



VOLUSIA SHERIFF'S OFFICE

MICHAEL J. CHITWOOD, SHERIFF

Office of Chief Deputy Brian M. Henderson - Internal Affairs

REPORT OF INVESTIGATION

REPORT NUMBER: IA 23-015

PERIOD COVERED: November 24, 2023
DATE REPORTED: November 27, 2023
SUBJECT NAME: Sergeant Robert Mitchell, #8198
INVESTIGATING OFFICER: Lieutenant Calkins, #7929

BASIS FOR INVESTIGATION:

On November 27, 2023, Deputy Kaelin Darcy notified Lieutenant Roy Galarza of an incident involving Sergeant Robert Mitchell having an inappropriate conversation with subordinates at a shift briefing. Deputy Darcy disclosed Sergeant Mitchell actively participated and engaged in a discussion about a pornographic video with his shift. The gossip consisted of Sergeant Mitchell inquiring about a former law enforcement officer's OnlyFans account and asking for the link to be shared with him.

In addition to that conversation, Deputy Darcy disclosed that during a shift breakfast, Sergeant Mitchell engaged in a discussion about wristwatches and Black Friday shopping. According to Deputy Darcy, Sergeant Mitchell made a comment during the conversation comparing his male genitalia to the size of his watch. Deputy Darcy, who had a trainee assigned to her at the time, felt the conversations were inappropriate and highly unprofessional.

On November 27, 2023, Chief Deputy Brian Henderson initiated an internal affairs investigation due to the nature of the allegations.

OFFENSES:

GO-026-02.V.D.2.i - Sexual Harassment – Employees shall not engage in conduct, which is defined by Sec. 703, Title VII of the Civil Rights Act of 1964 as sexual harassment.

GO-022-10-10.II – Workplace Harassment and Discrimination - All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, demotion, or termination of employment.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to human resources (HR), are in violation of this policy and subject to discipline.

GO-026.02.V.G.3.a - Supervisor Responsibility – Each supervisor shall provide guidance and training to subordinate staff for effective and efficient achievement of established goals and objectives. A supervisor has the responsibility and authority for assigning, reviewing, and monitoring activities of subordinate staff under their command. In addition, a supervisor shall provide clear directions to subordinates and address specific problems for completion of work assignments. The supervisor shall also ensure that assigned employees comply with applicable federal and state laws, Volusia County ordinances, and all VSO written direction as provided through general orders, Training Bulletins, policies and procedures.

GO-026-02.V.G.2.b - Knowledge of Official General Orders and Pertinent Standard Operating Procedures – Frequent or repeated violation of policies and procedures established by general orders and standard operating procedures shall be deemed as indicative of careless disregard by the employee.

GO-026-02.V.C.5.b - Horseplay or Other Distracting Activity – Employees shall perform their duties in a conscientious manner and shall not engage in horseplay while on duty or at a VSO facility or work station and shall not distract others who are performing assigned duties.

GO-026-02.V.C.5.d.1 - Meal Break Attendance – Maximum attendance for Patrol Units and Civil Units at any public location/restaurant for meals shall be two Units and one Supervisor.

GO-026-02.V.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 their assigned position.

GO-026-02.V.D.1.b - Courtesy – Employees shall be civil and respectful toward each other and toward the public in general. They shall be especially courteous to visitors, guests, speakers, and instructors.

GO-026-02.V.D.1.d - Rumors and Gossip – Employees shall not engage in or convey gossip detrimental to other employees, the general public, VSO, or Office of the Sheriff.

INVESTIGATION:

On November 27, 2023, Lieutenant Calkins served Sergeant Mitchell with a Notice of Internal Investigation and his Law Enforcement Officer's Bill of Rights. Both documents were signed by Sergeant Mitchell, who acknowledged his receipt. In addition, Sergeant Mitchell was placed on Administrative Leave with Pay effective immediately, pending the outcome of the internal affairs investigation.

Lieutenant Calkins responded to Sergeant Mitchell's address and relieved him from his law enforcement duties. Lieutenant Calkins obtained Sergeant Mitchell's Volusia Sheriff's Office-issued cell phone as part of the investigation. Lieutenant Calkins observed nothing of evidentiary value on Sergeant Mitchell's work phone.

Lieutenant Calkins was informed Sergeant Mitchell was currently on a Performance Improvement Plan (PIP) for supervisor responsibilities. Lieutenant Calkins obtained copies of the PIP and noted Sergeant Mitchell's deficiencies involved his decision-making and failure to provide proper supervision, direction, guidance, and motivation to assigned personnel.

Lieutenant Calkins located Sergeant Mitchell's training records and observed he attended a Workplace Harassment prevention training on October 19, 2021, at 0930 hours.

Interview with Deputy Kaelin Darcy

On November 27, 2023, at approximately 1513 hours, Lieutenant Calkins conducted a sworn recorded interview with Deputy Darcy. Lieutenant Calkins conducted the interview at the Volusia Sheriff's Office Administrative Building, located at 123 West Indiana Avenue, DeLand. Sergeant Thomas Hachenberger and Barbara Enterkin with Human Resources were present for the interview. Below is a synopsis of the audio-recorded interview:

Deputy Darcy advised on Friday, November 24, 2023, she was working overtime on Charlie's shift in District 2. Deputy Darcy had Deputy Warner training with her for the day. Deputy Darcy advised that after briefing, they attended Perkins in DeLand for breakfast. Deputy Darcy stated the entire shift, including Sergeant Mitchell, was present. According to Deputy Darcy, everyone "...started

comparing like their watches and then Mitchell just like out of nowhere was like yeah mine's thick and heavy like my dick. And then like would kind of like look around and then like they were all just talking, laughing about that and then he [Sergeant Mitchell] started just talking about like how he likes going to the gym because of all the good talent and then like the different scrunchie shorts that like girls will wear and like how they do squat thrusts in front of him and he likes just basically going to the gym to watch the girls." Deputy Darcy explained, "Yeah like he called like the girls like good talent and that like he liked watching them do like squat thrusts in front of him and stuff like that."

Deputy Darcy was asked what everyone's reaction was to the comment. Deputy Darcy stated, *"I don't know it just kind of like he was like glancing just to make sure like I don't know like an ok or like if I was gonna say something."*

Deputy Darcy also brought up another inappropriate incident involving Sergeant Mitchell. Deputy Darcy advised that she attended a shift briefing at District 2 before breakfast. Deputy Darcy advised the whole shift was also present for the briefing. Various topics were discussed, including one about a former law enforcement officer's OnlyFans and her pornography videos. Deputy Darcy advised Sergeant Mitchell wanted to view the video, so other individuals were looking for the link in a group chat thread. While people looked through their phones, someone commented about it being sent again in a group chat. Deputy Darcy advised that's when Sergeant Mitchell stated, *"...I don't give a fuck about nudity send that shit, like send that shit...."*

Deputy Darcy explained that, to her knowledge, nobody could locate the video or link in the group chat. According to Deputy Darcy, a previous shift supervisor told them that the video was highly inappropriate for work and that the conversation needed to be deleted.

Deputy Darcy advised as the conversation continued, she attempted to leave the briefing, thinking the work-related topics had been covered. Deputy Darcy advised that when she got up, Sergeant Mitchell told her she was "hijacking" his briefing and couldn't leave. Deputy Darcy sat back down and waited until everyone decided to go to breakfast.

Deputy Darcy stated, *"But the thing that kind of pissed me off was my trainee later that day was like oh this is like so great you know the humor out here is so much better than in the Academy. And I'm like well that's cuz that's a professional environment and this wasn't like a professional environment so I kind of got annoyed that his first like 30 minutes of law enforcement is that like this just set the tone for the rest of his career in law enforcement is that like this is ok."* Deputy Darcy went on to explain that she wasn't offended by the comment; she was just disgusted and annoyed that it was said in front of a new employee on his first day in training. Deputy Darcy stated, *"So that's what kind of was the driving factor of saying something."*

Deputy Darcy advised she had never worked for Sergeant Mitchell, and it was only her second time meeting him. Deputy Darcy advised she wasn't comfortable confronting Sergeant Mitchell because he was a Sergeant.

Deputy Darcy stated she later spoke with Deputy Duffy and Deputy Childs about Sergeant Mitchell's comments, who both advised she should notify Lieutenant Galarza.

Interview with Deputy Eric Hinkson

On November 29, 2023, at approximately 1305 hours, Lieutenant Calkins conducted a sworn recorded interview with Deputy Hinkson. Lieutenant Calkins conducted the interview at the Volusia Sheriff's Office Administrative Building, located at 123 West Indiana Avenue, DeLand. Present for the interview was Sergeant Thomas Hachenberger. Below is a synopsis of the audio-recorded interview:

Deputy Hinkson advised he's been employed by the Volusia Sheriff's Office for approximately one year. Deputy Hinkson stated he is currently assigned to District 2 Charlie shift and that Sergeant Mitchell is his supervisor. Deputy Hinkson advised Sergeant Mitchell has been assigned to the shift for approximately a month.

Deputy Hinkson advised he was present for the shift briefing on November 24, 2023. Sergeant Hachenberger asked Deputy Hinkson if there was a discussion about a pornographic video during the briefing. Deputy Hinkson indicated there was a conversation, which included Sergeant Mitchell, *"...about a prior cop from Edgewater."* Deputy Hinkson additionally stated, *"...something about a video was going around about her in the past."* Sergeant Hachenberger asked Deputy Hinkson if Sergeant Mitchell mentioned anything about sending the video or sharing it in a group chat. Deputy Hinkson stated, *"He may have. Yes because back when I first started back in the day there was mention of video being in a group chat and then that was said like hey don't put that crap in a group chat..."*

It should be noted that Deputy Hinkson was referring to Sergeant Roman, the previous shift supervisor. When a similar conversation happened on the shift, Sergeant Roman told them it was unacceptable and inappropriate for the workplace. Deputy Hinkson advised he could not recall if Deputy Darcy attempted to leave the briefing.

After the briefing, Deputy Hinkson advised everyone left and went to Perkins for breakfast. Deputy Hinkson was asked if he recalled a conversation about watches. Deputy Hinkson believed Deputy Girwood had a discussion about Black Friday and shopping for watches but could not provide any other details. Deputy Hinkson advised that he couldn't recall if Sergeant Mitchell commented comparing his watch to the size of his genitalia. Deputy Hinkson indicated he was at the other end

of the table from Sergeant Mitchell and wasn't intently listening to each conversation. Deputy Hinkson indicated Deputy Darcy and her trainee were probably the closest to Sergeant Mitchell.

Deputy Hinkson was asked if the conversation about the pornographic video at the briefing was appropriate, to which he stated, *"Absolutely not."* Deputy Hinkson was asked if Sergeant Mitchell ever intervened in the conversation to shut it down, to which he replied, *"Not that I recall no."* Deputy Hinkson was asked if Sergeant Mitchell actively engaged in the conversation. Deputy Hinkson stated, *"...I believe yes he was engaging in it at some point..."* Deputy Hinkson was asked if he recalled Sergeant Mitchell asking to send the video in the group chat, to which he replied, *"No not that I recall."* Deputy Hinkson could not provide further details regarding the conversations at briefing or breakfast.

Interview with Deputy Walter Warner

On November 29, 2023, at approximately 1340 hours, Lieutenant Calkins conducted a sworn recorded interview with Deputy Warner. Lieutenant Calkins conducted the interview at the Volusia Sheriff's Office Administrative Building, located at 123 West Indiana Avenue, DeLand. Present for the interview was Sergeant Thomas Hachenberger. Below is a synopsis of the audio-recorded interview:

Deputy Warner advised that he's been employed with the Volusia Sheriff's Office since March and is currently in field training with Deputy Darcy. Deputy Warner stated November 24 was his first day on shift and that he was present for Sergeant Mitchell's briefing. Deputy Warner recalled the conversation about the OnlyFans and that there were attempts to locate the video in a previous group chat. Deputy Warner advised that since he was new to the shift, he couldn't specify who was doing what on their phone. Deputy Warner advised that being new, they didn't include him and *"minded his own business."* Deputy Warner advised that he couldn't recall Sergeant Mitchell's specific comments about the video, only that he actively participated in the conversation.

Deputy Warner advised he attended breakfast with the shift after the briefing. Deputy Warner stated multiple conversations at the table were discussed, including Black Friday deals on watches. Deputy Warner was asked if he recalled Sergeant Mitchell's comment comparing his watch to his genitalia. Deputy Warner stated, *"No I remember talking I remember talking about the size of his watch with the size of the wrist because he has the ultra."*

Deputy Warner was asked if he recalled Sergeant Mitchell discussing females at the gym. Deputy Warner stated, *"Just that there's a there was a female I think he name dropped but I don't remember right off the top of my head that was kind of in there I think it was, I think he was talking about a mom that was kind of attractive."* Deputy Warner indicated Sergeant Mitchell had commented about the females and their attractive attire.

Deputy Warner was asked if the conversations at breakfast and at the briefing table were appropriate for the workplace. Deputy Warner advised, "*Absolutely not.*" Lieutenant Calkins asked Deputy Warner if he had ever spoken to Deputy Darcy about the conversations. Deputy Warner confirmed the conversation previously stated by Deputy Darcy and indicated those comments weren't allowed while at training and that it was a professional environment.

Interview with Deputy Victor Girdwood

On November 29, 2023, at approximately 1534 hours, Lieutenant Calkins conducted a sworn recorded interview with Deputy Girdwood. Lieutenant Calkins conducted the interview at the Volusia Sheriff's Office Administrative Building, located at 123 West Indiana Avenue, DeLand. Present for the interview was Sergeant Thomas Hachenberger. Below is a synopsis of the audio-recorded interview:

Deputy Girwood advised he's been employed with the Volusia Sheriff's Office for approximately two years. Deputy Girwood is assigned to District 2 Charlie shift, and Sergeant Mitchell is his supervisor. Deputy Girwood was present for the shift briefing on November 24, 2023. Deputy Girwood indicated there was a conversation at the briefing about a pornographic video involving a former law enforcement from another agency. Deputy Girwood advised the discussion was about her OnlyFans and locating her previous videos.

Deputy Girwood advised Sergeant Mitchell was present for the conversation and was actively trying to locate the pornographic videos. Deputy Girwood was asked if Sergeant Mitchell attempted to terminate the conversation, to which he replied, "*No he did not.*" Deputy Girwood later indicated Deputy Darcy tried to leave the briefing but was stopped after Sergeant Mitchell told her she was "*...hijacking his briefing.*"

Deputy Girwood was asked if he recalled Sergeant Mitchell asking to send the pornographic video in the group chat. Deputy Girwood stated, "*That I remember.*" Deputy Girwood was asked for specifics, to which he said, "*Like if someone finds it send it to the chat and then someone made a comment how like that wasn't allowed under past supervisors and he [Sergeant Mitchell] said yeah I don't care you can send it.*" Deputy Girwood was asked who he was referring to as the previous supervisor. Deputy Girwood stated, "*It was Sergeant Roman he was absolutely anti any of that stuff. It was an absolute no no and he didn't let us be involved in any of that.*" Deputy Girwood stated that the video or link could not be located, so it was never sent in the group chat.

After the briefing, Deputy Girwood attended breakfast with the shift at Perkins. Deputy Girwood recalled conversations about Black Friday sales and wristwatches, specifically the new Apple Watch. Deputy Girwood was asked if he recalled Sergeant Mitchell comparing his watch and his

genitalia. Deputy Girwood stated, *"That I don't recall. I honestly don't remember that."* Deputy Girwood indicated since the entire shift attended the breakfast, they brought two tables together. Deputy Girwood stated he sat at the circular table, the furthest from Sergeant Mitchell.

Deputy Girwood was asked if he remembered any conversations involving Sergeant Mitchell and statements about females at his local gym. Deputy Girwood stated, *"I think I remember him saying something about like there were good looking women at the gym but I don't remember the specifics."*

Deputy Girwood was asked if the conversation about the pornographic video was appropriate for the work environment. Deputy Girwood stated, *"Oh it's not professional at all. It's unprofessional."* Deputy Girwood additionally commented, *"And we probably should have said something to him [Sergeant Mitchell] at that point too"* and that *"we probably should have corrected the supervisor for allowing us to be in that conversation."*

Interview with Deputy Michael Charla

On November 29, 2023, at approximately 1548 hours, Lieutenant Calkins conducted a sworn recorded interview with Deputy Charla. Lieutenant Calkins conducted the interview at the Volusia Sheriff's Office Administrative Building, located at 123 West Indiana Avenue, DeLand. Present for the interview was Sergeant Thomas Hachenberger. Below is a synopsis of the audio-recorded interview:

Deputy Charla advised he's been employed with the Volusia Sheriff's Office for approximately a year and is assigned to District 2 Charlie shift. Deputy Charla advised he was present for the briefing on November 24, 2024.

Deputy Charla was initially unable to recall what was discussed at the briefing. Later in the interview, Deputy Charla was asked if he recalled a conversation about locating a video during the briefing. Deputy Charla stated, *"Yeah. Ok yes I do. I don't remember what the video was though."* Deputy Charla advised he wasn't paying attention to the conversation and couldn't recall any more specifics. Deputy Charla was asked if Sergeant Mitchell made any effort to stop the discussion about the video, to which he replied, "No."

Interview with Deputy Antonio Fernandez

On November 30, 2023, at approximately 0953 hours, Lieutenant Calkins conducted a sworn recorded interview with Deputy Fernandez. Lieutenant Calkins conducted the interview at the Volusia Sheriff's Office Administrative Building, located at 123 West Indiana Avenue, DeLand.

Present for the interview was Sergeant Thomas Hachenberger. Below is a synopsis of the audio-recorded interview:

Deputy Fernandez advised he's been with the Volusia Sheriff's Office for approximately three years and is currently assigned to District 2 Charlie shift. Deputy Fernandez was present for the briefing on November 24, 2023, which Sergeant Mitchell led. Deputy Fernandez was asked if there was any conversation about a pornographic video, to which he stated, *"I think there was mention of, I don't know if it was a video necessarily but I think there was mention of pictures."* Deputy Fernandez was asked who was involved in the conversation, to which he responded, *"So I know I remember Sgt. Mitchell making a statement."* When asked to elaborate, Deputy Fernandez stated, *"I think he was I think he wanted to see the, the page. I'll be honest, I was when someone brought up black Friday shopping, I was kind of like I went to my phone."* Lieutenant Calkins asked Deputy Fernandez if anyone distributed the video. Deputy Fernandez stated before he came to the shift, there was a link in a group chat that had since been deleted, so the video was never resent, to the best of his knowledge. Deputy Fernandez stated that Sergeant Mitchell never attempted to take corrective action to terminate the inappropriate conversation.

Deputy Fernandez recalled that Deputy Darcy had attempted to leave the briefing but was stopped by Sergeant Mitchell. Deputy Fernandez stated, *"So it seemed weird and I think maybe he was just joking with her but she sat back down and ultimately ended up just coming to eat with us cuz I think her boyfriend had left already cuz he works night shift for Deland."*

Deputy Fernandez advised that after the briefing concluded, he went with the shift to Perkins. Deputy Fernandez recalled talking about Black Friday and deals on watches with Sergeant Mitchell and Deputy Darcy but could not recall Sergeant Mitchell comparing to his genitalia.

At the conclusion of the interview, Deputy Fernandez recalled a separate incident in which Sergeant Mitchell was talking about another female deputy's superficial flaws and stated, "... he'd still fuck her..." Deputy Fernandez said he was *"caught off guard"* because the statement was made in front of another new trainee. Deputy Fernandez stated that the conversations he heard from Sergeant Mitchell were inappropriate for the workplace.

Interview with Deputy Juston Schramm

On November 30, 2023, at approximately 1028 hours, Lieutenant Calkins conducted a sworn recorded interview with Deputy Schramm. Lieutenant Calkins conducted the interview at the Volusia Sheriff's Office Administrative Building, located at 123 West Indiana Avenue, DeLand. Present for the interview was Sergeant Thomas Hachenberger. Below is a synopsis of the audio-recorded interview:

Deputy Schramm stated he was present at the briefing held by Sergeant Mitchell on November 24, 2023. Deputy Schramm advised it was his first day on the shift since being out of training. Deputy Schramm confirmed there was a conversation about a pornographic video discussed at briefing but was unable to recall specific details. Deputy Schramm advised that, being new to the shift, he didn't participate in the conversation and wasn't very attentive. Deputy Schramm stated he was preoccupied with his cell phone for most of the briefing, looking at social media. Deputy Schramm couldn't recall if Sergeant Mitchell had attempted to stop the conversation. The only thing Deputy Schramm recalled was Deputy Darcy trying to leave the briefing, but she was stopped by Sergeant Mitchell.

After the briefing, Deputy Schramm attended breakfast with the shift at Perkins. Deputy Schramm recalled a discussion about Black Friday shopping and watches but could not independently recall any statements by Sergeant Mitchell.

Interview with Lieutenant Roy Galarza

On November 30, 2023, at approximately 1325 hours, Lieutenant Calkins conducted a sworn recorded interview with Lieutenant Galarza. Lieutenant Calkins conducted the interview at the Volusia Sheriff's Office Administrative Building, located at 123 West Indiana Avenue, DeLand. Present for the interview was Sergeant Thomas Hachenberger. Below is a synopsis of the audio-recorded interview:

Lieutenant Galarza explained Deputy Darcy approached him in his office and wanted to speak with him privately. During their discussion, Deputy Darcy disclosed an unsettling incident involving Sergeant Mitchell that had left her feeling uncomfortable. According to Deputy Darcy, she had her trainee, Deputy Warner, join the rest of the shift for breakfast at Perkins Restaurant. Deputy Darcy, on an overtime shift supervised by Sergeant Mitchell, recounted that during the meal, Sergeant Mitchell openly shared his appreciation for working out at the gym, explicitly stating that he enjoyed watching the females there and referred to them as "*talent*." The conversation took a further inappropriate turn when Sergeant Mitchell made a crude comparison between his Apple Watch and his genitalia. Lieutenant Galarza explained that Deputy Darcy also mentioned there was a conversation involving a pornographic video, although he could not recall the specific details.

Describing Deputy Darcy's demeanor as "worried," Lieutenant Galarza noted her uncertainty about how to handle the situation. Deputy Darcy believed that the conversations and statements made by Sergeant Mitchell were unprofessional and left an inappropriate "first impression" on Deputy Warner, who was on his first day of field training.

Once informed of the incident, Lieutenant Galarza promptly notified his chain of command. Lieutenant Galarza did not have any additional information about the incident.

Interview with Deputy Aleece Duffy

On November 30, 2023, at approximately 1533 hours, Lieutenant Calkins conducted a sworn recorded interview with Deputy Duffy. Lieutenant Calkins conducted the interview at the Volusia Sheriff's Office Communication Center, located at 3825 Tiger Bay Road, Daytona Beach. Present for the interview was Sergeant Thomas Hachenberger. Below is a synopsis of the audio-recorded interview:

Deputy Duffy explained she was contacted via text message on Saturday, November 25, 2023, by Deputy Darcy, who informed her of several incidents involving Sergeant Mitchell. Deputy Duffy corroborated the statement provided by Deputy Darcy, including the conversation about the pornographic video at the briefing and comparing his watch to his genitalia while in the presence of subordinates. Deputy Duffy provided text messages between herself and Deputy Darcy with their discussions about the incidents.

It should be noted that the information Deputy Darcy disclosed to Deputy Duffy was consistent with her statement to Lieutenant Galarza. It was also done prior to her conversation with him the following Monday.

Second Interview with Deputy Kaelin Darcy

On December 1, 2023, at approximately 1058 hours, Lieutenant Calkins conducted another sworn recorded interview with Deputy Darcy. Lieutenant Calkins conducted the interview at the Volusia Sheriff's Office Administrative Building, located at 123 West Indiana Avenue, DeLand. Present for the interview was Sergeant Thomas Hachenberger. Below is a synopsis of the audio-recorded interview:

Lieutenant Calkins asked Deputy Darcy if she could recall any other specifics regarding the discussion of the pornography video. Deputy Darcy stated Deputy Girwood and Deputy Hinkson were looking for the video and that Sergeant Mitchell was actively participating in the conversation. Similar to her previous statement, Deputy Darcy advised they were looking for a link in an earlier group chat but was unsure if it was located since she wasn't looking at their phones. Deputy Darcy advised she was on the other side of the briefing room when the conversation occurred.

Lieutenant Calkins asked Deputy Darcy if Sergeant Mitchell had tried to shut down the conversation or taken any supervisory action to stop the behavior. Deputy Darcy advised, "No."

Interview with Deputy Erin Childs

On December 4, 2023, at approximately 0811 hours, Lieutenant Calkins conducted a sworn recorded interview with Deputy Childs. Lieutenant Calkins conducted the interview at the Volusia Sheriff's Office Administrative Building, located at 123 West Indiana Avenue, DeLand. Present for the interview was Sergeant Thomas Hachenberger. Below is a synopsis of the audio-recorded interview:

Like Deputy Duffy's statement, Deputy Childs explained she was contacted via text message on Friday, November 24, 2023, by Deputy Darcy, who informed her of several incidents involving Sergeant Mitchell. Deputy Childs stated Deputy Darcy disclosed the incidents at breakfast, including the comments made by Sergeant Mitchell about comparing his watch to his genitalia and talking about females in the gym. Deputy Childs was unaware of the incident that took place at the briefing table regarding the pornographic video. Deputy Childs provided Lieutenant Calkins with the text messages between her and Deputy Darcy.

Interview with Sergeant Robert Mitchell

On December 21, 2023, at approximately 1559 hours, Lieutenant Calkins conducted a sworn recorded interview with Sergeant Robert Mitchell. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Sergeant Mitchell, Lieutenant Calkins, Sergeant Hachenberger, and Attorney Bryan Lambert were present for the interview. Below is a synopsis of the sworn recorded interview:

Before conducting the interview, Sergeant Mitchell had the opportunity to review all relevant material obtained during the investigation. After examining the material in its entirety, Sergeant Mitchell decided he could not continue in his supervisory role with the Volusia Sheriff's Office. As such, Sergeant Mitchell provided Lieutenant Calkins with a memorandum he drafted voluntarily, demoting himself to the rank of Deputy. Lieutenant Calkins accepted the memorandum, which stated the following:

"Upon review of the investigation pertaining to IA 23-015, I Robert Mitchell DID 8198 acknowledged my Supervisor Responsibilities were not adhered to General Order standards. I failed by allowing unprofessional conversations to partake while at briefing and failed to address these inappropriate conversations having by subordination. As a Supervisor, I am held to the highest standard and should not allowed the briefing to develop into unprofessional, harassment, or rumor style conversations by subordinates. As a result of the review, I voluntarily resign my Sergeant Supervisory role with the Volusia Sheriff's Office."

Deputy Michell signed a copy of his Garrity Warning, acknowledging his understanding of the document. Lieutenant Calkins read Deputy Mitchell a Volusia Sheriff's Office Administration of Oath / Perjury Warning. Deputy Mitchell and Lieutenant Calkins signed this document in the presence of the same previously mentioned personnel.

Deputy Mitchell acknowledged he violated the following General Orders:

- GO-022-10-10.II – Workplace Harassment and Discrimination
- GO-026.02.V.G.3.a - Supervisor Responsibility
- GO-026-02.V.G.2.b - Knowledge of Official General Orders and Pertinent Standard Operating Procedures
- GO-026-02.V.C.5.b - Horseplay or Other Distracting Activity
- GO-026-02.V.C.5.g - Failure to Follow General Order, Standard Operation Procedure, or Order

In reference to the General Order violations, Deputy Mitchell stated, *"I allowed and participated in a conversation that was inappropriate during a scheduled briefing and I did not stop the conversation per my responsibility as a supervisor."*

Deputy Mitchell also acknowledged he violated the following General Order:

- GO-026-02.V.D.1.d - Rumors and Gossip

In reference to the General Order violation, Deputy Mitchell stated, *"By allowing the conversation to get out of hand and talk about the general public."*

Deputy Mitchell also acknowledged he violated the following General Order:

- GO-026-02.V.C.5.d.1 - Meal Break Attendance

In reference to the General Order violation, Deputy Mitchell stated, *"I attended Perkins at which there was more than two units and myself at Perkins for a meal."*

On January 5, 2024, 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 Sergeant Mitchell:

GO-026-02.V.D.2.i - Sexual Harassment	Not Sustained
GO-022-10-10.II – Workplace Harassment and Discrimination	Sustained
GO-026.02.V.G.3.a - Supervisor Responsibility	Sustained

GO-026-02.V.G.2.b - Knowledge of Official General Orders and Pertinent Standard Operating Procedures	Sustained
GO-026-02.V.C.5.b - Horseplay or Other Distracting Activity	Sustained
GO-026-02.V.C.5.d.1 - Meal Break Attendance	Sustained
GO-026-02.V.C.5.g - Failure to Follow General Order, Standard Operation Procedure, or Order	Sustained
GO-026-02.V.D.1.b – Courtesy	Not Sustained
GO-026-02.V.D.1.d - Rumors and Gossip	Sustained

Chief Deputy Henderson determined that even though Sergeant Mitchell voluntarily accepted a demotion, given the severity of the allegations and the sustained violations of general orders, if Sergeant Mitchell had not opted for self-demotion, part of his disciplinary action would have included demotion from the rank of Sergeant.

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Text Messages
- D. Performance Improvement Plan
- E. Target Solutions Training
- F. Duty Roster
- G. Workplace Harassment and Discrimination Policy Acknowledgement
- H. Transcript of Interview with Kaelin Darcy
- I. Transcript of Interview with Eric Hinkson
- J. Transcript of Interview with Walter Warner
- K. Transcript of Interview with Victor Girdwood
- L. Transcript of Interview with Michael Charla
- M. Transcript of Interview with Antonio Fernandez
- N. Transcript of Interview with Juston Schramm
- O. Transcript of Interview with Roy Galarza
- P. Transcript of Interview with Aleece Duffy
- Q. Transcript of Interview with Erin Childs
- R. Transcript of Interview with Sergeant Mitchell
- S. Digital Evidence (Audio of Interviews)

WITNESSES:

Volusia Sheriff's Office

123 W. Indiana Avenue
DeLand, FL 32720

Deputy Kaelin Darcy
Deputy Eric Hinkson
Deputy Walter Warner
Deputy Victor Girdwood
Deputy Michael Charla
Deputy Antonio Fernandez
Deputy Juston Schramm
Lieutenant Roy Galarza
Deputy Aleece Duffy
Deputy Erin Childs
Sergeant Robert Mitchell

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: 3/1/24

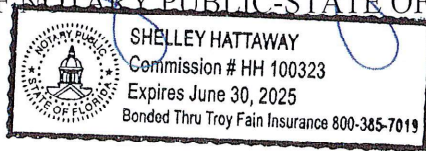
**Lieutenant Andrew Calkins
Internal Affairs Detective Lieutenant**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

Sworn to (or affirmed) and subscribed before me by means of physical presence or online
Notarized this 1st day of March, 2024 by Lieutenant 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: 02/20/24

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