four or more D.U.I.'s since 12/10/2019. Hilgeman also had multiple previous suspensions for refusal to submit to lawful test of breath, urine, or blood. Due to Hilgeman's four prior D.U.I. offenses, the offense level would constitute a felony under FSS 322.341. This issue was also not documented in the Blue Team narrative.

Volusia Sheriff's Office Affidavit and Waiver

Sergeant Calkins observed Deputy Castro contacted Marilyn, who signed the Volusia Sheriff's Office Affidavit and Waiver. The document is a release of liability and is generally signed by the vehicle owner, which in this case was Hilgeman's sister, Denise Hilgeman. Sergeant Calkins attempted to locate the document with Volusia Sheriff's Office records but was met with negative results. Volusia Sheriff's Office records personnel advised if the document didn't have a case number associated with it, they wouldn't be able to record it correctly. The document would then be sent back for corrections.

Interview with Sergeant Theodore Richard

On June 16, 2022, at approximately 1659 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant Richard. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Sergeant Richard advised the Volusia Sheriff's Office has employed him for approximately twenty-six years. Sergeant Richard stated he had been a supervisor in the agency for about 16 years. Sergeant Richard authored the supervisor inquiry involving Deputy Castro failing to investigate a D.U.I.

Sergeant Richard stated he was training with Sergeant Jason Hattaway due to a recent transfer to the patrol division. Sergeant Richard's first day in training was June 1, 2022, the same day he was made aware of the incident involving Deputy Castro. Sergeant Richard stated Sergeant Hattaway instructed him to complete a supervisor discipline per Lieutenant Heaton. Sergeant Richard reviewed Deputy Castro's B.W.C. and completed an Employee Performance Notice (E.P.N.) which he routed to Lieutenant Heaton on June 2, 2022. Sergeant Richard indicated he was confused why a supervisor discipline was initiated before a supervisor inquiry could be completed. Sergeant Richard stated, "...I questioned why am I doing to me it seemed backwards I'm like why am I doing this [supervisor discipline] if this [supervisor inquiry] wasn't done but I did what I was told." Sergeant Richard indicated incidents of this nature are usually documented initially with a supervisory inquiry with all the facts and circumstances then discipline is generated.

On June 2, 2022, Lieutenant Heaton sent the supervisor discipline back to Sergeant Richard in Blue Team with the instructions, "*Please take a look at the email I sent and make corrections. Also, make sure you complete a separate blue team for the B.W.C. violations.*" In the email, Lieutenant Heaton provided directions to change the supervisor discipline to a supervisor inquiry and complete a separate supervisor inquiry for the B.W.C. violation. Lieutenant Heaton also

offered guidance to list all the subsections for Job Knowledge and Performance instead of just the pertinent subsection. Sergeant Richard provided a copy of the email to Sergeant Calkins.

After receiving further instruction, Sergeant Richard completed the supervisor inquiry's as instructed and sent both back to Lieutenant Heaton. Sergeant Richard stated Sergeant Hattaway reviewed both documents before he sent them up the chain of command.

Sergeant Calkins asked Sergeant Richard what steps he took to investigate the incident. Sergeant Richard indicated he watched Deputy Castro's B.W.C. and documented what he observed in the supervisor inquiry. Sergeant Richard had no background knowledge of the incident, which would explain the lack of detail in the narrative. Sergeant Calkins asked how the incident evolved and was brought to the attention of a supervisor. Sergeant Richard was unsure due to the incident taking place before coming to the shift.

Sergeant Calkins asked Sergeant Richard if he spoke to anyone involved to capture additional facts for the inquiry. Sergeant Richard stated, *"Wasn't instructed to, and I was just told to watch these [B.W.C.] and submit it to the lieutenant."* Sergeant Calkins asked Sergeant Richard if he observed anything else with the incident that would cause concern, such as the status of Hilgeman's license and the unassigned vehicle tag. Sergeant Richard stated he observed in CAD there was an issue with the vehicle tag but didn't do any further investigation. Sergeant Richard was also unaware of the problem with the release of liability form.

Interview with Sergeant Jason Hattaway

On June 21, 2022, at approximately 1935 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant Hattaway. Sergeant Calkins conducted the interview at 1435 US Highway 1, Ormond Beach, at the District 3 North office. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Sergeant Hattaway advised that he has been a Volusia Sheriff's Office supervisor for approximately fifteen years. Sergeant Hattaway is currently the supervisor of delta shift in District 3 North. In addition to being the supervisor, Sergeant Hattaway is also an FTO and had Sergeant Richard training with him in June of 2022.

Sergeant Calkins asked Sergeant Hattaway how he was notified of the incident involving Deputy Castro. Sergeant Hattaway stated he received a call from Deputy Bissonnette, who advised the following:

"Basically called me and said that Castro got dispatched to a vehicle stop from a district 2 deputy which I heard on the radio. There was no other radio transmissions at all. Probably an hour goes

by I was away from my computer and Jake [Deputy Bissonnette] called me and said that he, that Castro called him asked him for direction on there, he told him that the guy should go to jail and that Castro did not do that and drove the guy home."

Sergeant Hattaway was asked what he did after receiving the call, to which he stated,

"I looked up CAD, looked and saw that basically he did everything via the MDC. Changed location, brought the guy to the house there was no radio transmissions and basically I called Castro basically told him that the guy was felony I think felony D.U.I. that he should not have let the, brought the guy home, that he didn't have discretions on felony that he messed up on that. I asked him if he already let the guy if he already dropped him off he said yes and at that point that was that."

Sergeant Hattaway said he contacted Deputy Castro a few days later to discuss the D.W.L.S. issue. Sergeant Hattaway stated Deputy Castro was "receptive; he understood that he made a mistake" and that Deputy Castro apologized for his decision-making. Sergeant Hattaway told Deputy Castro, "He needed to look into the statute make sure it coincided. If it did, then he needed to complete an affidavit charging affidavit for felony D.W.L.S." Sergeant Hattaway stated he was unsure if Deputy Castro completed the charging affidavit.

Sergeant Hattaway advised Deputy Castro is not assigned to him and that he was working overtime the night of May 24, 2022. Deputy Castro is assigned to bravo shift in District 3 North, which Sergeant William Mather supervises. Sergeant Hattaway advised later in the day, on May 24, he received a call from Sergeant Mather asking about the incident involving Deputy Castro. Sergeant Mather told Sergeant Hattaway that he had been having several issues with Deputy Castro and would contact Lieutenant Heaton for further direction on handling the matter. Sergeant Hattaway could not provide details of the conversation between Lieutenant Heaton and Sergeant Mather.

Sergeant Hattaway stated a few days later, Lieutenant Heaton called him and gave directions to complete an E.P.N. for the incident involving Deputy Castro. Sergeant Hattaway further said, "Honestly. And then I think it got changed from doing an E.P.N. to doing a supervisor inquiry, and we did it under one supervisor inquiry. I had Ted [Sergeant Richard] do it since he's training with me, and then it was changed over to we're gonna duplicate this supervisor inquiry and do it on two, two S.I.'s on it, one for the B.W.C. violation and one for him not taking the guy to jail and then I think we got further direction we were supposed to consolidate it back into one, but I don't think it actually went that far I think it went upstairs to you guys."

Sergeant Hattaway stated he reviewed the B.W.C. footage of the incident and made the same observations documented by Sergeant Richard in the supervisor inquiry. Sergeant Hattaway never conducted any interviews or observed any further deficiencies with the call for service. Sergeant

Hattaway noted Deputy Castro never contacted him while on the call for guidance or assistance. Sergeant Hattaway felt Deputy Castro intentionally did everything without radio traffic on MDC.

Interview with Deputy Jacob Bissonnette

On June 21, 2022, at approximately 2015 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Bissonnette. Sergeant Calkins conducted the interview at 1435 US Highway 1, Ormond Beach, at the District 3 North office. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Deputy Bissonnette advised he has been with the Volusia Sheriff's Office for approximately three years and is currently assigned to delta shift in District 3 North. Deputy Bissonnette reported on May 24, 2022, that he was working 34 zone when he received a call from Deputy Castro referencing a D.U.I. investigation. Deputy Castro stated he had a "...guy who was hammered" and asked if Deputy Bissonnette wanted to investigate the D.U.I. Deputy Bissonnette said "no" and offered his services to complete the breath test if needed. Deputy Bissonnette was told the individual also had a suspended license. Deputy Bissonnette stated,

"I told him [Deputy Castro] that if it's a misdemeanor, I mean the D.U.I. is technically a misdemeanor I mean if you wanna hook him for D.W.L.S. and take him to the branch, you're right there that's your option. If you wanna work the D.U.I., one of us will help you, but its your discretion your decision to make. At that point, I was unaware obviously of this guy's status and the level of his suspension and the level of which his D.U.I. would be."

Deputy Bissonnette stated he was unaware of Hilgeman's felony license status until later, when he talked with Deputy Andrew Bayne. Deputy Bissonnette stated, *"Deputy Bayne said he had talked to Deputy Castro as well and I guess explained something to him or talked to him about it at some point too. At that point I noticed he was giving a courtesy ride."* Deputy Bissonnette stated, *"and we were both kind of like, what? Like why is he not going to the jail for something? So at that point, Deputy Bayne and I talked for a minute and I was like, this is not sitting well with me I don't know if sarge is aware of this or not I think at that point, we kind of probably need to make him aware of that because that's, that's not right. And at that point, Deputy Bayne and I called Sergeant Hattaway and relayed the information to him."*

Deputy Bissonnette stated he never responded to the traffic stop or had any further conversation with Deputy Castro about the incident.

Interview with Deputy Andrew Bayne

On June 21, 2022, at approximately 2123 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Bayne. Sergeant Calkins conducted the interview at 1435 US Highway 1, Ormond Beach, at the District 3 North office. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Deputy Bayne advised he has been employed with the Volusia Sheriff's Office since November 2017. Deputy Bayne was working the night of May 24, 2022, when he received a call from Deputy Castro referencing a D.U.I. investigation. Deputy Bayne stated,

"He [Deputy Castro] was dispatched to what came out as possibly a crash I guess on I.S.B. A district 2 deputy was leaving the jail or something and rolled up on him and he requested a district 3 north unit come over to handle whatever it was going to be. And eventually I received a text message from Castro asking about if I wanted to do a D.U.I. investigation and I told him no I can do a B.T.O. for you, I was all the way up in Halifax Plantation and I was like you can do your own D.U.I. investigation basically. And he text me back saying well I'm just trying to get off on time he was working overtime that day. And then we didn't have any other conversation I don't believe."

After the conversation, Deputy Bayne stated he became "...curious, so I clicked on his call, and I was aware that he was suspended and all that stuff." Deputy Bayne observed that Hilgeman was revoked for D.U.I. At that time, Deputy Castro was still on the scene and hadn't made a decision.

Deputy Bissonnette was dispatched to a disturbance at some point, and Deputy Bayne provided backup. After clearing the call, Deputy Bayne met with Deputy Bissonnette and discussed Deputy Castro's call. Deputy Bayne told Deputy Bissonnette, "...I was like hey man like do you see what's going on with this like this is pretty messed up, and we thought that probably Hattaway should know because if this guy's four or more D.U.I.'s or suspended or possibly DUI I mean something should happen at some point with that so we let Hattaway know what was going on."

Deputy Bayne was asked if he could recall the conversation with Sergeant Hattaway. Deputy Bayne stated, "I don't remember exactly but essentially that he would handle it." Deputy Bayne said he never responded to the traffic stop or assisted Deputy Castro with the call for service.

Interview with Lieutenant Donald Heaton

On June 28, 2022, at approximately 1004 hours, Sergeant Calkins conducted a sworn recorded interview with Lieutenant Donald Heaton. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Lieutenant Heaton is assigned to District 3 North as the assistant district commander. Lieutenant Heaton stated he is now the acting district commander due to Captain Adkins being on leave. Lieutenant Heaton advised he has been employed with the Volusia Sheriff's Office for approximately twenty-six years.

Lieutenant Heaton advised he was notified of the incident involving Deputy Castro by Sergeant Mather. Lieutenant Heaton was unsure of the timeframe he was informed of but stated it was before the meeting with Deputy Castro on May 31, 2022. Lieutenant Heaton advised during the meeting with Deputy Castro, they spoke about his recent performance and the issues surrounding the D.U.I. Lieutenant Heaton explained that the meeting was due to a yearly evaluation given to him by Sergeant Mather, which outlined other matters.

Lieutenant Heaton was asked about the origins of the E.P.N. Lieutenant Heaton's initial statement was perplexing, stating, *"...the only thing that I can, that I can think of at this point in time is as we were going through this I didn't have, and this wasn't the only this E.P.N. from what I can see now probably shouldn't have had anything to do with the D.U.I., however, it should have had something general to do with the job knowledge and abilities of the individual from the other calls for service that were explained to Hattaway, Sgt. Hattaway who had Ted Richards at the time as his trainee. Now I think what happened is when this when the E.P.N. was going through, I was preparing to go to Boston for S.M.I.P., so this was probably forwarded through the chain to Capt. Westfall and then Capt. Westfall turned around and stated turn it into an S.I."*

Sergeant Calkins provided Lieutenant Heaton the routing history of the E.P.N., which showed it coming from him back to Sergeant Richards for corrections. Sergeant Calkins told Lieutenant Heaton that the E.P.N. was never routed to Captain Westfall, so the direction couldn't have come from him. Lieutenant Heaton stated, *"The actual initial looking at everything we were gonna do an E.P.N., send it through for the staff to take a look at and determine whether or not it needed to go further. Then once it got to this point because I'm pretty sure he did the other report and sent it directly with this. The last entry, when I did my email to him, I was preparing to leave for Boston. So I told him when it was complete to send it directly to Capt. Westfall."* Lieutenant Heaton later explained he intended to do the incident as an E.P.N., send it to command staff, and have them determine if it needed further investigation or changes.

At some point, Lieutenant Heaton contacted Captain Adkins, who gave him *"...bullet points to follow just basically to document everything and put it together."* Lieutenant Heaton stated, *"And at, towards the end of our conversation with the captain, I told him that what I wanted to do was document it by way of E.P.N. for the skills, knowledge, and abilities reference to what he was doing. Send it to the administration so they could look at it, and if it needed to go further than, of course then it would go further."* Lieutenant Heaton stated his initial contact with Captain Adkins

was before he reviewed the B.W.C. video. A review of the B.W.C. audit showed Lieutenant Heaton didn't check the footage until June 2, 2022, after he received the E.P.N.

Lieutenant Heaton later admitted, *"And maybe my direction wasn't clear. I could have just said E.P.N. when I meant S.I. I figured that once we got the, got it documented in Blue Team and it was observed by the chain of command going up that if it needed to proceed further that it would."*

Sergeant Calkins noted during the interview that Lieutenant Heaton's statements became convoluted regarding the sequence of events, including how the direction was provided and establishing a timeline. Sergeant Calkins needed to refer Lieutenant Heaton to multiple documents to recall the information accurately.

Lieutenant Heaton was then asked how the incident morphed from an E.P.N. to a Supervisor Inquiry. Lieutenant Heaton stated, "I didn't even know an S.I. was going on because I figured this was gonna lead to, you understand what I'm saying?" Lieutenant Heaton stated again he assumed the direction came from Captain Westfall since he was away at a class in Boston. When asked how he got that direction from Captain Westfall, he stated, *"I didn't."*

Sergeant Calkins asked Lieutenant Heaton if he reviewed the S.I., to which he responded, *"No not that I recall..."* Sergeant Calkins showed Lieutenant Heaton the routing history of the Blue Team, where he reviewed the document and sent it back to Sergeant Richard for corrections. Lieutenant Heaton stated, *"If I'm on there then yes I had to have looked at it but I don't recall looking at it."*

Lieutenant Heaton stated, *"I can't, you know what I think it might have been I'll look at my email; there may be an email from Captain Westfall saying do an S.I.,"* Sergeant Calkins asked for the email, which Lieutenant Heaton was unable to provide.

Later in the interview, Lieutenant Heaton stated he got further direction to complete the S.I. from Captain Adkins instead of Captain Westfall. Lieutenant Heaton stated, *"...I said was is thinking back trying to take some time to figure out what was going on, after I gave this direction for the EPN I either spoke with Adkins or Westfall and I can't remember which and we decided that we needed an S.I. That's where we're at because after I gave this direction and it was already being generated we then turned around and went this route."*

Lieutenant Heaton directed Sergeant Hattaway to document the information in two supervisor inquiries. Sergeant Hattaway asked if Sergeant Richard could complete them for experience since he was in training. Lieutenant Heaton authorized Sergeant Richard to complete the documentation instead of Sergeant Hattaway.

Lieutenant Heaton stated on June 4, 2022; he advised Sergeant Richard to forward the supervisor inquiry's to Lieutenant Ihnken because he was leaving for a class on June 5. Since that time, nobody has contacted Lieutenant Heaton about the issue.

Interview with Sergeant William Mather

On June 29, 2022, at approximately 1440 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant William Mather. Sergeant Calkins conducted the interview at 124 North Riverside Drive, New Smyrna, at the District 3 South office. Below is a synopsis of the audio-recorded interview:

Sergeant Mather advised he has been employed with the Volusia Sheriff's Office since July of 2010. Sergeant Mather stated he is currently the supervisor of the Crime Suppression Team but was working as the bravo shift supervisor on May 24, 2022. Sergeant Mather noted during that time; he supervised Deputy Castro, who came from another shift.

Sergeant Calkins asked Sergeant Mather how he became aware of the incident. Sergeant Mather stated he received a phone call while off duty and was apprised of Deputy Castro's incident. Sergeant Mather contacted Sergeant Hattaway and spoke with him about the incident. Sergeant Mather told Sergeant Hattaway he would contact Lieutenant Heaton on the proper course of action. Sergeant Mather spoke with Lieutenant Heaton a few days later in his office. After the discussion, Lieutenant Heaton advised he would have Sergeant Hattaway complete the supervisory paperwork. Sergeant Mather stated the only thing he researched was the CAD printout of the call.

Sergeant Mather stated when he came back on duty a few days later; he met with Deputy Castro. Sergeant Calkins asked about the conversation, to which Sergeant Mather replied, *"The conversation was more, so hey, what's going on what happened? I knew about it, and so I talked to him and I can't say verbatim exactly what he said but it was in the context of that he was towards the end of the shift he wanted to be able to go home on time and he didn't think he would be able to make it home on time so that's why he didn't arrest him for the D.U.I. I asked him why he didn't at least do the driving on suspended and he, he just said looking back something to the effect of it was a bad decision."*

Sergeant Mather stated, *"And in addition since I've been his supervisor I've noticed several deficiencies that he's had. A lot of it dealt with decision-making, critical thinking, and failure to really act on things. So I made, once I started getting a few things and I think it was around the time I had to hand the eval I'm like hey I just made him [Lieutenant Heaton] aware I'm dealing with these issues, just wanna make sure that you're aware of them just in case you know anything were to happen and then when I submitted the annual eval he's like hey we need to have a talk with this kid..."* Sergeant Mather stated Deputy Castro had been with multiple supervisors over the

previous year, and he was attempting to provide corrective action. Deputy Castro has had some deficiencies that he was trying to correct. Sergeant Mather contacted previous supervisors and worked on the yearly evaluation, which he was later provided to Lieutenant Heaton. Sergeant Mather stated he ended up meeting with Deputy Castro, with Lieutenant Heaton present on May 31, 2022, to discuss the issues and find ways to help with job performance.

Shortly after the meeting with Deputy Castro, Sergeant Mather went on extended leave. Sergeant Mather had no further involvement.

Interview with Deputy Charles Smith

On June 29, 2022, at approximately 1744 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Charles Smith. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Deputy Smith advised he has been employed with the Volusia Sheriff's Office for approximately a year. Deputy Smith is currently assigned to delta shift in District Two, which encompasses the DeLand unincorporated area. Deputy Smith stated on May 24, 2022; he was working in his respective district and made an arrest which he transported to the V.C.B.J. Deputy Smith advised he left the jail heading westbound on U.S. 92 back towards DeLand. Deputy Smith completed his shift and was heading home early due to a promotional interview scheduled in the morning. As he was heading home, Deputy Smith located a vehicle parked in the middle of U.S. 92 just west of Red John Drive.

Deputy Smith contacted dispatch to create a call for service and activated his emergency lights. Deputy Smith made contact with Hilgeman, who was *"extremely intoxicated."* Sergeant Calkins asked Deputy Smith to explain how he knew Hilgeman was impaired, to which he responded, *"He had red bloodshot eyes or glossy, extremely slurred speech. He was unable to maintain his balance on his own standing up he kept falling down. Had to sit on the ground, had to use his vehicle for balance I mean, it was obvious he had the odor of an alcoholic beverage emitting from his breath. It was very apparent that he was under the influence of alcohol."*

Sergeant Calkins asked Deputy Smith if Hilgeman ever made any statements, to which he responded, *"I know at one point during my conversation with him he said that he'd been arrested multiple times for D.U.I. and just to arrest him..."*

Deputy Smith contacted dispatch, who stated he was in the District 3 area of responsibility. Deputy Smith requested a District 3 deputy respond to assist. Deputy Smith said Deputy Castro arrived on the scene and assumed the investigation.

Sergeant Calkins asked Deputy Smith about his conversation with Deputy Castro once he came on the scene. Deputy Smith stated, *"I kind of briefed him on how I came about the vehicle, my interaction with the individual who was driving the vehicle and asked him if he was going to be the deputy that was going to be conducting the D.U.I. investigation."*

Sergeant Calkins asked Deputy Smith about Deputy Castro's response. Deputy Smith stated, *"I don't know his exact verbiage but it was something along the lines of that he had never done a D.U.I. before, that he was working overtime that night and that he really didn't wanna do a D.U.I."*

Sergeant Calkins asked Deputy Smith if he observed any other violations while on scene. Deputy Smith stated, *"Yes, the tag on the vehicle wasn't registered. We had ran the individual who was behind the wheel of the motor vehicle the driver and sole occupant, his license was suspended indefinitely for three or more prior D.U.I.'s. There were also open containers of alcohol inside of the vehicle. I think that's all I can think of."* Deputy Smith stated Deputy Castro was aware of all the information.

Sergeant Calkins asked Deputy Smith what actions he took on the scene. Deputy Smith indicated he stood with Hilgeman while Deputy Castro made phone calls and determined what course of action to take.

Sergeant Calkins asked Deputy Smith if there was any conversation with Deputy Castro not captured on video. Deputy Smith stated, *"He had asked me if, that he, he indicated to me that he'd never done a D.U.I. and I told him that I could print the D.U.I. kind of like cheat sheet where it tells you all the exercises. I told him that I could print that off for him and provide it to him and kind of explained the D.U.I. process to him. He indicated that it was a lot of work for a misdemeanor and I told him that since it was, you know, based on his history that it wasn't a misdemeanor, it was a felony for the driving and for the D.U.I. and I think he had told me that he was working overtime that night so I told him if he probably got with one of his shift mates they would probably help him out."*

After the conversation, Deputy Smith returned to his patrol vehicle to finish paperwork from his previous case. While sitting in his car Deputy Castro *"...came up to me and said that I was good to leave that he was gonna handle the incident."* Deputy Smith stated he transferred the probable cause to Deputy Castro and left the scene.

Phone Contact with Marilyn Hilgeman

On July 1, 2022, Sergeant Calkins spoke via phone to Hilgeman's mother, Marilyn Hilgeman, who advised she didn't have a copy of the release of liability. Marilyn also stated she hadn't seen her

son in a month and believed he had checked into rehab. Marilyn was unable to provide any further pertinent information due to her advanced age.

Interview with Deputy Sean Castro

On July 6, 2022, at approximately 1428 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Sean Castro. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Deputy Castro, Sergeant Calkins, Sergeant Gordon, and Sergeant Brodie Hughes were present for the interview. Below is a synopsis of the sworn recorded interview:

Before conducting the interview, Deputy Castro had the opportunity to review all relevant material obtained during the course of the investigation. Deputy Castro signed a copy of his Garrity Warning, acknowledging his understanding of the document in the presence of the previously mentioned personnel. Sergeant Calkins read Deputy Castro a Volusia Sheriff's Office Administration of Oath / Perjury Warning. Deputy Castro and Sergeant Calkins signed this document in the presence of the same previously mentioned personnel.

Deputy Castro advised that he has been employed with the Volusia Sheriff's Office for approximately two years and is currently assigned to patrol District 3 North. On May 24, 2022, Deputy Castro responded to a disabled vehicle at the request of Deputy Smith. The area of the disabled vehicle was in Deputy Castro's area of responsibility.

Sergeant Calkins asked Deputy Castro what he observed on the scene; Deputy Castro stated, *"I observed Deputy Smith with his patrol vehicle; he had his lights on. I saw another vehicle in what I would call the outside lane, kind of diagonally sitting in the roadway. There was a gentleman outside of the car. I don't; I can't recall if he was standing or laying I know he may have been sitting on the side of the road in the grass."*

Sergeant Calkins asked who he made contact with first on the scene. Deputy Castro advised, *"Deputy Smith, I believe I made contact with first. I saw the gentleman on the side of the road, started kind of talking to Deputy Smith, seeing what was going on. He said that this guy was sitting in the car I believe he said he had the music blaring, and he had him get out of the car. And I don't recall the exact conversation, but that was the first contact."* Deputy Smith relayed to Deputy Castro that he located Hilgeman sitting in the vehicle's driver's seat. Sergeant Calkins asked Deputy Castro if he recalled the conversation about Hilgeman admitting to having a hundred D.U.I.'s. Deputy Castro stated, *"I vaguely remember Deputy Smith saying something along those lines, yes."*

Sergeant Calkins asked Deputy Castro what he did after making contact with Deputy Smith, to which he advised, *"I was looking at the gentleman sitting on the side of the road. I don't remember; I remember saying something to him. I don't recall exactly what it was I didn't review anything prior to this, but I don't remember the exact conversation that I had with him. I remember him kind of being a little, speaking a little funny..."* Deputy Castro added, *"I recall him being very unsteady on his feet. Unable to stand up, walk around without any sort of assistance."*

Sergeant Calkins asked Deputy Castro if he believed Hilgeman was intoxicated. Deputy Castro stated, *"I don't know 100%, but I believe a reasonable person would believe that he was yes."* Deputy Castro said during his conversation with Hilgeman; that he advised he was on the way home to Halifax Plantation. Deputy Castro acknowledged Hilgeman was westbound on U.S. 92 the opposite way to his residence.

Sergeant Calkins asked Deputy Castro if, in his opinion, after observing Hilgeman did, he believe he was over the legal limit. Deputy Castro stated, *"Without having tested him, I would believe that he would be."*

Sergeant Calkins asked if Hilgeman could have been arrested for D.U.I. Deputy Castro stated, *"I believe had I had more training, I have never had formal training in D.U.I.'s. I believe had I had the proper training on how to go through a D.U.I. other than the core training that we had during the Daytona State academy, I believe that there were further steps I could have taken that would have rectified a D.U.I. arrest, yes."*

Sergeant Calkins asked Deputy Castro if he utilized any resources provided by the Volusia Sheriff's Office to execute his job duties properly. Deputy Castro stated, *"I did reach out to a couple deputies. It was Deputy Bissonnette and Deputy Bayne. I reached out them kind of saying hey, there might be a possible D.U.I. here do you guys want it and they did say that they would help I believe Deputy Bayne said that he would act as a B.T.O. should I get to that point."*

Sergeant Calkins asked Deputy Castro why he didn't investigate the D.U.I. Deputy Castro stated, *"With what I knew then, I believed the D.U.I. at that point was a misdemeanor. I didn't know that the priors constituted a felony. So in my mind, we had discretions on the misdemeanor that it wasn't something that 100% needed to be done for lack of a better term. In my head at the time, it was a misdemeanor, and a courtesy ride home was because I had no training on how to do it. I was just completely out of my element."*

Deputy Castro said he ran a criminal history check on Hilgeman but didn't recognize it as a felony. Deputy Castro never reviewed Florida State Statutes to confirm the possible level of violation he was investigating. Sergeant Calkins notes that deputies have access to a homepage on their MDC

that contains numerous hyperlinks, one of which is to the Florida State Statutes, to assist them with their job responsibilities.

Deputy Castro stated he ran Hilgeman's license through D.A.V.I.D., which showed he was suspended. Sergeant Calkins asked Deputy Castro why he didn't investigate the violation. Deputy Castro advised, "...I got so hung up on the D.U.I. portion..." Deputy Castro indicated he got overwhelmed with the investigation into the D.U.I. and completely disregarded the other potential law violations. Deputy Castro stated he didn't utilize any resources to assist in his investigation to determine the offense level.

Sergeant Calkins asked Deputy Castro if he had investigated the law violation involving the attached tag not assigned to the vehicle. Deputy Castro stated, "*I did not.*" Sergeant Calkins asked Deputy Castro if he knew of the law violation. Deputy Castro said, "*I may; I do recall seeing something. I don't know if it was the tag, but I thought maybe I vaguely remember looking at the sticker the expiration sticker, and I believe it had the wrong tag number on the sticker for the registration sticker.*"

Sergeant Calkins asked Deputy Castro about his contact with Hilgeman's mother at her residence. Deputy Castro stated, "*I had her sign a release of liability form because the vehicle was left on the side of 92. I had, I do recall making contact with her via phone asking her like hey is it ok if I if we leave your vehicle on the side of the road here I've got a form for you to fill out if it's ok I can bring it up to you when I bring him home and have you sign. I was kind of explaining that it releases us from the liability of the vehicle being left on the side of the roadway in the event that it gets damaged.*"

Sergeant Calkins asked Deputy Castro what he did with the signed form. Deputy Castro indicated he put the call number on the corner of the paperwork and placed it into the records box at District 3 North. Sergeant Calkins asked Deputy Castro if he knew the registered owner was Hilgeman's sister, not his mother, who signed the release. Deputy Castro stated, "*I did not know that I believed it to be his mother.*"

Sergeant Calkins asked Deputy Castro why he only utilized his MDC during the service call instead of his radio. Deputy Castro stated, "*Most times, I've been recently instructed for priority calls to start calling out on the radio when I get on scene but typically everything if I can do the most I can on the computer. When I first came out on my own, that was the biggest thing my sergeant said that some people talk on the radio too much, and if you can do it on the MDC, go ahead and do it.*" Deputy Castro added, "*Even when it comes to having calls assigned to you, instead of saying calling out saying I'll take the pending call, send central a message on the computer and they'll just send it to you that way.*" Deputy Castro stated this is common practice

for him on non-priority calls. Sergeant Calkins notes this is common among deputies when the calls for service are high.

Sergeant Calkins asked Deputy Castro if he was intentionally not utilizing the radio to conceal his decision to transport Hilgeman to his residence. Deputy Castro stated, *"No, I do that all the time; if it's same-sex, I'll type in if it's transport to the jail or courtesy ride usually juveniles or if it was the opposite sex, I will call out on the radio."* According to Volusia Sheriff's Office General Orders, deputies will utilize the radio to transport juveniles or individuals of the opposite sex. Deputies can use their MDC to transport individuals of the same sex.

Sergeant Calkins asked Deputy Castro if his B.W.C. was activated during his entire contact with Hilgeman. Deputy Castro stated, *"Not for the entirety of the incident no."* Deputy Castro explained, *"I turned it off while I was making phone calls. That was something that I had done a few times in the past. Since this has come up I have since stopped doing that even when I've been onscene with supervisors when we're kind of off the scene and they're like hey are you still recording it's like yeah I'm still recording especially now I keep that thing going. It was not, it was not on for the entirety of the call."*

Deputy Castro was asked about each deactivation and who he contacted. Deputy Castro stated, *"The first time I believe I was speaking to Dep. Smith, I was having a conversation with him."* Deputy Castro was asked about the conversation, to which he stated, *"Just trying to find out like what we had what we could do just some options of what's going on."* Deputy Castro was asked if he remembered Deputy Smith advising him to contact his supervisor, to which he stated, *"I don't recall if he did or not."* Deputy Castro indicated he never reached out to Sergeant Hattaway with questions or to seek assistance.

About Deputy Castro's second deactivation, he stated, *"I believe that time I called Dep. Bissonnette."* Deputy Castro was asked about the conversation with Deputy Bissonnette. Deputy Castro said, *"Kind of the same questions hey, what are my options what can I do here? I believe I think he had a trainee at the time, so I was like, hey, you know this guy might be D.U.I. do you wanna you know do you wanna take it, and he said no."* Deputy Castro stated Deputy Bissonnette did offer to help him with the B.T.O.

Deputy Castro advised in addition to contacting Deputy Bissonnette; he also made contact with Deputy Bayne. Deputy Castro stated the conversation was similar to that of Deputy Bissonnette and that Deputy Bayne offered to do the B.T.O.

About Deputy Castro's third deactivation, he stated, *"I made a phone call to his [Hilgeman] mother."* Deputy Castro said, *"That was when I had the conversation of can we leave the vehicle on the side of the road here we'll get I've got a form for you to sign and stuff like that."*

Sergeant Calkins asked Deputy Castro if he would consider his encounter to be in contact with the public. Deputy Castro stated "yes" and added, *"I have no excuse for that. It's an inexcusable thing that I did."* Deputy Castro stated while in training, a D.T.O. provided him the direction that he didn't have to record telephone-handled calls. Deputy Castro stated, *"Not saying that that was the right thing to do or right thing whatever the case was, but that was kind of what I based that on as well."* Deputy Castro acknowledged that a telephone handled call and a D.U.I. investigation are entirely different scenarios.

Sergeant Calkins asked Deputy Castro how Hilgeman's vehicle was moved to the side of the road since it wasn't captured on B.W.C. Deputy Castro stated, *"Yeah I failed to reactivate my body camera and when I spoke to mom she said it was fine leaving the car over there. So at that time, I failed to activate my body camera. I went into the vehicle I moved the vehicle off the roadway to get the roadway clear make sure there was no obstructions everything was safe and that's what I did during that time. I went back to my vehicle started doing a little more I don't remember what I was doing I'm sure I was looking up some sort of information and then I believe it was when I got back in my car and went to shut the camera off that time I realized that it wasn't beeping and I looked down and realized that my camera wasn't activated when I moved the vehicle."* Deputy Castro acknowledged that one of the reasons activating a B.W.C. is essential is to protect the deputies from any false complaints.

Deputy Castro indicated a few days after the incident; he was approached by Sergeant Hattaway and given direction to review Florida State Statutes about the suspended license. Deputy Castro was instructed to review the statute and file an affidavit if it met a felony. Deputy Castro stated, *"I remember there was another deputy any myself we were kind of looking over everything because again I was still this was still fresh from that incident, so I was kind of looking to see what would constitute a felony D.W.L.S. I remember looking at it, we kind of discussed everything, and we determined that it didn't fit the felony D.W.L.S. at the time."*

Sergeant Calkins asked Deputy Castro why he didn't think it was a felony. Deputy Castro stated, *"That was just from reading the statute at the time when we were looking at it we were looking at ok this is what he's got these are his priors this is the I believe he had prior D.W.L.S. as well and I remember we discussed it and it didn't turn out to be a felony."* Deputy Castro later acknowledged the violation was a felony after further explanation by Sergeant Calkins.

Deputy Castro stated Sergeant Hattaway also contacted him the night of the incident, asking about the call for service. Deputy Castro said, *"...he asked me what happened I kind of gave him a rundown, and he told me that I directly violated policy, and I believe he used the phrase screwed the pooch on it, and he said it is what it is we'll move forward you know whatever's gonna happen is gonna happen."*

Sergeant Calkins asked Deputy Castro if he intentionally deactivated his B.W.C. to avoid capturing any of his conversations. Deputy Castro stated, *"No, absolutely not."* Deputy Castro indicated he thought since he wasn't in direct contact with the public or Hilgeman, he didn't need to have it on. Deputy Castro stated after this incident, he keeps his camera activated on every call for service, even when he calls another deputy for assistance.

Sergeant Calkins asked, *"In the B.W.C., you mentioned to Deputy Smith that he mentions to you I believe that he has to leave early because he's got an interview. You mention to him something about you also having to leave or trying to get off on time for a reason. Did you have an appointment with the Sheriff's Office or anything?"* Deputy Castro stated, *"No, I didn't have anything. Just like anybody, I mean that it doesn't excuse anything that I did. I didn't do anything solely because, oh, I need to get off early. I mean, that's not what I would do, but I mean, just like any other deputy, sure, I'd love to get off on time. I don't feel that I did what I did just based on solely of oh, I just wanna get off on time."*

Sergeant Calkins asked Deputy Castro if his handling of the call was sufficient. Deputy Castro stated, *"I do not. Hindsight is always 20/20. Knowing even the little bit of information that I've learned since that, it would have gone completely different."* Deputy Castro was asked if his conduct reflected the standards of the Volusia Sheriff's Office, to which he replied *"no."*

Sergeant Calkins asked Deputy Castro if he would have done anything differently, to which he responded, *"Oh, absolutely."* Deputy Castro was asked what he would have done, to which he replied, *"Especially on my shift, I've got one of my zone partners who has done many D.U.I.'s; he's been here for several years, and I've been talking to him since then, and I've been wanting to actually go out and find a D.U.I. because I want to more or less redeem myself from this scenario and I just wanna learn. I wanna learn how to do it. I understand that there's other resources as well as far as free classes provided by the state for D.U.I. detection and S.F.T. or S.F.E.'s sorry that actually have wet labs, which I believe are called wet labs where they actually have people consume alcohol, come in, and you do the test so you can physically see ok this is this level of impairment this is what you're gonna see, this is this level of impairment this is what you're gonna see. That's definitely something I'm interested in taking."*

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

GO-026-02.IV.C.5.g – Failure to follow general orders	Yes
GO-026-02.IV.G.2.a – Knowledge of official general orders and pertinent standard operating procedures	Yes

GO-026-02.IV.D.9.p – Use of equipment B.W.C.	No
GO-026-02. IV.C.5.M - Negligence, Not Endangering	Yes
GO-061-03.IV.A.4 – Traffic Law Enforcement	No
GO-061-03.IV.C.2.a – Uniform Traffic Law Enforcement Actions Driving Under the Influence of Alcohol/Drugs	Yes

At the conclusion of the interview, Sergeant Hughes asked Deputy Castro how many DTO's he was assigned while in training. Deputy Castro stated, "*Probably in the ballpark of ten. I was tossed around a whole bunch...*" Deputy Castro indicated that shortly after being cleared in training, he was transferred to the courthouse, where he completed his probation. Deputy Castro was assigned back to patrol and indicated he worked for approximately six different supervisors in his short time.

Sergeant Calkins conducted further investigation and reviewed Deputy Castro's previous calls for service involving a telephone-handled call. Sergeant Calkins could not locate any B.W.C. videos, which confirms Deputy Castro's statement that he does not activate his B.W.C. while on the phone.

Sergeant Calkins obtained Deputy Castro's field training logs and noted he was assigned eleven DTOs during his training. Sergeant Calkins notes that Deputy Castro was extended in his training phase, which caused an increase in this number.

The Internal Affairs investigation was presented to Chief Deputy Brian Henderson. Upon completion of the presentation, Chief Deputy Henderson sustained the aforementioned General Order violations against Deputy Castro:

GO-026-02.IV.C.5.g – Failure to follow general orders	Sustained
GO-026-02.IV.G.2.a – Knowledge of official general orders and pertinent standard operating procedures	Sustained
GO-026-02.IV.D.9.p – Use of equipment B.W.C.	Sustained
GO-026-02. IV.C.5.M - Negligence, Not Endangering	Sustained
GO-061-03.IV.A.4 – Traffic Law Enforcement	Sustained

GO-061-03.IV.C.2.a – Uniform Traffic Law Enforcement Actions
Driving Under the Influence of Alcohol/Drugs

Sustained

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Supervisor Inquiry SI-22-044
- D. Supervisor Inquiry SI-22-045
- E. Supervisor Discipline SD-22-093
- F. Computer Aided Dispatch #P221440180
- G. Computer Aided Dispatch 1D33
- H. Computer Aided Dispatch 1D24
- I. Body Worn Camera Audit
- J. D.A.V.I.D. Printouts / Criminal History
- K. F.C.I.C. Florida Tag 0860JW
- L. Miscellaneous Documents
- M. Transcript of Interview with Sergeant Theodore Richard
- N. Transcript of Interview with Sergeant Jason Hattaway
- O. Transcript of Interview with Deputy Jacob Bissonnette
- P. Transcript of Interview with Deputy Andrew Bayne
- Q. Transcript of Interview with Lieutenant Donald Heaton
- R. Transcript of Interview with Sergeant William Mather
- S. Transcript of Interview with Deputy Charles Smith
- T. Transcript of Interview with Deputy Sean Castro
- U. Digital Evidence

WITNESSES:

Volusia Sheriff's Office
123 W. Indiana Avenue
DeLand, FL 32720

Sergeant Theodore Richard
Sergeant Jason Hattaway
Deputy Jacob Bissonette
Deputy Andrew Bayne
Lieutenant Donald Heaton
Sergeant William Mather
Deputy Charles Smith
Deputy Sean Castro

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

AND

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

DETECTIVE: Andrew Calkins DATE: 10/31/22

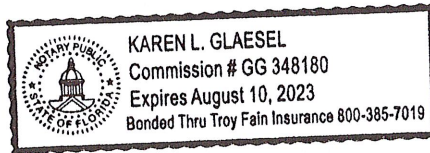
**Sergeant Andrew Calkins
Internal Affairs Sergeant**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

Sworn to (or affirmed) and subscribed before me by means of physical presence or online Notarization this 31 day of October, 2022 by Sergeant Andrew Calkins

Karen Laesel

SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA



PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: Brian Henderson DATE: 10/31/2022

**CHIEF DEPUTY BRIAN HENDERSON
VOLUSIA COUNTY, FLORIDA**

Chief Deputy
Brian Henderson

OFFICE
(386) 736-5961



VOLUSIA SHERIFF'S OFFICE

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

July 28, 2022

Deputy Sean Castro, #9100
Volusia Sheriff's Office
LEOD / District Three North

Final Notice of Discipline

Deputy Castro:

Volusia Sheriff's Office General Order GO-026-02 requires that all "Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position." Because of your actions or inactions documented in IA 22-003, I have tentatively determined you violated the following Sheriff's Office General Orders:

Volusia Sheriff's Office General Orders:

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order – Employees shall adhere to all official general orders, standard operational procedures, and orders, and shall faithfully execute all the duties and responsibilities of their assigned position

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

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

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

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

GO-026-02. IV.C.5.M - Negligence, Not Endangering – Employees shall not ignore or violate official general orders, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions.

GO-061-03.IV.A.4 – Traffic Law Enforcement - Deputies shall use discretion in reference to the type of enforcement action to take for traffic violations. When deciding the level of enforcement action to take, the type and severity of the violation committed shall be considered. There are three general levels of enforcement action available to Deputies:

- **Warning** – Warnings may be either verbal or written. Warnings may be given for minor traffic infractions when the Deputy feels the warning is sufficient to correct the violation.
- **Traffic Citation** – Deputies may issue Uniform Traffic Citations for specific violations of Florida Statutes. Traffic infractions are non-criminal violations and may only be charged through use of a Uniform Traffic Citation (UTC). Criminal traffic violations must be evaluated with the utmost care. As in most cases, Deputies have the option to physically arrest the offender. If physical arrest is not possible or deemed inappropriate, the defendant will be charged using the Uniform Traffic Citation.
- **Physical Arrest** – Physical arrest may be made for most misdemeanor and all felony criminal violations of the traffic laws. All arrests will be in accordance with current Florida law.

GO-061-03.IV.C.2.a – Uniform Traffic Law Enforcement Actions – Driving Under the Influence of Alcohol/Drugs - Deputies shall make a concerted effort to detect and apprehend those persons suspected of violating Fla. Stat. § 316.193, Driving or Actual Physical Control of a Motor Vehicle While Impaired Due to Alcohol or Controlled Substances; or, Driving with an Unlawful Blood-Alcohol Level (See general order *GO-061-06 DUI Enforcement Program*).

To Wit:

On May 24, 2022, at approximately 0206 hours, a deputy located a vehicle parked in the middle of US 92 in Daytona Beach. The deputy, who was assigned to a different district, requested a District 3 North unit to respond. You arrived on the scene and assumed the investigation.

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Upon your arrival, the vehicle was observed to be parked in the middle of the westbound lanes of US 92, blocking traffic in an area with minimal lighting. By its very nature, this situation posed a significant hazard and danger to the public given the circumstances. You made contact with the driver, the vehicle's sole occupant, who was clearly and unmistakably intoxicated. This was determined by several statements and the driver's physical actions on your body-worn camera. His intoxication was obvious and should have been appropriately addressed.

During your interview with Internal Affairs' detectives, you stated you were unsure of the driver's level of impairment, which is concerning given the multitude of indicators present. For instance, during a review of the body-worn camera footage, the driver admitted to having "100 DUI's," to which your response was "My goodness." The driver also indicated he was on his way to Halifax Hospital from DeLand, though he was traveling westbound towards DeLand. The driver had slurred speech while you were in contact with him, which at some points was unintelligible. The driver's physical actions were also indicative of him being highly intoxicated at the time due to his inability to stand and falling over multiple times on the shoulder of the road. At one point in your body-worn camera footage, you reengage the driver and discovered he was sleeping in the grass on the side of the road, which is not normal for someone in contact with law enforcement.

A license check revealed the driver had four previous DUI convictions, which you failed to identify. These prior charges would have made your current investigation a felony. Also, you were aware of the driver's license was permanently revoked for DUI since December 10, 2019; which is also a felony. Instead of arresting the driver for the law violations, you provided him a ride home while leaving the vehicle in an unsecured area on the side of the road. Deputy Castro, according to our General Order's, you have no discretion regarding felony traffic violations.

In addition, you failed to observe that the tag on the vehicle was not assigned to it. Furthermore, you allowed a third party, not the registered owner, to sign the Release of Liability form. This illustrates your lack of thoroughness and understanding of the implications.

Deputy Castro, in addition to properly investigating the felonies, you also failed to utilize your BWC while on scene in accordance with General Orders. You purposely deactivated your camera on three separate occasions, thus not capturing the entire incident. During your interview, you stated that you were making private phone calls, although one of the phone calls was to the driver's mother. Your explanation is unreasonable and unacceptable. Further review of your body-worn camera revealed that you moved the vehicle off the roadway and was not captured on BWC. Deputy Castro, during your interview, you admitted forgetting to reactivate your camera after making a phone call. An audit revealed that you were off BWC for approximately twenty-seven minutes between phone calls. Deputy Castro, this is unacceptable and a clear violation of General Orders.

Deputy Castro, during your interview, you admitted that you failed to recognize the DUI was a felony, believing it was a misdemeanor. You acknowledged you had resources, including access to legal bulletins and Florida State Statutes, to assist with your investigation and decision-making. You failed to utilize these resources to assist you with the investigation. When asked why you didn't arrest the driver for the revoked license, you indicated you were overwhelmed with the DUI portion of the investigation and neglected the other potential violations. Your statement is of grave concern because it is our duty as law enforcement officers to investigate and identify all law violations. As a Deputy with the Volusia Sheriff's Office, you must stay calm, analyze your surroundings and make good judgment decisions during stressful encounters.

According to the National Highway Traffic Safety Administration, 11,654 people died in alcohol-related-impaired driving traffic deaths in 2020. The public entrusts us to keep them safe and your lack of judgment to hold a habitual DUI offender accountable is intolerable. As a Deputy with the Volusia Sheriff's Office, Deputy Castro, you are held to the highest standards. Your inability to properly analyze and investigate the felonies are unacceptable.

Furthermore, Deputy Castro, your failure to properly activate your BWC will not be tolerated. The purpose of the BWC, which you acknowledge in your interview, is to enhance the public trust and aid in deputy safety.

Your inactions failed to follow the Volusia Sheriff's Office Mission statement, "To protect and serve with courage, honor, and integrity by fighting crime, maintaining trust, and building community partnerships."

In determining your discipline, I have considered your prior disciplinary history, performance, length of service with VSO, and seriousness of the circumstances of the most recent violations.

Deputy Castro, you were served with an "Intent to Suspend" letter on July 20, 2022, advising you of Division Chief Louis Marino's intent to suspend you from duty without pay for forty (40) hours. You appeared before me on July 25, 2022, and had the opportunity to offer any mitigating circumstances for consideration prior to the final discipline. After earnest consideration, my final decision is as follows:

- 1) Suspension from duty for **twenty-four (24) hours without pay**. In lieu of serving the suspension without pay for its entirety, you may elect to use your personal leave.
- 2) You are to be **reassigned to Support Operations Division, Training** where you are to complete and successfully pass the Deputy Training phase with a Deputy Training Officer.

On July 27, 2022, you notified the Office of Internal Affairs via email, **electing to utilize personal leave in lieu of the suspension**. Therefore, your one-time maximum allotment of sixty (60) hours

will be deducted twenty-four (24) hours. Your remaining balance of the one-time allotment will be thirty-six (36) hours. The dates of your suspension, will be **Monday, August 8, 2022 and Tuesday, August 9, 2022 from 0600 hours to 1800 hours** as determined by Captain Shivers.

You may not work any additional hours (i.e., scheduled days off) during the pay periods in which the suspension is taken. Additionally, during the time of your suspension, you are prohibited from taking any law enforcement action, or act in the capacity of a Deputy Sheriff.

Note: Even though you are paid on a weekly basis, the VSO operates on a two-week pay-period for the purposes of overtime calculation.

If there are any concerns or questions troubling you that I am not aware of, please advise me so I will have the opportunity to assist you in correcting this problem.

Pursuant to the Volusia Sheriff's Office General Orders, Volusia Sheriff's Office General Counsel has reviewed and concurred with this intended action.

Any subsequent discipline can result in more severe administrative action, up to and including dismissal. Take due care and govern yourself accordingly. Be especially aware of **Progressive Discipline GO 26-01**.

Sincerely,



BRIAN HENDERSON
CHIEF DEPUTY

cc: VSO Human Resources
VSO General Counsel
Internal Affairs

BH/bg 041L0056.22



This letter was read and received by:

Deputy Sean Castro, #9100

Date: 7-29-2022

Time: 2053 Hours

Served by: [Signature]