



VOLUSIA SHERIFF'S OFFICE

MICHAEL J. CHITWOOD, SHERIFF

Office of Chief Deputy Brian M. Henderson - Internal Affairs

REPORT OF INVESTIGATION

REPORT NUMBER: IA 23-002

PERIOD COVERED: December 27, 2022, to January 1, 2023

DATE REPORTED: December 31, 2022

SUBJECT NAME: Deputy Adrian Garcia, #9428

INVESTIGATING OFFICER: Sergeant Andrew Calkins, #7929

BASIS FOR INVESTIGATION:

On January 10, 2023, Sergeant Micah Stoltz conducted a supervisor inquiry regarding Deputy Adrian Garcia failing to show up for a previously scheduled overtime shift. Sergeant Stoltz alleged in the investigation that Deputy Garcia was less than honest with him when asked specific questions regarding why he failed to show up for work. While speaking with Deputy Garcia about the incident, Sergeant Stoltz reported Deputy Garcia was argumentative and flippant.

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.C.3.c - Tardiness – Employees shall promptly report for duty properly prepared at the time and place required by assignments or orders.

GO-026-02.IV.D.8.a - Untruthfulness – Employees shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities.

GO-026-02.IV.C.3.f - Failure or Refusal to Work Overtime or Special Hours – Employees shall report for duty or remain on duty, when scheduled to or assigned to work overtime, special events or special shifts.

GO-026-02.IV.E.2.b - Abusiveness – Employees shall not use abusive language or gestures toward a supervisor or superior officer of the VSO. Superior officers shall not use abusive language or gestures toward subordinates.

GO-026-02.IV.E.2.c - Prompt Compliance with Lawful Order – Employees shall promptly execute the lawful orders or instructions of a supervisor or superior officer of the VSO and shall not delay or fail to carry out such orders or instructions.

INVESTIGATION:

On January 12, 2023, 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 January 12, 2023, Sergeant Calkins served Deputy Garcia with a Notice of Internal Investigation. In addition, Deputy Garcia was provided a copy of his Law Enforcement Officer's Bill of Rights. Deputy Garcia signed both documents acknowledging his receipt of the documents.

Based on the supervisor inquiry (SI 22-082) authored by Sergeant Stoltz, the following information was obtained by Sergeant Calkins:

On Friday, November 18, 2022, Deputy Garcia responded to an overtime email authored by Sergeant Thomas Hachenberger. The email attempted to get various vacant shifts and zones covered with staffing. Deputy Garcia responded to Sergeant Hachenberger via email that he would work on Tuesday, December 27 as 1A44 and Saturday, December 31, 2022, from 1800-0200, as 1A46.

On Tuesday, December 27, 2022, Deputy Garcia sent Sergeant Stoltz and Hachenberger an email advising he could not work December 31 due to a transfer. Sergeant Stoltz called Deputy Garcia on the phone and informed him he was still responsible for obtaining coverage.

On December 31, at approximately 1800 hours, Sergeant Stoltz checked his Computer Aided Dispatch (CAD) and observed that Deputy Garcia wasn't logged on for his shift. Sergeant Stoltz subsequently called Deputy Garcia and asked why he did not report for duty. Deputy Garcia replied in a flippantly way, saying he did not report for duty due to a transfer and lack of patrol equipment. Sergeant Stoltz noted in the inquiry that on December 3, 2022, Deputy Garcia was transferred from Law Enforcement Operations Division, District 2, to Support Operations Division, Judicial Services.

Sergeant Stoltz also noted that Judicial Services Division works Monday through Friday with holidays and weekends off. Deputy Garcia was not scheduled to return to work until Tuesday, January 3, 2023. With this information, Sergeant Stoltz determined there was no conflict with Deputy Garcia's schedule and ordered him to report for duty. Sergeant Stoltz also advised Deputy Garcia he would be written up if he failed to show up for work. Later, Deputy Garcia indicated to Sergeant Stoltz that his supervisor, Sergeant Jeffrey McDonnell told him he did not have to get coverage for the shift due to his recent transfer.

After speaking with Sergeant Stoltz, Deputy Garcia contacted Sergeant Hachenberger, the other supervisor assigned to the shift. Deputy Garcia attempted to explain to Sergeant Hachenberger the reason for his absence and wished to be excused from duty. Sergeant Hachenberger, who was already apprised of the situation by Sergeant Stoltz, denied the request and advised Deputy Garcia he needed to report for duty.

Deputy Garcia called Sergeant Stoltz again and displayed the same argumentative tone when explaining why he could not report for duty. Deputy Garcia eventually told Sergeant Stoltz that he would report for duty; however, he could only stay until 2200 hours because he had plans. Sergeant Stoltz denied the request.

Sergeant Stoltz noted that he later called Sergeant McDonnell and spoke to him via phone. According to Sergeant Stoltz, Sergeant McDonnell never advised Deputy Garcia that he was not responsible for getting coverage for the shift. Sergeant McDonnell further told Sergeant Stoltz that he already spoke with Deputy Garcia on the phone and told him if a Sergeant ordered him to report for duty, he needed to comply.

Deputy Garcia ultimately responded to work at 1948 hours as 1A44 and worked until 0600 hours. Deputy Garcia arrived at the District 4 Office shortly after logging on for service. Sergeant Stoltz

spoke with Deputy Garcia about his absence and offered similar reasons why he couldn't report for duty.

Interview with Sergeant Micah Stoltz

On January 18, 2023, at approximately 1014 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant Micah Stoltz. 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 Stoltz advised he is the supervisor of Alpha shift in District 4 with Sergeant Hachenberger. When Deputy Garcia sent the email on December 27 that he couldn't work the shift, Sergeant Stoltz stated he had called him on the phone. Sergeant Stoltz advised, *"When I saw that email I was off I gave him a phone call and I asked him you know why couldn't he take this day he told me he was transferred. I explained to him I couldn't let him off for the day being that it was a Saturday and he would still need to get it covered. There was no reason he couldn't work and that's where I left it with him."*

Sergeant Stoltz stated his next contact with Deputy Garcia was on December 31, when he noticed he wasn't logged on for shift. Sergeant Stoltz was asked about the details of the conversation, to which he replied, *"Right off the bat he tells me sarge I already told you I don't have any computer equipment and I don't have patrol equipment and he said his superiors told him that he didn't have to worry about getting the day covered."*

Sergeant Calkins asked what superior Deputy Garcia was referencing. Sergeant Stoltz advised, *"During the initial phone calls he was like confused he said MacDowell and then McDonnell but I believe what he meant was McDonnell because later on when he came into the office we cleared that up."*

Sergeant Stoltz also stated, *"So during the conversation he was arguing with me. It wasn't asking questions it was him telling me that he wasn't gonna come in because he had no equipment and because he had no patrol equipment and his superiors told him he didn't have to worry getting the day covered. We got off the phone, me telling him you have to come in you know I'm sorry that's just the way it has to go. A little bit later he called me back and he tells me ok he gives me the same excuses he's arguing with me again telling me I told you I can't come in, then he agrees that he's gonna come in but he can only come in till 10:00 cuz he has plans and I gather he was doing something in between this and I told him that request is denied he needed to stay for the full shift. Sometime in between that phone call he called Sgt. Hachenberger who I had already filled in on the situation and during that time he tried to explain to Hachenberger why he wasn't coming in. Hachenberger cut him off told him what he told me he cut him off and told him that he wasn't*

gonna circumvent my authority and told him he needed to come into work. Dep. Garcia he logged in at I think it was around 1948 1947 it was like an hour and 40 minutes late and then he showed up to the district. At the district I confronted him again, asked him again why he wasn't showing up to work and he explained to me again the same reasons as he explained before saying that he had no patrol equipment and that his supervisors, that's where I figured out that his actual supervisor was Sgt. McDonnell Jeff McDonnell."

During the conversation with Deputy Garcia, Sergeant Stoltz explained equipment wasn't an issue and they would be able to find the tools to do his job effectively.

Sergeant Calkins asked Sergeant Stoltz about the conversation with Deputy Garcia at the briefing table. Sergeant Stoltz stated, *"...we were sitting at a table in the briefing room his arms were folded you know I'm trying to explain to him hey you know you needed to all you needed to do was come in we would have tried to work with you you know and try to get you out and all this stuff and he just, unreceptive the whole time..."*

Deputy Stoltz also advised, *"From that point I asked him who his you know who his supervisor was he told me it was Sgt. McDonnell who gave him the direction that he didn't need to get those days covered. And then from that point I asked him what Sgt. McDonnell's phone number was. When I asked him that he was at first he was like I don't know if Sgt. McDonnell wants people calling his phone. I thought that was kind of weird but that's what he told me but then he ultimately gave me Sgt. McDonnell's phone number. Then I went and called Sgt. McDonnell...."*

Sergeant Calkins asked Sergeant Stoltz about the conversation with Sergeant McDonnell. Sergeant Stoltz advised, *"So McDonnell, Sgt. McDonnell was already aware I guess, Adrian had called him as well so when I told him who I was and what was going on I just asked I was like hey did you happen to tell him that he didn't need to get this day covered? Sgt. McDonnell said he didn't tell him that whatsoever. He went on to tell him that if a sergeant was ordering him to go into work he needed to follow that order and go into work. He also he explained that, to me that Dep. Garcia what it sounded like was Dep. Garcia never even told him that he had this day and he was trying to give it away because he had, he had been transferred and what he made it sound like to me is if had he done that you know Sgt. McDonnell may have tried to reach out to our command staff to try and help the situation but that that never happened and he I guess made Sgt. McDonnell aware of the situation with you know an hour before the shift was supposed to start."*

Sergeant Stoltz stated after speaking with Sergeant McDonnell; he felt Deputy Garcia was being untruthful with him about finding coverage.

Sergeant Calkins asked Sergeant Stoltz if Deputy Garcia used abusive language while being disrespectful. Sergeant Stoltz stated, *"No, he did not."*

Sergeant Stoltz indicated Deputy Garcia has worked for him on numerous occasions and never had a confrontation with him. Deputy Garcia is usually helpful, and this incident was out of character for him.

Interview with Sergeant Thomas Hachenberger

On January 18, 2023, at approximately 1113 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant Thomas Hachenberger. 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 Hachenberger advised he is the supervisor of Alpha shift in District 4 with Sergeant Stoltz. On November 18, 2022, Sergeant Hachenberger emailed looking for zone coverage for his shift. Deputy Garcia responded to the email and requested to take December 27 and December 31. Sergeant Hachenberger responded, confirming the days, and thanked Deputy Garcia for the assistance.

Sergeant Hachenberger was asked about his conversation with Deputy Garcia, to which he responded, *"Well initially so I was present with Sgt. Stoltz when he spoke with Dep. Garcia on the telephone and then later in the evening before responding to work he called me trying to get my opinion of it explaining his circumstances for not showing up to work. Before he got too deep into it I just stopped him told him that I was on board with Sgt. Stoltz's decision and that he was to respond for his shift."*

Sergeant Hachenberger advised Deputy Garcia was not argumentative with him and just explained his side of events. Sergeant Hachenberger stated his next contact was *"After he had arrived at the district office I returned to the district office and he was in the briefing room with Sgt. Stoltz and Sgt. Stoltz was talking to him about the, his tardiness."*

Sergeant Hachenberger was asked about the details of the conversation. Sergeant Hachenberger stated, *"Yeah from being outside of the room it sounded argumentative on Dep. Garcia's part and when I entered the room he appeared annoyed rolling his eyes and you know I just explained to him that there was nothing to argue and that was essentially the end of it."*

Sergeant Hachenberger stated Deputy Garcia never mentioned the issue of not needing to find coverage. Sergeant Hachenberger further advised the experience with Deputy Garcia was unusual and was different from their previous interactions. Sergeant Hachenberger contacted Deputy Garcia later in the night and stated his attitude and morale had improved.

Interview with Sergeant Jeffrey McDonnell

On January 19, 2023, at approximately 1009 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant Jeffrey McDonnell. 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 McDonnell advised he is Deputy Garcia's current supervisor at the Annex Courthouse in Daytona Beach. Sergeant Calkins asked Sergeant McDonnell about the conversation he had with Deputy Garcia and Sergeant Stoltz on December 31, 2022. Sergeant McDonnell received a call from Deputy Garcia at approximately 1800 hours advising Sergeant Stoltz was ordering him to log on for his shift. Sergeant McDonnell told Deputy Garcia that if he was being ordered to report to work for previously scheduled overtime, then he needed to respond. Sergeant McDonnell advised, *"He [Deputy Garcia] said yeah no problem sarge I'm going in it's a done, and that's just the type of kid that he is yeah no problem I'm going in done deal it sucks I don't want to but it is what it is I gotta go."*

Approximately two hours later, Sergeant McDonnell received a call from Sergeant Stoltz and discussed the situation. Sergeant McDonnell asked Sergeant Stoltz if Deputy Garcia had shown up to work. Sergeant Stoltz confirmed he did, so Sergeant McDonnell thought it was a *"non-issue."* Sergeant Stoltz asked Sergeant McDonnell if he could call him with further questions. Sergeant McDonnell advised he could but didn't hear anything back from him.

Sergeant Calkins asked Sergeant McDonnell if he had ever had a conversation with Deputy Garcia advising him he didn't have to take or get the overtime covered because of his transfer. Sergeant McDonnell stated, *"Absolutely not."* Sergeant McDonnell added, *"And especially I told him if you had already been working that day and you were signed up for an overtime shift well obviously you can't be two places at once that would fall on the sergeant for that shift. You're off you signed up for it it ultimately is your responsibility you have to go."*

Since Deputy Garcia has been assigned to judicial services, Sergeant McDonnell stated that he's been outstanding and hasn't had any issues.

Interview with Deputy Adrian Garcia

On January 26, 2022, at approximately 1344 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Adrian Garcia. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Deputy Garcia, Sergeant Calkins, Sergeant Gordon, and Attorney Bryan Lambert were present for the interview. Below is a synopsis of the sworn recorded interview:

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

Deputy Garcia advised he is currently assigned to the Annex Courthouse in Daytona Beach after being transferred from District 2 patrol. On November 18, 2023, Deputy Garcia signed up for overtime to work 1A44 on December 27 and 1A46 on December 31. Deputy Garcia stated he got transferred to the courthouse shortly after signing up for the overtime. Deputy Garcia advised he sent numerous emails attempting to get coverage for the overtime but was unsuccessful.

On December 27, 2023, Deputy Garcia emailed Sergeant Stoltz advising he could not work the day due to a transfer. Deputy Garcia later received a call from Sergeant Stoltz about the email. Deputy Garcia stated, *"He gave me a call, I don't think he knew that I was transferred yet so he's like hey why aren't you able to work it but I let him know that I got transferred I don't have any stuff anymore he said ok we'll see what we can do. I'll get with Tommy and then I'll give you a call back I think Sgt. Hachenberger was on vacation at the time."* Sergeant Calkins asked Deputy Garcia did Sergeant Stoltz told him he still had to work the day. Deputy Garcia stated, *"I don't remember him saying that."*

Sergeant Calkins provided the quote from Sergeant Stoltz's interview stating he told Deputy Garcia he still needed to report for duty. Deputy Garcia stated, *"Like I said I don't remember him saying, I remember him saying he was gonna get with the sergeant and he was gonna give me a call back and I remember him he asked me to send another coverage email out and I did that after that but I don't remember him saying that I had to come in."* Deputy Garcia stated he sent the email again but didn't have further contact with Sergeant Stoltz. Deputy Garcia stated, *"I didn't believe I was supposed to work. I thought since I've been transferred that it was not gonna be an issue."*

Deputy Garcia was asked if he had reached out to anyone and clarified his responsibility with the shift coverage. Deputy Garcia stated, *"I had talked to a few people about it and they basically told me since I was transferred I wouldn't be held responsible for that because I didn't have anything they took all my equipment and all that so with that being the case and then I did have some other days for district 6 and then I sent a few emails out they told me I don't have to worry about it..."*

Deputy Garcia stated he was excused from an overtime shift in District 6, which also happened to be a weekend he didn't work. Deputy Garcia also had guidance from various deputies assigned to the courthouse that since he was transferred, it was no longer his responsibility to work.

Sergeant Calkins asked Deputy Garcia if he ever spoke with Sergeant McDonnell about the overtime shift. Deputy Garcia stated, *"So I was reading through this [referencing the transcript] and he had you know he said that he'd let me know but if I couldn't get it covered ultimately it was up to me but I guess I didn't hear him right or maybe I got confused or something so I thought it was the same thing basically that you know you send out the emails to try to get it covered as a courtesy but if it doesn't get covered it's not on you. Obviously I may have misheard him or something misunderstood."* Deputy Garcia could not advise when he spoke to Sergeant McDonnell but advised it was before December 31.

Sergeant Calkins showed the quote from Sergeant McDonnell referenced earlier in this report. Deputy Garcia stated, *"Ok.*

Like it says he says if no one, if I signed up for it ultimately it's my responsibility to go like I said I think that's where that, it was that little bit of confusion where I was like hey I'm trying to get it filled but he says you can't be at two places at once so obviously it was on the weekend and I got some confusion." Deputy Garcia indicated he wasn't able to work the Wednesday due to already being on shift which is what Sergeant McDonnell referenced as *"...two places at one time..."* Deputy Garcia indicated he was confused and thought that also meant the weekend was covered as well.

Sergeant Calkins asked Deputy Garcia to explain the events on December 31, 2023. Deputy Garcia advised at around 1800 hours; he received a call from Sergeant Stoltz because he wasn't logged on for the shift. Deputy Garcia stated, *"He gave me a call. He asked he's like hey where you at are you coming in and I'm like I'm not I don't work today like and he's like well you are scheduled to work today and I'm like well I have like plans I thought I didn't work today I thought, I have stuff to do and he's like no you do work today this is your responsibility and I was like I've been told otherwise. So we kind of were at that point and, and then I was like and then I let him know hey ok well I was at the time I was not at my house I was out so I was like ok well I'll start heading home I'll give you a call and then that was I had left and that's when I started doing what I had to do to get ready for work."*

Sergeant Calkins asked if it was a productive conversation, to which Deputy Garcia stated, *"No. It wasn't, the conversation ended with him letting me know if I didn't come in he was gonna get paper involved. I felt like for whatever reason he was already just upset at the beginning just that you know and I told him I didn't believe it was my responsibility and that's what I was told it seemed like it really upset him so it wasn't really...."*

Deputy Garcia called other supervisors, including Sergeant McDonnell, Sergeant Ort, and Sergeant Hachenbeger. Sergeant Calkins asked Deputy Garcia why he contacted Sergeant Hachenberger after receiving an order to report to work. Deputy Garcia stated, *"So I had given him a call because I think I was just I was upset after the conversation with him with Stoltz and I*

gave him a call and I was just like, like what, what's going on because I still believed that it wasn't my responsibility and basically he explained it to me hey you know we're short this is still your responsibility we don't have anyone we can call in can you come in and I was like yeah so. I think I just wanted to hear it from a more calmer you know...."

Sergeant Calkins asked Deputy Garcia about the conversation with Sergeant Ort. Deputy Garcia stated, "*....I was asking her if I was responsible for the shift and she said I wasn't responsible for the shift....*" Deputy Garcia stated the conversation was via text messages which had recently been deleted.

Sergeant Calkins asked Deputy Garcia about the conversation with Sergeant McDonnell. Deputy Garcia stated, "*I let him know what was going on because obviously he was my sergeant now and I knew whatever happened it would get to him so I just you know just gave him a call hey this is what's going on. He let me know basically same sort of thing and that's also what kind of helped me deescalate was the fact he was like hey you know it's kind of an unfortunate situation but it is your responsibility so just come in, I was like ok.*"

After speaking with the other sergeants, he arrived to work and logged onto CAD at 1948 hours. Deputy Garcia immediately responded to the district, where he was provided the equipment, including a spare BWC and computer. Deputy Garcia contacted Sergeant Stoltz again in the briefing room and had another brief conversation. Deputy Garcia stated, "*It was basically the same conversation we had on the phone. He asked me why I thought I wasn't responsible for it. I explained to him the same thing that I had on the phone.*"

After getting the equipment, Deputy Garcia left the district and handled calls for service in the City of Deltona. Deputy Garcia stated he didn't have any further contact with Sergeant Stoltz after the incident.

Sergeant Calkins asked Deputy Garcia if he should have followed up with Sergeant Stoltz if there was confusion about the day in question. Deputy Garcia stated, "*Looking back on it yeah I would I, I think there definitely could have been something that I could have done better like follow up or just anything to see what the deal was.*" Sergeant Calkins asked Deputy Garcia if he would have done anything differently. Deputy Garcia stated, "*Like you said I should have called him to see what the deal was and then also you know when on the phone I should have just you know fine. Even if I didn't believe, even if I believed I was right I should have just not made anything of it.*"

Deputy Garcia 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 Order, Standard Operating Procedure, or Order	Yes
GO-026-02.IV.G.2.a – General Proficiency	Yes
GO-026-02.IV.C.3.c – Tardiness	Yes
GO-026-02.IV.D.8.a – Untruthfulness	No
GO-026-02.IV.C.3.f - Failure or Refusal to Work Overtime or Special Hours	Yes
GO-026-02.IV.E.2.b - Abusiveness	No
GO-026-02.IV.E.2.c - Prompt Compliance with Lawful Order	No

Interview with Sergeant Amy Ort

Due to Deputy Garcia identifying a witness during his interview, Sergeant Calkins conducted a subsequent sworn interview with Sergeant Amy Ort. On January 26, 2023, at approximately 1510 hours, Sergeant Calkins conducted the sworn 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 Calkins asked Sergeant Ort if she had any correspondence during December with Deputy Garcia. Sergeant Ort advised, *“He did reach out via text and what I remember from the text because I don’t have it on me anymore was he asked me since being in the courts is he responsible to cover the days that he had already since his transfer went through if he has to cover those days. And I said if it’s your work day you need to get it covered as best as you can but ultimately you obviously can’t work it and it’s gonna fall on that sergeant to figure it out.”* Sergeant Ort was unable to provide a specific date.

When asked if she had any further information, Sergeant Ort advised when Deputy Garcia was assigned to patrol, she was his direct supervisor. Sergeant Ort stated Deputy Garcia had a similar incident where Deputy Garcia signed up for overtime and failed to report for the shift. In this instance, Deputy Garcia wanted to attend a birthday party on the day he signed up for overtime. Sergeant Ort told him he needed to find coverage; if he couldn't, he would still need to report to work. Deputy Garcia ultimately failed to show up for work and was disciplined.

On February 2, 2023, 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 Garcia:

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.C.3.c – Tardiness	Sustained
GO-026-02.IV.D.8.a – Untruthfulness	Not Sustained
GO-026-02.IV.C.3.f - Failure or Refusal to Work Overtime or Special Hours	Sustained
GO-026-02.IV.E.2.b - Abusiveness	Not Sustained
GO-026-02.IV.E.2.c - Prompt Compliance with Lawful Order	Sustained

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Supervisor Inquiry SI-22-082
- D. 1A46 Computer Aided Dispatch
- E. Email Correspondence
- F. Memo 041M0083.22
- G. Transcript of Interview with Sergeant Micah Stoltz
- H. Transcript of Interview with Sergeant Thomas Hachenberger
- I. Transcript of Interview with Sergeant Jeff McDonnell
- J. Transcript of Interview with Deputy Adrian Garcia
- K. Transcript of Interview with Sergeant Amy Ort

WITNESSES:

Volusia Sheriff's Office

123 W. Indiana Avenue

DeLand, FL 32720

Sergeant Micah Stoltz

Sergeant Thomas Hachenberger

Sergeant Jeffrey McDonnell

Deputy Adrian Garcia

Sergeant Amy Ort

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: A Calkins DATE: 2/20/23

**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 20th day of February, 2023 by Sergeant Andrew Calkins

[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: B Henderson DATE: 2/20/23

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