



# VOLUSIA SHERIFF'S OFFICE

MICHAEL J. CHITWOOD, SHERIFF

Office of Chief Deputy Brian M. Henderson - Internal Affairs

## REPORT OF INVESTIGATION

REPORT NUMBER: IA 22-005

**PERIOD COVERED:** September 29, 2022  
**DATE REPORTED:** February 22, 2022  
**SUBJECT(S) NAME:** Deputy Holly Colon, #6925  
**INVESTIGATING OFFICER:** Sergeant Ben Gordon, #7744

### BASIS FOR INVESTIGATION:

On Wednesday, September 28, 2022, Hurricane Ian made landfall in Florida and caused severe flooding, and heavily damaged several communities in Volusia County. The Volusia Sheriff's Office was tasked with conducting highwater vehicle rescues, evacuations, calls for service, and other law enforcement responsibilities during the natural disaster. On Thursday, September 29, 2022, Deputy Holly Colon was scheduled to work in District 4 (Deltona) and was to assist the district with various added law enforcement responsibilities due to the storm. While in District 4, Deputy Colon was instructed to report directly to Sergeant Zimmerer while she worked in the city of Deltona. During the early part of Deputy Colon's shift, she asked Sergeant Zimmerer to leave her assigned position to take care of her animals and residence. Once Deputy Colon left the City of Deltona, she never returned nor contacted the patrol supervisor to make them aware of her change in status. At the conclusion of the natural disaster, Deputy Colon's whereabouts on September 29, 2022, were unknown, and it was undetermined what caused Deputy Colon to abscond from her duties.

### 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.E.2.d – Compliance with Direct Order of a Superior or Competent Authority** – Employees shall comply with the direct orders or instructions given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions are lawful and proper.

**GO-022-16.IV.A.4.a – Employees are Required to Report** – Employees shall report to their assigned worksite when scheduled or summoned, and if necessary, be prepared to stay for an extended period of time. Employees shall not evacuate from the area during a natural disaster or emergency. It is every employee's responsibility to maintain contact with their supervisor or their designated point of contact and to know where and when they must report for duty. Employees who fail to stay in contact with their supervisor or fail to report to work when scheduled or summoned without the prior approval of their supervisor shall be subject to discipline, up to and including dismissal.

## **INVESTIGATION:**

On October 18, 2022, Chief Deputy Brian Henderson assigned the above incident to the Internal Affairs Unit. This report details the Internal Affairs investigation conducted by Sergeant Ben Gordon.

Sergeant Gordon obtained and reviewed the memo completed by Captain Kyle McDaniel in reference to the incident authored under memo #054M099.22. The following is the contents contained within said memo.

*“On September 29, 2022, at approximately 0600 hours, District IV Bravo Shift was supplemented with 11 Judicial Services deputies assigned to assist patrol operations during Hurricane Ian.”*

*At approximately 0730 hours, Sergeant Zimmerer entered the D4 briefing room where Deputy Holly Colon, and other deputies, were sheltering in place from the storm.*

*While Sergeant Zimmerer was speaking with Deputy Clay, he noted that Deputy Colon appeared to be visibly unhappy with being at work. Furthermore, Deputy Colon was conveying her discontent with being mandated to work throughout the storm with numerous deputies in the room.*

*At some point during the tantrum, Deputy Colon began to appear physically upset and approached Sergeant Zimmerer. Deputy Colon showed Sergeant Zimmerer a picture of her house from her [sic], and explained the following:*

*Deputy Colon advised her dog was left in her house unattended and she needed to take measures to ensure her animals were taken care of. Additionally, Deputy Colon expressed concern for her house and advised she needed to make sure it was going to be okay.*

*Based on Deputy Colon's concerns and behavior, Sergeant Zimmerer sent her home to address her issues surrounding her residence and pets. Deputy Colon never returned to her assigned duty or updated either supervisor of her whereabouts.*

*During one of this community's largest natural disaster, it was apparent that Deputy Colon failed to heed the notices provided by Chief Deputy Henderson to make appropriate arrangements for the security of your home, pets and loved ones in preparation for the Category 4 hurricane which was approaching. Furthermore, Deputy Colon displayed behavior unacceptable to that commensurate with a deputy sheriff when not only the City of Deltona needed her assistance, but her comrades needed her focus and unwavering dedication to ensure the most efficient and safe response to such a storm.*

*This behavior placed a burden on already taxed Sergeants who were managing the storm and absolutely cannot be tolerated during future disasters.”*

Sergeant Gordon obtained several documents that were pertinent to the investigation.

Sergeant Gordon located two separate emails sent by Chief Deputy Brian Henderson regarding hurricane preparedness. It should be noted both emails were sent to the “All VCSO” email group which addresses every employee currently employed by the Volusia Sheriff’s Office. The first email was sent on May 31, 2022, which stated:

*“Greetings VSO,*

*The 2022 hurricane season starts June 1st and continues through November 30th. It’s never too early to establish a family plan. This is the time to start making those plans, don’t forget about the four-legged family members too! As in the past, when a storm is tracking towards our area, the preparations and operational planning become hectic. Don’t wait until the last minute or get complacent. The past couple of years, we have been very fortunate, with storms either veering off or downgrading at the last minute.*

*NOAA’s Climate Prediction Center is forecasting a likely range of 14 to 21 named storms (winds of 39 mph or higher), of which 6 to 10 could become hurricanes (winds of 74 mph or higher), including 3 to 6 major hurricanes (category 3, 4 or 5; with winds of 111 mph or higher). NOAA provides these ranges with 70% confidence. An average hurricane season produces 12 named storms, of which 6 become hurricanes, including 3 major hurricanes.*

*Please ensure you discuss with your direct supervisor what the expectations of your position are regarding natural disasters. In addition to public shelters, the Sheriff arranged with Father Lopez (located on LPGA in Daytona Beach) to serve as an exclusive shelter for VSO employees and their families. While I hope we don’t have to deal with a hurricane this year, I know that should we become impacted, each of you will rise to the occasion and, much like past natural disasters, will come together and get through whatever mother nature throws at us.”*

The second email was also sent by Chief Deputy Brian Henderson on September 23, 2022 and specifically addressed Hurricane Ian (which was identified at the time as Tropical Depression #9). The email stated the following:

*“All members of VSO,*

*We are continuing to monitor Tropical Depression 9, which is projected to become a category 3 hurricane and will likely impact Florida next week. Many of you have valuable experience in dealing with natural disasters and for some of you this may be a first but know should this impact Volusia County we are all in this together! I cannot stress enough that while the actual path is unknown and may change many times, we must start planning now. Please finalize your family plan now, don’t forget about your pets. Please review our Hurricane Operations Plan, which can be located on the Intranet under the manuals and reference material tab. Out of an abundance of caution payroll will close one day early - Tuesday opposed to Wednesday and as a result you may see a direct deposit one day early as well.*

*Thank you and stay safe,”*

Sergeant Gordon spoke with members of the Volusia Sheriff's Office finance department and collected two timecards that were documented within the program supported by American Data Group (ADG).

A review of the two timecards indicated, Deputy Colon declared she worked "District 4 Security Patrol" for eight hours on September 28, 2022, and "District 4 Security Patrol" for one and a half hours on September 29, 2022. Deputy Colon logged six and a half hours of "Emergency Standby Unable to Respond" on September 29, 2022. On September 30, 2022, Deputy Colon logged eight hours of "Emergency Standby Unable to Respond." On October 01, 2022, Deputy Colon logged one and half hours of "Hurricane Ian/D4 Patrol. " On October 03, 2022, and October 04, 2022, she logged eight hours of "On Stand By". Additionally, Deputy Colon logged twelve hours of "Hurricane Ian/Shelter Security" on October 05, 2022.

On December 09, 2022, Sergeant Gordon made contact with Interim Director of Communication Glenn Lopez. A search was conducted for any calls from Deputy Colon's residence or calls made by Deputy Colon to report any inclement weather, revealing no results. Information was relayed to Sergeant Gordon that any communication about an employee being unable to respond should have been coordinated through the Emergency Operation Center (EOC). Additionally, Lieutenant Thomas Tatum was in charge of coordinating efforts and solving issues by way of the EOC.

Sergeant Gordon was provided with a tentative schedule of all Judicial Service Deputies on when and where to respond. The schedule shows Deputy Colon is to respond to District 4 (City of Deltona) for September 29, 2022, through October 02, 2022.

### **Interview with Deputy Dave Clay**

On November 29, 2022, at approximately 1232 hours, Sergeant Gordon conducted a sworn recorded interview with Deputy Clay. Sergeant Gordon interviewed Deputy Clay at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Sergeant Gordon, Andrew Calkins, and Deputy Clay were present for the interview. Below is a synopsis of the audio-recorded interview:

Deputy Clay started by stating he was working on September 29, 2022, in District 4 (City of Deltona) and was assisting with lane closures, downed powerlines, and responding to emergencies caused by Hurricane Ian. Deputy Clay confirmed he started the day at the District 4 Office (1691 Providence Blvd, Deltona) and worked with Deputy Colon in the morning. Deputy Clay was asked about any specific interactions or conversations with Deputy Colon. Deputy Clay said, "*She [Deputy Colon] was upset that her mother was beachside Fort Myers I believe 80 some years old on O2 and the last time Dep. Colon had talked to her she was on the 4th floor of her apartment building because her apartment was already four feet underwater. And then she*

*was also concerned because she had I know multiple animals at home I don't remember if one or two was sick but and then her back yard pool was flooding and the, according to her the water was about an inch from her front door."*

Deputy Colon showed Deputy Clay pictures of the flooding near her residence, which according to Deputy Clay, corroborated her statements.

Deputy Clay was asked if he was aware of Deputy Colon's departure from her duties at the district and any conversations he may have witnessed between Deputy Colon and a supervisor. Deputy Clay began by saying during the storm, he acted as a liaison between the Judicial Service deputies and Sergeant Zimmerer, who was the district patrol sergeant in charge. Deputy Clay took on this responsibility to assist and, because of it communicated with Deputy Colon about her wanting to leave and check on her residence.

Early into the start of the shift, Deputy Clay recalled Deputy Colon's mental state steadily worsened. Deputy Clay advised Deputy Colon appeared to be "*very visibly upset*" and "*She [Deputy Colon] was actually worried as far as what she told me about getting in trouble if she left. She told me she didn't want to talk to a supervisor.*" Based on what information Deputy Colon told him, he believed she needed to speak with Sergeant Zimmerer about the matter. Only after being strongly encouraged by Deputy Clay did Deputy Colon eventually make contact with Sergeant Zimmerer in reference to her request. Deputy Clay remembered Sergeant Zimmerer and Deputy Colon spoke about her desire to leave but was not certain what specifically was said. When speaking about what he remembered, Deputy Clay said, "*I know she was allowed to leave.*"

After Deputy Colon was given permission to leave, she left and went to her residence in Port Orange. Deputy Clay said he later spoke with Deputy Colon to follow up on how she was doing. Deputy Clay said, "*She [Deputy Colon] I don't remember if she called me or sent me a text that said you know I'm scared I'm gonna get in trouble and I went [sic] a sergeant told you you could go. Go do what you need to do go take care of your stuff. Ok. And then later she actually sent me photos of an intersection somewhere near her house. And it was like this is as close as I can get I'm waiting on a high water rescue vehicle to take me home.*"

Sergeant Gordon asked if Deputy Clay had the messages from Deputy Colon; however, he advised he recently went through his phone and deleted messages that were not ongoing.

Deputy Clay advised he later contacted Deputy Colon just to follow up with the status of her mother, but nothing work related was discussed. According to Deputy Clay, that was the last time he spoke with Deputy Colon on the evening of September 29. At no point in the conversations did Deputy Colon tell Deputy Clay she was unable to respond back to work, nor did she ask for any contact information for Sergeant Zimmerer.

## Interview with Sergeant Anthony Zimmerer

On December 07, 2022, at approximately 1300 hours, Sergeant Gordon conducted a sworn recorded interview with Sergeant Anthony Zimmerer. Sergeant Gordon interviewed Sergeant Zimmerer at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Sergeant Gordon, Sergeant Calkins, and Sergeant Zimmerer were present for the interview. Below is a synopsis of the audio-recorded interview:

During the natural disaster, Sergeant Zimmerer was the patrol sergeant in District 4 (City of Deltona) and was the supervisor in charge of managing the deputies working in that area during the hurricane. Sergeant Zimmerer was additionally tasked with supervising the added Judicial Service deputies that were assigned to District 4. Prior to Hurricane Ian making landfall, Sergeant Zimmerer said, *"The day previous we met with the captain who briefed everybody at the district, told them what's expected of them during the storm, and the captain and lieutenants left it to the patrol sergeants to kind of give them their duties throughout the day or during the storm."* During this briefing, the District 4 chain of command provided further guidance regarding expectations in making sure everyone had a plan in place for their families and animals and what the expectations would be during and after the storm. Sergeant Zimmerer recalled, *"On the day of the storm, we were tasked to come in a little earlier than normal so night shift can go home and this was all given to us the day before. And we were also supplemented with I wanna say 10 to 12 JSD deputies and they joined us at 5 am as well at the briefing room."*

Sergeant Gordon asked Sergeant Zimmerer about Deputy Colon and her actions on the morning of September 29. Sergeant Zimmerer explained, *"As I was speaking with Sgt. Ray or excuse me Dep. Clay in the briefing room there was several deputies around and they were trying to get our schedules organized and I heard Dep. Colon constantly just talking with different people. It was more [sic] of a complaint but more of a nag than anything else in the background while we got our schedules together. And she kind of made her way around the briefing room table to different deputies kind of complaining about the house, it's not, the water's getting close to my house, my dogs, my animals, my house, my dogs, my animals and I guess as soon as she got closer to me and after several other deputies were not paying attention to her she kept kind of talking, interrupting myself and Dep. Clay as we're trying to make our schedule out for the day. At that point in time I addressed her saying what do you need done? And she said her house is, she showed me a picture on her phone said her house the water's getting close to her house and her animals are left unattended and she don't know if they'll be ok there. I asked her several times have you gotten your stuff squared away? Have you made any precautions, any neighbors? No, I need to go my animals, my house, my animals, my house."*

Sergeant Zimmerer explained that despite the direction provided by command staff, Deputy Colon had not sufficiently prepared for the impact of Hurricane Ian nor had a plan in place for the safety of her animals. After reaching this conclusion, Sergeant Zimmerer told Deputy

Colon, *"If you need to take care of your stuff go home get it taken care of."* Sergeant Zimmerer clarified and said he never relieved Deputy Colon of her responsibilities as a deputy during the natural disaster.

According to Sergeant Zimmerer, that was the last contact he had contact with Deputy Colon, and he did not have any interactions with her during the remainder of the hurricane response. On the topic, Sergeant Zimmerer said, *"She [Deputy Colon] left the district. We were obviously dealing with the storm and other issues popping up and I didn't think twice about it. Dep. Clay I asked him how everybody was doing throughout the shift on the JSD side he said everybody's good."* And *"To this day I have not even heard from her [Deputy Colon], seen an email, no text message nothing."* Additionally, Sergeant Zimmerer advised he had not received any notifications about Deputy Colon being unable to respond.

### **Interview with Sergeant Tara Savercool**

On December 07, 2022, at approximately 1324 hours, Sergeant Gordon conducted a sworn recorded interview with Sergeant Tara Savercool. Sergeant Gordon interviewed Sergeant Savercool at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Sergeant Gordon, Sergeant Calkins, and Sergeant Savercool were present for the interview. Below is a synopsis of the audio-recorded interview:

According to Sergeant Savercool, she oversaw coordinating phone calls and monitoring the radio traffic at the EOC (Emergency Operations Center). During the Hurricane, Sergeant Savercool became aware of Deputy Colon's inability to work due to storm damage and flooding. Sergeant Savercool said, *"my understanding was that she [Deputy Colon] was unable to respond due to water coming into her property or into her home so I just I that is my I'm sorry that, basically my understanding is that she couldn't respond due to the storm."* Sergeant Savercool was unsure how she obtained the information.

Sergeant Savercool explained she did not have any contact with Deputy Colon prior to or during the storm. Sergeant Savercool explained that toward the end of the day on September 29, 2022, she made contact with Deputy Colon in the form of a group text message. Sergeant Savercool sent out a text message to several employees providing guidance on storm-related information and encouraged anyone having difficulty responding to work to notify the EOC. Deputy Colon "liked" the text message sent by Sergeant Savercool. Sergeant Savercool had no further information relevant to the investigation.

### **Interview with Lieutenant Tom Tatum**

On December 14, 2022, at approximately 0852 hours, Sergeant Gordon conducted a sworn recorded interview with Lieutenant Tom Tatum. Sergeant Gordon interviewed Lieutenant Tatum



at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Lieutenant Tatum, Sergeant Gordon, and Sergeant Calkins. Below is a synopsis of the audio-recorded interview:

Lieutenant Tatum began by providing an explanation of his assignment during Hurricane Ian. Lieutenant Tatum said, *"There's three lieutenants in Judicial Services and so basically my responsibility was to keep track of personnel the best we could and to provide shelter information because we were overseeing the shelters and trying to get that organized and stay up to date on the shelters and just basically logistics make sure people had what they needed and you know just notifying chain of command and trying to keep everybody safe."*

Lieutenant Tatum was asked if he spoke to Deputy Colon on September 29. Lieutenant Tatum said, *"So as far as her reaching out to me, no she didn't reach out to me. I can't say for certainty whether or when she reached out to Sgt. Savercool but one of the things that I did on the 29th was went through our roster of personnel and contacted each person on that roster and there were a total of I think there were 64 people on the roster So I personally called, I tried to make contact with each one. Some people didn't answer some people you know with the phone lines being down couldn't get through. But for the most part I made contact with the majority of the people."*

Lieutenant Tatum stated that he took notes of the employees he spoke with and if they needed additional assistance. While reviewing his notes, Lieutenant Tatum said, *"Yeah she [Deputy Colon] was about three pages back and towards the end of the personnel that I was calling and according to my notes my, so I put all good on there which in my terminology was all good means we offered assistance do you need any help over there and she declined she said no you know I'm good. I think she said the water was getting close to her house I can't recall if she said it actually made entry to the house. But she said the water was close and that she had to park her patrol car at Nova and Dunlawton which I noted on the side here at a bank."* Lieutenant Tatum estimated the time he spoke with Deputy Colon was in the evening hours, possibly around 1900 hours. Lieutenant Tatum was asked if he recalled Deputy Colon telling him that she was unable to respond to work; however, he could not recall.

Lieutenant Tatum was asked if Deputy Colon was supposed to contact anyone specifically if she was unable to report for duty. His response was, *"Well I would assume she's been in this job a long time that she would call whatever district sergeant she's assigned to because that's, we try to tell the people when we supplement patrol with our court services you report to them and you're theirs until they cut you loose and you follow their direction. So I mean I would think that she would reach out to her sergeant she's working for in that district and let them know hey you know I'm not able to respond or keep them updated of what's going on."*

### **Interview with Sergeant John Macdonald**

On January 04, 2023, at approximately 1053 hours, Sergeant Gordon conducted a sworn recorded interview with Sergeant John Macdonald. Sergeant Gordon interviewed Sergeant Macdonald at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was interviewed Sergeant Macdonald, Sergeant Gordon, and Sergeant Calkins. Below is a synopsis of the audio-recorded interview:

During Hurricane Ian, Sergeant McDonald was assigned to the EOC and to command-and-control resources during the natural disaster. Additionally, one of Sergeant McDonald's responsibilities was to manage the schedules and staffing during the storm.

Sergeant McDonald was asked if he had any knowledge of Deputy Colon and her inability to work during the storm. Sergeant McDonald said, *"I remember having a conversation where actually several deputies had problems with their residence and they reported storm damage of some type and I believe Dep. Colon was one of those and our standard I don't remember exactly what was said to her but our standard response to that was is telling the deputy that they needed to take care of their home and when they get done repairs or anything like that that they contact us to let us know when they're available to return to work and be put back on the schedule."*

Sergeant McDonald explained the EOC oversaw assigning deputies to districts; however, each patrol sergeant was responsible for the JSD deputies who reported to them. Sergeant McDonald was unable to recall any other specifics in reference to Deputy Colon.

### **Interview with Deputy Holly Colon**

On December 21, 2022, at approximately 1415 hours, Sergeant Gordon conducted a sworn recorded interview with Deputy Holly Colon. Sergeant Gordon interviewed Deputy Colon at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Deputy Holly Colon, Sergeant Gordon, and Sergeant Calkins. Below is a synopsis of the audio-recorded interview:

Deputy Colon started by saying she was assigned to District 4 (City of Deltona) for Hurricane Ian and was to assist with basic law enforcement functions during and after the storm. On September 28, 2022, and before Hurricane Ian made landfall, she worked a shift in District 4 to prepare for the storm. During Deputy Colon's shift, she attended a briefing with the command staff of District 4. In reference to the meeting, Deputy Colon said, *"And once again I don't remember if it was lieutenant, captains or whatever gathered everybody around they said ok storm's coming change of plans tomorrow you know make sure you know all your ducks in a row but I want everyone here by 6 am and be prepared to stay for whatever. Ok, no problems. So then we went back out to patrolling or whatever we were doing."* Despite being in the briefing with sergeants, lieutenants, and a captain, Deputy Colon said, *"But basically I didn't know who was in charge in district 4 I didn't know half the people there I had no phone numbers of nobody"*

*you know whatever whatever. So I just on Wednesday you know I did my job they said ok come in Thursday and we'll take it from there."* Deputy Colon was asked if she was aware of who her supervisor was on September 29. Deputy Colon replied, *"I have no idea. There was absolutely no direction as to who you need to report to all it was like you can call out to EOC and I think someone texted me the list of I think it's in here the list of this stuff cuz I don't have county email on my phone. I think someone texted me this so I knew and I had phone numbers. There was never any direction report to sergeant so and so, report to, there was no direction."* Deputy Colon was asked if she ever inquired with any of the command staff or personnel in the district about who was her direct supervisor. Deputy Colon responded with *"no."*

It should be noted, Deputy Colon is a tenured deputy with over nineteen years of experience and is in a senior position at the courthouse and currently works as a bailiff in the Annex Court House in Daytona Beach.

On September 29, 2022, Deputy Colon responded to her assigned district for duty. When Deputy Colon arrived at the district, she advised that she was upset for several reasons prior to arriving at work. Deputy Colon explained she was dealing with a situation with her mother in Fort Myers, and she was also a self-described *"crazy animal person"* and was worried about the well-being of her pets. While at the district, Deputy Colon said, *"And then I get a phone call from one of my neighbor's they're like Holly the roadway is like flooded you know like bad. And then I get a call couple minutes later from another neighbor they're like hey Holly I said yeah I know my next door neighbor just called me it's getting really bad out there the streets are you know undrivable whatever, whatever. And I'm like ok not much I can do about that you know I'm here."*

According to Deputy Colon, the phone calls continued, and several neighbors sent pictures of what they observed. Looking at the pictures, it appeared water had entered the garage, but she was unsure about the rest of the house. At this point, Deputy Colon's concern for her animals and residence increased significantly. Deputy Colon said, *"Once again you know I have got a bunch of cats older and I've got an older dog. I prepared I knew they were gonna be at home I put out plenty of food but my concern was one of my cat's is on a feeding tube my older dog is you know if I get a foot or two of water in the house I'm gonna have some you know I was concerned for the pets and the house."*

When speaking about the news Deputy Colon received from her neighbors and how it made her feel. Deputy Colon commented, *"oh crap there's not much I can do it's no one else's responsibility but mine"* and *"I prepared for a tropical storm I was not prepared for flooding."* Deputy Colon explained her thought process during this by saying, *"I was getting anxious because there's you know I'm like and I know I really can't leave and I'm not gonna ask to leave cuz I know the rules during a hurricane you know this comes first and but being the crazy animal person yeah I was concerned about my animals."*

Deputy Colon explained she started talking to Deputy Clay about the news she had gotten about her mother and the rising water levels in her neighborhood. According to Deputy Colon, Deputy Clay was acting as a liaison between the patrol deputies and the courthouse deputies. Deputy Colon said, *"So I was like showing Dave Clay the pictures of it and I'm like you know I can't ask to go home but I'm starting to get excessively worried if you wanna call it, I was getting really worried because you know water's getting in there and I'm like I don't even know if I can get home. And then I saw Sgt. Zimmerer"*

Deputy Colon was asked if she remembered requesting permission from Sergeant Zimmerer to respond back to her residence. Deputy Colon replied, *"And I don't recall asking directly can I go home. I don't recall him actually saying you can go home if you want to. All I remember Dave Clay was there and he said go home take care of your home, go home and take care of your house I think that was the words. Don't quote me verbatim something like that. And then he's like something like that he goes the winds are at like 51 miles an hour so you can go because I figured there was a certain time limit or a wind frame that we couldn't be on the roadway. I'm like oh my god thank you, thank you, thank you."*

Deputy Colon then made her way back to her residence after receiving permission from Sergeant Zimmerer to do so. Deputy Colon explained that she had to park her patrol vehicle under a bank overhang near the intersection of Nova Rd and Dunlawton Ave in Port Orange due to flooding on her street. A neighbor was able to pick Deputy Colon up from the intersection and transported her to her residence by way of a lifted pick-up truck. Deputy Colon arrived at her residence and said, *"Opened up the garage door and there's probably four plus inches in the garage and I'm like oh crap. Opened up the door and once again you know some of the water got into the living room so you know I'm I don't know how many minutes I was home but I was immediately you know take this stuff off make everything safe just try to stop the water from coming in the house because it was in the tracks of the sliding glass door and I did not want to open up the front door figuring nine, six nine inches of water coming down that small space I you know was trying to keep the water out. Took all the stuff off, had the radio on the island. Tried to move some things in my bedrooms and everything towards the house this that and the other. Got blankets, pillows, towels everything I could think of by the waters you know in the laundry room. I put down, had those pellets for litter I put those down in the laundry room to absorb the water that got in there when I opened up the door to the laundry room. There's a laundry room and here's the garage door in the laundry room and then into my house trying to stop the water. Hadn't gotten but maybe a half an inch, it hadn't gotten all the way to the interior wall doorway yet but I just wanted to stop it with the towels, blankets, pillows whatever. So after everything I got everything kind of stopped. Then I called and I wanna say it was Johnny Mac it was I don't know who I could probably find, get my phone records but I called out to central on the phone and spoke to them and said ok I'm home I've got water four, six inches or so in my garage. My house is an island I am safe, the car is safe it's up here. I'm trying to keep the water from coming into my house. And I distinctively remember like I'm home if you need me to go somewhere the car*

*should be high and dry but you're gonna have to send a boat because there's no way I was getting out of the house to go anywhere without you know three feet of water plus somewhere without, I was not driving a vehicle out of there.*" Deputy Colon was asked specifically who she spoke with at the EOC. Deputy Colon believed it was Sergeant John Macdonald via her cell phone. According to Deputy Colon, Sergeant Macdonald gave her permission to remain at her residence due to the flooding she was experiencing.

During the investigation, it was discovered Deputy Colon was concerned about getting into trouble for leaving her assignment and responding to her residence during a natural disaster Deputy Colon was asked why. Deputy Colon explained, *"You take this job and you know the requirements you know the responsibilities. I'm like oh my god if I go home I'm gonna get fired you know thinking like I left my post but after 19 years I am not gonna leave anywhere without permission. And it's not that I didn't want to speak to a sergeant I said I don't think I wanna, maybe I said, I know I didn't wanna ask like hey you know Sgt. Gordon can I go home? You know what I mean? I didn't wanna, I knew if I had left I couldn't leave without permission or I'd be you know SOL but I didn't really wanna even ask him, I was in fear that I'd get fired for just asking."* Additionally, Deputy Colon said, *"Just by ask, just by asking I was failing my duties everybody involved."*

Deputy Colon was then asked several questions about the level of her preparedness prior to the storm. Deputy Colon advised she recalled the emails sent by Chief Deputy Henderson in reference to having a safety plan in place prior to the storm for family members and animals. Deputy Colon stated, *"I prepared adequately I mean I had my car stocked with food this and that I had the animals squared away I had extra food out this and that I was prepared for a hurricane I was not prepared for flooding. That was unforeseen for anybody."*

During the interview with Sergeant Zimmerer, he described Deputy Colon as complaining, nagging, and interruptive. Deputy Colon was confronted with this information and was asked if this was an accurate depiction of her behavior prior to her departure from District 4. Deputy Colon said, *"Somewhat. I wouldn't say I was going around to everybody complaining say I didn't wanna be there I was mad that I was mandated. I was concerned ... from the day before about my mom so that was there I was not going around I was not nagging."*

Deputy Colon was asked if she felt her actions during Hurricane Ian were appropriate. Deputy Colon replied, *"There are things I could have done better."* A follow-up question was asked to give examples of things Deputy Colon would have done differently. Deputy Colon said, *"I should have called, I should have gotten Sgt. Zimmerer's phone number to call him with an update. I did not. I felt in my mind once again when I got home and my house was flooding you know and I'm running around trying to keep water out I'm like I have to call in to somebody. My bad number two I should have you know said hey can you give me Sgt. Zimmerer let them know I'm not coming back."*

Deputy Colon was asked if she violated the following General Orders, and her responses are detailed below:

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order	No
GO-026-02.IV.G.2.a – General Proficiency	No
GO-026-02.IV.E.2.d – Compliance with Direct Order of a Superior or Competent Authority	No
GO-022-16.IV.A.4.a – Employees are Required to Report	No

On January 10, 2023, the Internal Affairs investigation was presented to Chief Deputy Brian Henderson and the executive command staff. Upon completion of the presentation, Chief Deputy Henderson sustained the aforementioned General Order violations against Deputy Colon:

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operating Procedure, or Order	Sustained
GO-026-02.IV.G.2.a – General Proficiency	Sustained
GO-026-02.IV.E.2.d – Compliance with Direct Order of a Superior or Competent Authority	Not-Sustained
GO-022-16.IV.A.4.a – Employees are Required to Report	Sustained

**EXHIBITS:**

- A. Report of Investigation
- B. Official Correspondence
- C. Volusia Sheriff's Office Memo
- D. Email Correspondence
- E. Hurricane Work Schedule
- F. Timecard Records
- G. Transcript of Interview with Sergeant Zimmerer

- H. Transcript of Interview with Deputy Clay
- I. Transcript of Interview with Sergeant Savercool
- J. Transcript of Interview with Lieutenant Tatum

**WITNESSES:**

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

Deputy Dave Clay

Sergeant Anthony Zimmerer

Sergeant John McDonald

Lieutenant Tom Tatum

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: [Signature] DATE: 2/13/23

**Detective Sergeant Ben Gordon  
Internal Affairs Detective Sergeant**

**STATE OF FLORIDA  
COUNTY OF VOLUSIA**

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online  
Notarized this 13<sup>th</sup> day of February, 2023 by Sergeant Ben Gordon

[Signature]

SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA



PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR  PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: [Signature] DATE: 2-13-23

**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

January 20, 2023

Deputy Holly Colon, #6925  
Volusia Sheriff's Office  
Support Operations Division / Judicial Services

**Final Notice of Discipline**

Deputy Colon:

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 22-005, I have 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. *Hll*

**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. *Hll*

**GO-022-16.IV.A.4.a – Employees are Required to Report** – Employees shall report to their assigned worksite when scheduled or summoned, and if necessary, be prepared to stay for an extended period of time. Employees shall not evacuate from the area during a natural disaster or emergency. It is every employee's responsibility to maintain contact with their supervisor or their designated point of contact and to know where and when they must report for duty. Employees who fail to stay in contact with their supervisor or fail to report to work when scheduled or summoned without the prior approval of their supervisor shall be subject to discipline, up to and including dismissal.

**To Wit:**

Deputy Colon,

On September 29, 2022, Hurricane Ian made landfall in Volusia County, Florida, and you were assigned to District 4 (City of Deltona). You were scheduled to assist with the added responsibilities of law enforcement personnel during the natural disaster. You responded to your assignment on the 29th; however, you quickly became upset and unable to focus on the goals set forth by your supervisor at the time. During your interview with Internal Affairs, you admitted to being anxious and agitated out of concern for your residence and animals' safety during the storm. You asked the supervisor directly in charge of you for permission to leave and respond back to your residence.

Your supervisor granted the request, at which point you left your area of responsibility. While at your residence, you disclosed you were unable to respond back to work due to water entering your house, high water levels around your residence, and the concern for your animals' safety. You then proceeded to contact a different supervisor, which was not your designated point of contact nor the supervisor who gave you permission to respond back to your residence. At no point did you make any attempt to contact your duty assignment supervisor and provide an update to your status.

HPC

Deputy Colon, it is well understood that the flooding caused by Hurricane Ian was more severe than anticipated. However, you are expected to follow direction provided by your superiors and the chain of command. Prior to the storm, you were informed two separate times via email about the importance of having a safety plan in place for your family and animals. You failed in your execution of said plan, which took away from your responsibilities as a deputy sheriff during a natural disaster. You neglected your oath to protect and serve the citizens of Volusia County.

As a Deputy with the Volusia Sheriff's Office, Deputy Colon, you are held to the highest of standards. Your lapse in judgment and failure to follow direction will not be tolerated. Additionally, your failure to notify your direct supervisor during a natural disaster is unacceptable.

**You have previously been the subject of the following disciplinary action:**

06/20/2006	26.2.094	Use and Handling of Weapons	Sustained
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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 Colon, you were served with an "Intent to Suspend" letter on January 11, 2023, advising you of Division Chief Morgan's intent to suspend you from duty without pay for sixteen (16)

hours. On January 17, 2023, you appeared before me and had the opportunity to offer any mitigating circumstances that should be considered prior to the final discipline. After earnest consideration, my final decision is to **suspend you for a period of sixteen (16) hours** in reference to the General Orders you violated. Additionally, in lieu of serving the suspension in full, you may elect to utilize eight (8) hour of personal leave.

On January 20, 2023, you notified the Office of Internal Affairs via email, that you elected to **utilize personal leave for eight hours in lieu of your full suspension**. Therefore, your one-time maximum allotment of sixty hours (60) will be deducted eight (8) hours. Your remaining balance of the one-time allotment will be fifty-two hours (52). The dates of your suspension will be **January 26, 2023, and January 27, 2023, from 0800-1600 hours** as determined by Captain Maddox. January 26, 2023, will be the date eight (8) hours will be deducted from your leave bank.

**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.**

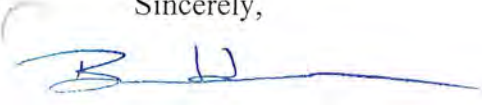
*HRC*

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 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 041L0008.23

Dist. Holon #6925

This letter was read and received by:

Deputy Holly Colon, #6925

Date: 01/20/2023

Time: 1354 hrs

Served by: [Signature]