



VOLUSIA SHERIFF'S OFFICE

MICHAEL J. CHITWOOD, SHERIFF

Office of Chief Deputy Brian M. Henderson - Internal Affairs

REPORT OF INVESTIGATION

REPORT NUMBER: IA 23-005

PERIOD COVERED: April 15, 2023
DATE REPORTED: April 15, 2023
SUBJECT NAME: Deputy Brandon King, #8397
INVESTIGATING OFFICER: Sergeant Andrew Calkins, #7929

BASIS FOR INVESTIGATION:

On Saturday, April 15, 2023, at approximately 2349 hours, the Orange City Police Department (OCPD) notified central dispatch they were in a foot pursuit with a suspicious person. Deputy King responded to the scene to assist with a combative female who was the subject of a domestic disturbance investigation. Once on scene, Deputy King attempted to take control of the subject and secure her into the backseat of an Orange City patrol vehicle. Still combative and resisting, the individual kicked Deputy King, who responded with a reactionary strike. Deputy King self-reported the incident to Sergeant Barnes, who completed a response to the resistance report. Sergeant Barnes outlined some less-than-professional comments by Deputy King before and after the incident.

OFFENSES:

GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operation 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 the assigned position.

GO-026-02.IV.D.7.b – Excessive or Unnecessary Force Not Resulting in Injury – Deputies shall not use excessive force even though it does not result in injury to another.

GO-026-02.IV.G.1.a – General Proficiency – 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.

GO-026-02.IV.G.2.a – Knowledge of Official General Orders and Pertinent Standard Operating Procedures – VSO personnel are required to possess a sound working knowledge of the policies and procedures established by general orders and standard operating procedures.

INVESTIGATION:

On April 19, 2023, Chief Deputy Brian Henderson assigned the above incident to the Internal Affairs Unit. This report details the Internal Affairs investigation conducted by Sergeant Andrew Calkins.

On April 19, 2023, Sergeant Calkins served Deputy King with a Notice of Internal Investigation. In addition, Deputy King was provided a copy of his Law Enforcement Officer's Bill of Rights. Deputy King signed both documents acknowledging his receipt of the documents.

Sergeant Calkins reviewed the Response to Resistance (RTR 23-015) authored by Sergeant David Barnes. Sergeant Calkins noted the following relevant information:

At approximately 2349 hours, OCPD Officer Hylton notified Central Dispatch of a suspicious person identified as Cassandra Stallings. Officer Hylton immediately advised that he was in a foot pursuit, prompting numerous deputies to respond and assist. At 2352 hours, Deputy King arrived and assisted with controlling the scene due to Stallings's boyfriend, Michael Stahlman, approaching the OCPD officers as they attempted to secure Stallings. Once Stallings was secured in handcuffs, she was advised to remain seated. Stallings slipped one of her hands out of the handcuffs, to which deputies utilized smaller juvenile handcuffs. Deputy King then advised other officers to move Stallings into a patrol vehicle to prevent further attempts to escape. Stallings continued to resist arrest by going limp, refusing to enter the car, and yelling profanity. Officer Presley and Officer Hylton escorted Stallings to an OCPD patrol vehicle. Officer Presley went to the opposite side of the car, intending to pull Stallings into the vehicle from the other side. Officer Hylton and Deputy King attempted to lift Stallings into the car. However, Stallings began using her legs to prevent entry into the vehicle. Stallings started yelling that no one had advised her of her rights and asked why she was being arrested. Deputy King controlled the upper half of Stallings while Officer Hylton attempted to control her legs. Deputy King then tried to force Stallings into the backseat while advising her that she had "the right to shut up." While

attempting to place Stallings into the rear seat, she began flailing her legs, which resulted in Deputy King threatening Stallings that if she were to kick him, he would punch her "*in the fucking face.*" The comment enraged Stallings, to which her yelling intensified, and she started antagonizing Deputy King to strike her.

It should be noted; due to the time of night and close quarters, the BWC video is dark and unclear. It sounded as if Stallings attempted to kick Deputy King; however, he was able to avoid contact. Deputy King advised Stallings several more times not to kick him. Stallings continued to be noncompliant and exited the vehicle, to which Deputy King shoved Stallings back into the car. Stallings again exited the vehicle, at which time Deputy Bartzler attempted to gain control. Deputy King told Deputy Bartzler that he had her, meaning control of Stallings. It appeared Stallings was again pushed into the back seat, at which time Stallings kicked toward the deputies. The video is unclear whether there was positive contact between Stallings and Deputy King. Sergeant Barnes reviewed the BWC at 0.5x speed; if contact were made between the two, it would have been when Stallings' foot was on the downswing and with her heel. Clearly, Stallings intended to kick Deputy King. Simultaneously, Deputy Bartzler said, "*Battery LEO.*" Deputy King then lunged toward Stallings. At that point, deputies successfully moved Stallings far enough into the rear seat and closed the patrol vehicle door. Deputy King immediately requested Sergeant Barnes respond to the scene.

A continued review of Deputy King's BWC revealed Deputy King retrieved a seatbelt restraint and offered it to OCPD. Deputy King commented, "With her kicking me, I'm not going to put myself in another situation." At this time, Sergeant Barnes arrived on the scene.

Sergeant Barnes made contact with Stallings, who was obviously under the influence of alcohol. Sergeant Barnes began inquiring about the incident. Stallings confirmed she did kick Deputy King but advised she had the right to defend herself. Sergeant Barnes did not observe any obvious signs of injury or redness on Stallings.

Sergeant Barnes ordered Deputy King to return to the District 6 office and dock his BWC. While at the office, Sergeant Barnes inquired why Deputy King used that force and why he made the threat. Deputy King advised, "*It wasn't a threat. It was a promise.*" Deputy King further advised his use of force was "*reactionary.*" Sergeant Barnes questioned Deputy King that it's not reactionary if premeditated with your intended action. Deputy King then advised that he perceived the kick as an imminent threat to his safety and reacted with a punch. Sergeant Barnes then ended the conversation.

Sergeant Calkins independently reviewed all the body-worn cameras and confirmed the facts documented in Sergeant Barnes's supervisor inquiry were accurate. Sergeant Calkins noted that

due to the time of night and lack of light inside the vehicle's backseat, Deputy King's actions were not captured clearly on video.

Sergeant Calkins made contact with Stallings and Stahlman during the investigation. Both advised they wished not to provide a sworn recorded statement. Sergeant Calkins noted while speaking with Stallings she voiced concern about initially being taken into custody rather than the incident in the backseat involving Deputy King.

Interview with Sergeant Brian Kibbie

On April 25, 2023, at approximately 2104 hours, Sergeant Calkins recorded a sworn interview with Sergeant Brian Kibbie. Sergeant Calkins conducted the interview at the Orange City Police Department, located at 207 North Holly Avenue, Orange City. Present for the interview was Lieutenant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Sergeant Kibbie advised he arrived on the scene as they were escorting Stallings to the backseat of the patrol vehicle. Sergeant Calkins asked Sergeant Kibbie to describe Stallings's demeanor, to which he replied, "*Belligerent, impaired, abrasive.*" Sergeant Kibbie advised he didn't observe any physical contact between Stallings or Deputy King. Stallings never complained of injury to him or any of his officers.

Interview with Officer Jamaila Rodriguez

On April 25, 2023, at approximately 2121 hours, Sergeant Calkins conducted a sworn recorded interview with Officer Jamaila Rodriguez. Sergeant Calkins conducted the interview at the Orange City Police Department, located at 207 North Holly Avenue, Orange City. Present for the interview was Lieutenant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Officer Rodriguez advised when she arrived on the scene, she observed Officer Hylton restraining Stallings on the ground. Officer Rodriguez said, "*She [Stallings] was highly intoxicated, very angry, very strong.*" Officer Rodriguez additionally stated Stallings was "*Very aggressive. Determined to try to get away from us.*" Officer Rodriguez advised she never observed any physical contact between Stallings or Deputy King. Officer Rodriguez said she never heard Deputy King's comments or spoke with him after the incident. According to Officer Rodriguez, Stallings never complained to them about any injuries.

Interview with Officer Robert Hylton

On April 25, 2023, at approximately 2132 hours, Sergeant Calkins conducted a sworn recorded interview with Officer Robert Hylton. Sergeant Calkins conducted the interview at the Orange City Police Department, located at 207 North Holly Avenue, Orange City. Present for the interview was Lieutenant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Officer Hylton advised he observed Stallings in the roadway nearly getting struck by a vehicle. Officer Hylton contacted Stallings, who was intoxicated and refusing to return to his car and away from the road. Officer Hylton began to detain Stallings, who resisted and started fighting. After additional units arrived, Stallings was escorted to Officer Presley's vehicle. Officer Hylton advised he heard Deputy King tell Stallings, "*....if you kick me, I'm going to punch you.*" Officer Hylton said he wasn't present for the kick or Deputy King's response due to being in contact with Stahlman. Officer Hylton advised he never spoke to Deputy King about the incident during or after the call. According to Officer Hylton, Stallings never complained about injury, nor did he observe any physical harm on her person.

Interview with Sergeant David Barnes

On April 28, 2023, at approximately 1810 hours, Sergeant Calkins conducted a sworn recorded interview with Sergeant David Barnes. Sergeant Calkins interviewed 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Lieutenant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Sergeant Barnes is assigned to District 6 as a patrol supervisor and has supervised Deputy King for the past two years. Sergeant Barnes advised he responded to the scene when he heard Deputy King request him via radio. Sergeant Barnes arrived on the scene and contacted Deputy King, who reported that he had struck Stallings while taking her into custody. Sergeant Barnes contacted Stallings and described her as "*....amped up and animated.*" Sergeant Barnes advised Stallings didn't complain about injuries and that he tried to take photos but was unable to due to her being uncooperative.

Sergeant Barnes immediately returned to the District 6 office and reviewed body-worn camera footage so he could complete a response to the resistance report. Sergeant Barnes contacted Deputy King and had a brief conversation about the incident. Deputy King advised Sergeant Barnes that the strike was a reaction to getting kicked. Sergeant Barnes asked how it was reactionary when he prefaced his intent with the threat. Deputy King told Sergeant Barnes the threat was to try and gain compliance with Stallings due to her agitated state. Sergeant Barnes stated the conversation went "round and round" in circles, so he ended it. Sergeant Barnes advised

while speaking with Deputy King, he made a concerning comment about his statement to Stallings, stating, "it wasn't a threat it was a promise."

Sergeant Barnes was asked, "*Looking back at this incident have you noticed any prior incidents of a similar nature where maybe there wasn't a use of force involved but there was threats or behavior that caused you concern as a supervisor before this?*" Sergeant Barnes replied, "*No I mean threats is a common thing. Again we threaten people all the time and hope to gain compliance....*"

Sergeant Barnes was asked about Deputy King's work ethic and character. Sergeant Barnes advised, "*He's a very, very proactive deputy. He is a DTO, so he trains numerous deputies. He knows he knows his stuff. I mean, he knows the law; he knows policy and procedure. Obviously, mistakes get made all the time, you know him; there's been a couple where he's had late activations, which happens.*" Sergeant Barnes added that sometimes Deputy King makes rash decisions instead of thinking of the broader perspective.

Interview with Deputy Melissa Bartzter

On April 28, 2023, at approximately 1933 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Melissa Bartzter. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Present for the interview was Lieutenant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Deputy Bartzter advised she is currently assigned to District 6 patrol and was working overtime on April 15, 2023. Deputy Bartzter stated when she arrived on the scene, she observed Orange City law enforcement officers struggling to take Stallings into custody. Deputy Bartzter assisted Orange City and eventually secured Stallings in smaller handcuffs. Sergeant Calkins asked Deputy Bartzter to describe Stallings's actions, to which she stated, "*Belligerent, yelling at us, not making any sense repeating the same thing over and over. Extremely irate.*" Deputy Bartzter added Stallings was highly intoxicated and "*The whole entire time whether she was handcuffed, slipped out of her handcuffs when before we walked her to the car, the entire time she was not being cooperative.*"

Deputy Bartzter escorted Stallings to the patrol vehicle and attempted to secure her inside the backseat. Deputy Bartzter advised Stallings was still angry and uncooperative with law enforcement officers. Sergeant Calkins asked Deputy Bartzter if she recalled any comments by Deputy King. Deputy Bartzter advised, "*I remember hearing don't you kick me and then I remember hearing something along the lines of like punching her in the face if you kick*

me." Deputy Bartzler stated she never observed Deputy King strike Stallings or any injuries to Stallings's person.

Deputy Bartzler advised she spoke to Deputy King after the incident, and he described the strike as a "mush." Deputy Bartzler never observed Deputy King reach his hand back in a wind-up motion.

Deputy Custer arrived on the scene and attempted to calm Stallings by speaking with her. When Sergeant Barnes arrived, Deputy Bartzler left to answer other calls.

Deputy Bartzler added that she has worked with Deputy King numerous times, and the incident was out of character. Sergeant Calkins asked if anything else could have been done differently on scene. Deputy Bartzler noted that a different approach could have been used to secure Stallings inside the vehicle due to the number of law enforcement on scene.

Interview with Officer Jonathan Presley

On May 4, 2023, at approximately 2106 hours, Sergeant Calkins conducted a sworn recorded interview with Officer Jonathan Presley. Sergeant Calkins conducted the interview at the Orange City Police Department, located at 207 North Holly Avenue, Orange City. Below is a synopsis of the audio-recorded interview:

Officer Presley advised he arrived on the scene and observed Stallings physically fighting with law enforcement officers. Stallings was escorted to an Orange City patrol vehicle and was loaded into the rear seat by Deputy King and Deputy Bartzler. Officer Presley advised he went to the other side of the car and grabbed Stallings by her arms, attempting to drag her inside the vehicle. Officer Presley said, *"And then, at that point, she was flailing her feet, and I physically saw her flailing her feet."*

"I didn't see her kick any of the deputies...." Officer Presley heard Deputy King verbalize the statement, *"....if you kick me, I'm gonna punch you...."* Sergeant Calkins asked Officer Presley if he observed a punch while in the backseat with Stallings, to which he replied, *"I didn't see a punch or anything like that."*

Sergeant Calkins clarified with Officer Presley his positioning while inside the backseat. Officer Presley admitted having trouble recalling events while in the vehicle's backseat. Officer Presley stated, *"I didn't see her kick him either I was just more focused on trying to get her in and I was kind of like I don't wanna say I was in the black but I was kind of just focusing on getting her in there."* Later in the interview, Officer Presley stated minimal lighting inside the vehicle made it difficult to see what was happening.

Officer Presley advised he transported Stallings to the VCBJ for processing. Sergeant Calkins asked Officer Presley if Stallings complained of injuries or observed any injuries on her person. Officer Presley stated, *"No, and I even asked her, and it's all on body camera. My body cam was on the whole time. I asked her if she had any injuries and if she was hurt anywhere. The only thing she was saying was her cuffs were a little tight, so I ended up loosening her cuffs. I'm like, why didn't you tell me that while we were on the way or before we left? She's like, I didn't think you guys cared. I'm like, of course, we care. We don't want you to like to lose circulation in your hand. So then while we were in the sally port, I loosened her cuffs a little bit, and I took pictures and then sent them to my sergeant, which those pictures were sent to district 6 sergeant."*

Interview with Captain Brian Bosco

On May 5, 2023, at approximately 1130 hours, Sergeant Calkins conducted a sworn recorded interview with Captain Brian Bosco. Sergeant Calkins conducted the interview at 3901 Tiger Bay Road, Daytona Beach, at the Stephen Saboda Training Center. Present for the interview was Lieutenant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Captain Bosco advised he is the current commander of the Volusia Sheriff's Office training division. Captain Bosco was shown the BWC video and was asked if the training staff taught the tactics utilized by Deputy King. Captain Bosco advised the technique is not taught by anyone at training and that the correct tactic would have been to remove the individual from the vehicle and hobble their legs on the ground for officer safety. Once they are hobbled, they could be safely placed inside the car to prevent injuries to law enforcement and themselves.

Captain Bosco advised Deputy King is a Deputy Training Officer with the training division and has never had an issue performing those duties.

Interview with Deputy August Custer

On May 5, 2023, at approximately 1334 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy August Custer. Sergeant Calkins conducted the interview at 3747 West International Speedway Boulevard, Daytona Beach, at the Family Resource Center. Present for the interview was Lieutenant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Deputy Custer advised that he has been employed with the Sheriff's Office for approximately ten years and has worked most of his career in District 6. Deputy Custer stated he arrived late after Stallings was secured in the vehicle. Deputy Custer contacted Stallings to calm her down due to

her being belligerent. Deputy Custer advised he didn't observe any injuries on her person, nor did she have a complaint of injury.

Deputy Custer stated before being transferred to the Family Resource Center, he was Deputy King's zone partner in District 6 for years. Sergeant Calkins asked Deputy Custer to describe Deputy King's demeanor and attitude on previous calls for service. Deputy Custer stated, "*Very easygoing. He's never been one for to jump to violence by any means....*" Deputy Custer has never seen any issues with Deputy King handling situations.

Interview with Deputy Brandon King

On May 14, 2023, at approximately 1417 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Brandon King. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Deputy King, Sergeant Calkins, Lieutenant Gordon, and Attorney Bryan Lambert were present for the interview. Below is a synopsis of the sworn recorded interview:

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

Deputy King advised he's been employed with the Sheriff's Office for approximately seven years and is currently assigned to District 6. Deputy King recalled the events on April 15, 2023. Deputy King advised he heard over the radio that Orange City Police Department was in a foot pursuit with a suspect, later identified as Stallings. When Deputy King arrived on the scene, he observed Stallings being escorted to the ground by officers with the Orange City Police Department. Deputy King observed Stahlman near Officer Hylton and ordered him to back up for scene security. Deputy King advised he watched from a distance as they secured Stallings, who was resisting and had slipped her handcuffs.

Deputy King stated, "*She [Stallings] was clearly under the influence of an alcoholic drink. I don't know how many she had, but it was clear and obvious. I do DUIs, so it's very clear and obvious to me when someone's like that. She was very angry, very belligerent, and was not listening to anything that anyone had to say to her, including her significant other [Stahlman], that was on scene.*" According to Deputy King Stallings kept repeating, "*I know my rights, is your body camera on, and she kept screaming that multiple times and even her fiancé was even saying stop resisting them.*"

Deputy King stated, *"She's sitting on the ground, but she's still just yelling belligerent. Her boyfriend fiancé was standing there saying stuff to her which was kind of like amping her up it seemed like. So we had him walk away, and as he's walking away, I made the suggestion lets go put her in a patrol car, and let's end this now."*

Deputy King continued, *"She did not wanna get in the car. So it was gonna be one of those like we've had in the past where we're gonna have to drag this person into the car. So myself and Officer Hylton stayed with her on the rear driver's side door. Officer Presley ran to the passenger side rear door, opened the door and I had Officer Hylton grab her legs and I grabbed her torso area and I tried to pass her to Officer Presley. He [Officer Presley] was able to shut his door and as we were getting out as I was if I remember correctly as I'm getting out of the car she makes a motion with her leg that she's gonna kick me in the face."*

Deputy King added, *"And due to her, I was in a well-founded fear that I was gonna have a heel come to my orbital bone, cheekbone, nose whatever and something's gonna, have substantial damage to my face which I was not trying to have obviously.... so when I saw that foot come up to me I told her that if you if you kick me, I'm gonna punch you in the fucking face. Those were my exact words to her"* Deputy King explained the comment made to Stallings was a threat in an attempt to gain compliance. Deputy King's intent was never to follow through on the threat; it was an unfortunate set of circumstances that he continued to put himself in a position where he utilized the same action he verbalized.

Deputy King continued, *"And that I guess made her just get into a more belligerent state to where now we're trying to get out I'm trying to get out of the car cuz she's angry. I'm pushing her back pushing her back and eventually that door closed from Officer Presley, I'm trying to slide out and as I slide out she jumps out of the car.... Deputy Bartzer has a hold of her and I'm trying to just talk to her I told her to stop like to knock it off but she's not doing anything so I told Deputy Bartzer just move I got her I'm gonna grab her my initial was to do the same thing we just did and try and make it quicker."*

Deputy King described Stallings lying on her back in the vehicle with her feet towards him. Deputy King stated, *"....she makes a kicking motion at us and is like knock it off. So I go and I just lunge in there to push her back in the car like, let's I'm tired of this let's get her in the car; let's get her out of here. Officer Presley's on the other side again, and he's trying to pull her in once again. So as he's pulling her in I'm trying to get out and as I'm trying to get out she kicks me. And just immediate reaction to a kick it was just a quick like right jab...."*

Deputy King described that he was in close proximity to Stallings in the rear seat of the patrol vehicle. While attempting to exit the car to de-escalate the situation, Stallings intentionally struck him with a kick prompting Deputy King to utilize a reactionary strike to Stallings person

inadvertently. Deputy King described and visually showed where he struck Stallings was in her lower chin area. Deputy King never intended to use any force on Stallings, especially to the upper half of her person.

Sergeant Calkins asked Deputy King to clarify the act he utilized. Deputy King explained he *"can't even call it a jab"* and described it as a *"push punch."* Deputy King was asked to describe a *"push punch,"* to which he replied, *"Like my arm just literally just went out as if like I was gonna push something but it wasn't a closed fist motion..."* Deputy King said he never returned his hand to a wind-up motion.

Deputy King described Stalling's reaction as *"....it stunned her enough to where we were able to keep her in the car and close the doors and leave. So whatever's happening inside the car at that point in time I walked away and called for Sergeant Barnes to come up there."* After Deputy King shut the door, he had no further contact with Stallings.

Deputy King advised the action he used was a reaction to getting kicked. Sergeant Calkins asked Deputy King to explain how his movements were reactionary when he prefaced his intent with a verbal warning. Deputy King explained, *"Because I had no intent on hitting her. That was not my intent. And I say it's a reactionary strike is because after watching the body camera footage I was kicked multiple times. I didn't even realize that. It wasn't until like I'm trying to get out and the foot comes at my face. That's all I remember is a foot coming at my face. I was able to (unintelligible) block it and it was just a legit reaction, a legitimate reaction that my body did."*

Sergeant Calkins asked Deputy King to explain the comment to Stallings before his actions. Deputy King advised, *"....a verbal warning like just stop like we don't wanna do this. Like lets end this now you have a simple charge of resisting without you're gonna go to jail you're gonna sleep off your drunkenness and then you'll be out in the morning probably with time served. And that was my whole mindset it just, just stop. Because usually when we give warnings to people for the most part they stop."*

When asked if the situation could have been handled differently, Deputy King stated, *"In hindsight yes 100%."* Deputy King explained, *"So start to finish is after I get my handcuffs on my personal handcuffs on her just literally stay back and let Orange City do their thing until they ask for the Sheriff's Office help even more to help get her into the car. And then after since already engaged in there when she's doing all that just when she stood up out of the car lets just stand her up there. I have a hobble, have a seatbelt restraint lets just go get a hobble lets just put her on her ankles and call it a day."* Deputy King understood how the perception of the incident could cause concern due to his preceding comments. Deputy King advised his actions and language did not de-escalate the situation.

Sergeant Calkins asked Deputy King about his comment to Sergeant Barnes at the District 6 office after the incident. Deputy King advised when he returned to the district; he was immediately met with hostility about what had transpired. Deputy King became upset with the situation because everyone had jumped to a conclusion before watching the footage or asking his perception. Deputy King advised that he couldn't recall his exact comment to Barnes but that it was made out of anger and frustration. Deputy King said the statement was stupid and never should have said it.

Deputy King clarified that it was unfortunate that when he verbalized the threat, he continued to put himself in a predicament where he ended up striking Stallings. Deputy King stated it was not out of malice but an unfavorable outcome that what he threatened to gain compliance ended up occurring in the end.

Deputy King added, "*....I've never had a use of force complaint in my entire career here. Never pulled my taser I've never done anything on and shot it at someone. I've only pointed it like three times in my entire career. Like I don't do that. I've always been someone whose used my words to calm people down. Especially in that area. I've been over there for so long everyone calls me when they're having issues with people.*" Deputy King advised the comments he made were out of character.

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

GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.	No
GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operation Procedure, or Order	No
GO-026-02.IV.D.7.b – Excessive or Unnecessary Force Not Resulting in Injury	No
GO-026-02.IV.G.1.a – General Proficiency	No
GO-026-02.IV.G.2.a – Knowledge of Official General Orders and Pertinent Standard Operating Procedures	No

This 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 King:

GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted. Not Sustained

GO-026-02.IV.C.5.g – Failure to Follow General Order, Standard Operation Procedure, or Order Not Sustained

GO-026-02.IV.D.7.b – Excessive or Unnecessary Force Not Resulting in Injury Not Sustained

GO-026-02.IV.G.1.a – General Proficiency Sustained

GO-026-02.IV.G.2.a – Knowledge of Official General Orders and Pertinent Standard Operating Procedures Not Sustained

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Response to Resistance #23-015
- D. Computer Aided Dispatch
- E. Volusia Sheriff's Office Report #23-7225
- F. Orange City Police Department Report #23-921
- G. Photograph Attachment Form
- H. Transcript of Interview with Sergeant Brian Kibbie
- I. Transcript of Interview with Officer Jamaila Rodriguez
- J. Transcript of Interview with Officer Robert Hylton
- K. Transcript of Interview with Sergeant David Barnes
- L. Transcript of Interview with Deputy Melissa Bartzer
- M. Transcript of Interview with Officer Jonathan Presley
- N. Transcript of Interview with Deputy August Custer
- O. Transcript of Interview with Captain Brian Bosco
- P. Transcript of Interview with Deputy Brandon King
- Q. Digital Evidence

WITNESSES:

Volusia Sheriff's Office

123 W. Indiana Avenue
DeLand, FL 32720

Sergeant David Barnes
Deputy Melissa Bartzer
Deputy August Custer
Captain Brian Bosco
Deputy Brandon King

Orange City Police Department

207 North Holly Avenue
Orange City, FL 32763

Sergeant Brian Kibbie
Officer Jamaila Rodriguez
Officer Robert Hylton
Officer Jonathan Presley

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: 7/17/23

**Detective Sergeant Andrew Calkins
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 17th day of July, 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 W DATE: 07-17-2023

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

Division Chief
LOUIS MARINO

OFFICE
(386) 736-5961



VOLUSIA SHERIFF'S OFFICE

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June 07, 2023

Deputy Brandon King, #8397
Volusia Sheriff's Office
LEOD / District 6

Final Notice of Discipline

Deputy King:

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 23-005, I have determined you violated the following Sheriff's Office General Orders:

Volusia Sheriff's Office General Orders:

GO-026-02.IV.G.1.a – General Proficiency – 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.

To Wit:

On April 15, 2023, at approximately 2349 hours, the Orange City Police Department notified central dispatch of a suspicious person. Orange City Police Department advised that they were in a foot pursuit, prompting you to respond to the scene and assist. Deputy King, you arrived on scene and helped numerous other officers with the combative subject, who was eventually secured in handcuffs. The subject, who continued to be uncooperative, was escorted to the backseat of an awaiting Orange City patrol vehicle.

Deputy King, while attempting to place the subject into the rear seat, they began flailing their legs, which prompted you to state, *"If you kick me, I will punch you in the fucking face."* The comment, which was unprofessional and inappropriate, enraged the subject causing the situation to intensify rapidly. In your interview, you regretted the statement and advised you utilized it as a form of verbal de-escalation for control. The subject continued to resist your efforts to secure them inside the vehicle

BK

which ultimately kicked you while in the backseat. You responded with a physical strike which, according to your statement, was a reaction to getting physically struck. You described the strike as a "jab" and that your intent was not to harm the subject. You admitted your tactics failed and ultimately escalated the situation further.

Deputy King, you self-reported the incident to your supervisor, who was not on the scene at the time. When asked by the supervisor why you struck the subject, you stated, "It wasn't a threat. It was a promise." Deputy King, you were asked during your interview about the comment. You were apologetic about the statement, advising you should not have said it. You stated at the time you were frustrated with the situation, which caused you to lash out and make an ignorant statement.

Deputy King, although the subject did not sustain any injuries, seeing the subject's response to your tactics should have dictated a different approach. You admitted to putting yourself in a compromised situation in the vehicle's backseat, which ultimately led to you getting kicked. You should have utilized de-escalation techniques that have been taught in training and are outlined in General Orders. You agreed and understood the incident's appearance was unfavorable due to your unprofessional comments before and after the event.

Deputy King, as a deputy with the Volusia Sheriff's Office, you are held to the highest standards. You are expected to uphold those standards when faced with a stressful situation involving a combative subject. Your decision-making and conduct created an unfavorable perception of the Volusia Sheriff's Office, which is unacceptable and will not be tolerated.

BK

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

09/06/2016	26.2.098	Careless Handling of Equipment and Vehicles	Sustained
03/28/2019	26.2.156	Improper Conduct Offense – BWC	Sustained
	41.20.49	Non-Emergency Response – BWC	Sustained
	41.20.50	Enforcement Related Contacts – BWC	Sustained
	41.20.51	Criminal Investigation Contacts – BWC	Sustained
01/13/2021	GO-026-02.IV.D.6.i	Use of Equipment – BWC	Sustained
08/13/2021	GO-026-02.IV.C.1	Neglect of Duty	Sustained
	GO-026-02.IV.D.6.i	Careless Handling of Equipment and Vehicles	Sustained

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.

After earnest consideration, I have found proper cause and my final decision is to issue you a **Letter of Reprimand** in reference to the General Orders you violated. The Sheriff's Office staff agrees with the administered discipline.

In addition, you will be removed from Deputy Training Officer (DTO) and will no longer be eligible for the ~~5%~~ special assignment pay.
7% EC

You will also be required to complete a mandatory use of force, de-escalation, or similar training as determined by the Training Captain.

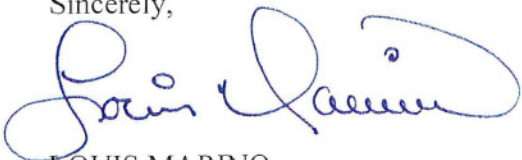
If there are any concerns or questions troubling you that I am not aware of, please advise me so I will have the opportunity to assist you in correcting this problem.

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**.

According to GO-026-01, you may submit written comments to be included in your official personnel file within ten (10) days of receipt of this letter of reprimand. For Collective Bargaining employees, you may informally appeal this LOR to your respective Division Chief within ten (10) days of receipt. The request must be in writing; an email through the agency email system is acceptable.


Sincerely,



LOUIS MARINO
DIVISION CHIEF

cc: VSO Human Resources
VSO General Counsel
Internal Affairs

LM/arc 050L0016.23


This letter was read and received by:
Deputy Brandon King, #8397
Date: 6/9/23
Time: 1005 hours
Served by: A. Calkins #7929