

Kissimmee Police Department Internal Affairs Unit

Internal Investigation

IA 21-019

Involved Employees

Lieutenant Erika Castellucci #782

**WHITE
FEMALE**

**Corporal Andrew Holmberg #538
February 21, 2022**

Osceola County Uniform Charging Affidavit

☒ ARREST
☐ WARRANT
☐ APS

ST. CLOUD PD
 ARREST # 21-005905

OBTS #

Filing Agency ST. CLOUD PD		Case # 21-005905		Master Name #		FDLE		FBI	
Defendant's Last Name CASTELLUCCI				First ERIKA		Middle MARIE		SUF	
Race W		Eth N		Sex F		Hgt 506		Eyes BRO	
Hair BRO		Wgt 140		Comp LGT		Birth Date 11/28/21		Scars, Marks, TT	
Phone (Home)				Local Address					
Email Address				Phone (Cell)				Place of Employment KISSIMEE POLICE	
Arrest Location				Phone (Work)				Arresting Officer DUNN, DEVIN (237)	
Date/Time of Violation 11/28/2021 01:01				Date/Time Arrested 11/28/2021 02:19					
State FL		Breathalyzer By		Reading		Miranda Advisement NOT ADVISED		By Whom?	
Domestic Violence YES		Weapon Seized NOT APPLICABLE/NONE		Officer Injured? NO		Language Spoken?		Caution	
Drug Type		Type		B-Barbiturate H-Hallucinogen P-Paraphernalia/U-Unknown N-N/A C-Cocaine M-Marijuana Equipment Z-Other A-Amphetamine E-Heroin O-Opium S-Synthetic		Activity		Activity	
B-Buy N-N/A T-Traffic F-Fabricate S-Sell		K-Dispense/ D-Deliver M-Manufacture/ A-Administer/ P-Produce/ C-Cultivate							

Defendant's Vehicle Make: Type: Year: Color: VIN #
 Vehicle Towed To: Tag # Other Identifiers or Remarks:

#	Codendant(s)	ADDRESS	PHONE #	RACE	SEX	DOB
---	--------------	---------	---------	------	-----	-----

COUNT	OFFENSES CHARGE	F.S. #	CA/US/ST/AR	UNIT	CITATION #	BOND AMT
1/M	BATTERY - SIMPLE TOUCH OR STRIKE	784.03(1A1)				0.00
2/F	FALSE IMPRISONMENT - ADULT	787.02(1A)				0.00
BOND GRAND TOTAL						0.00

Before me this date personally appeared who being first duly sworn deposes and says that on the 28th day of November, 2021 at [redacted] the above named defendant committed the above offenses charged and the facts showing probable cause to believe the same are as follows: Erika Castellucci and [redacted] have been in an intimate dating relationship where there was an expectation of affection and sexual involvement for approximately 2 years. Castellucci and [redacted] reside together at [redacted].

On 11/28/2021, 0045 hours, Castellucci and [redacted] had been drinking several glasses of wine while putting a puzzle together and a verbal

I swear the above statement is correct and true to the best of my knowledge and belief.

OFFICER/AFFIANT'S SIGNATURE

OFFICER'S NAME

DIVISION / UNIT

STATE OF FLORIDA COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me this 28th day of Nov (year) 2021, who is personally known to me or who has produced (ID Type) 2367 as identification and who

LAW ENFORCEMENT OFFICER/CORRECTIONS OFFICER PER F.S. 117.10

NINTH JUDICIAL CIRCUIT
 OSCEOLA COUNTY
 STATE OF FLORIDA

Page 1 of 3

SCPD- reproduced from scanned imaging system

Form # OCUCA 1.1

and was transported to the hospital for medical treatment.

Lieutenant Garcia went to the hospital to check on Lieutenant Castellucci, as he wanted to make sure she was okay from her fall. While in the emergency room and standing in front of her, Lieutenant Garcia called out Lieutenant Castellucci's name, but she did not acknowledge him for approximately twenty (20) to thirty (30) seconds. When Lieutenant Castellucci turned and looked at Lieutenant Garcia, her eyes got big and she appeared to be shocked to see him. Without being prompted, Lieutenant Castellucci said she and [redacted] were drinking wine all day, she did not want to lose her job, neither she nor [redacted] did anything and she did not want to go to jail. Lieutenant Garcia did not ask any questions about the incident. Lieutenant Garcia updated Captain Succi on the investigation and completed the Initial Notice of Inquiry (INOI).

I concluded the interview at 1745 hours.

Officer William Wager (SCPD) - Witness

On January 12, 2022, at 1959 hours, I met with Officer Wager at the Saint Cloud Police Department for an interview. I read the witness advisement concerning perjury and placed Officer Wager under oath.

On November 28, 2021, Officer Wager responded to [redacted] in reference to a battery incident. Officer Wager initially made contact with [redacted], who walked from behind the house and was distraught. [redacted] advised she and Lieutenant Castellucci had been arguing for the past couple of hours and she was trying to leave the residence. Lieutenant Castellucci was drinking heavily and it became more tense between the two, so she was trying to separate herself from Lieutenant Castellucci. Lieutenant Castellucci prevented [redacted] from leaving the residence, on two (2) occasions, by blocking the bedroom door while asking [redacted] to talk. Officer Wager was informed that [redacted] contacted [redacted] to pick her up from the residence. Upon [redacted] arrival, she witnessed the battery and called 911. Officer Wager did not speak with [redacted] or Lieutenant Castellucci about the incident but advised all parties appeared to be intoxicated and Lieutenant Castellucci was uneasy on her feet.

I concluded the interview at 2005 hours.

Officer Devin Dunn (SCPD) - Witness

On January 13, 2022, at 1528 hours, I met with Officer Dunn at the Saint Cloud Police Department for an interview. I read the witness advisement concerning perjury and placed Officer Dunn under oath.

On November 28, 2021, Officer Dunn responded to [redacted] in reference to a domestic battery incident. Upon arrival, [redacted] pointed officers to the incident location. Officers knocked on the front door and Lieutenant Castellucci and [redacted] exited the residence and were separated. Officer Dunn advised they both were intoxicated. Officer Dunn spoke with Lieutenant Castellucci who said everything was verbal.

Officer Dunn spoke with [redacted] who was crying and hysterical, and was initially hesitant to provide any information, as she did not want to get Lieutenant Castellucci in trouble or cause her to lose her job. [redacted] eventually stated there was a physical altercation, initiated by Lieutenant

Castellucci, and she tried to separate herself to prevent any further incidents. clarified that the battery was more of a grabbing/grasping from when [redacted] was trying to leave the house and Lieutenant Castellucci was preventing her from doing so. Lieutenant Castellucci grabbed [redacted] arm and pulled on her sweater to prevent her from exiting the residence. [redacted] was able to slip out of the sweater to get away from Lieutenant Castellucci. [redacted] went to the bedroom and tried to exit out the window, but Lieutenant Castellucci closed the window. The incident de-escalated when [redacted] went into the bathroom and Lieutenant Castellucci stood in the doorway. When SCPD arrived, [redacted] said everything calmed down. The information initially obtained appeared to only be a domestic battery; therefore, SCPD was going to complete an APS on Lieutenant Castellucci and separate the two (2) parties for the night. When [redacted] described the incident further, she indicated she tried to leave the residence several times (back door and window) but was prevented from doing so by Lieutenant Castellucci. This information, described as a false imprisonment charge, was used to make a physical arrest of Lieutenant Castellucci.

Officer Dunn met with [redacted] briefly but did not interview her. Additional officers at the scene spoke with [redacted] and obtained her statement.

Based on the additional information obtained, Officer Dunn tried to speak with Lieutenant Castellucci a second time. Lieutenant Castellucci did not wish to provide any further information or fill out a statement form. After Lieutenant Castellucci was arrested, she stated she fell and was in pain, even though she did not have any complaints of pain prior to the arrest. Lieutenant Castellucci was transported to the hospital where she provided a written statement, which was different from her initial statement of there only being a verbal altercation between herself and [redacted]

During the investigation, [redacted] and [redacted] provided consistent corroborating statements about the incident. Based on his investigation, Officer Dunn charged Lieutenant Castellucci with one (1) count of Domestic Battery and one (1) count of False Imprisonment.

I concluded the interview at 1544 hours.

Officer Michael Heller (SCPD) - Witness

On January 13, 2022, at 1552 hours, I met with Officer Heller at the Saint Cloud Police Department for an interview. I read the witness advisement concerning perjury and placed Officer Heller under oath.

On November 28, 2021, Officer Heller responded to [redacted] in reference to a battery in progress involving a law enforcement officer. Officer Heller met with [redacted], who seemed distraught. She pointed to the residence where the incident occurred. Upon arrival to the residence, Lieutenant Castellucci exited the front door, and [redacted] announced she was coming to the front of the residence from the back of the house. Officer Heller initially spoke to Lieutenant Castellucci and asked for her side of the story. She was short and brief and said it was verbal and there was a lot of drinking involved. Officer Heller afforded Lieutenant Castellucci another opportunity to say what happened, but she replied by saying it was only verbal. During the investigation, [redacted] was told to make her way south of the location with [redacted] and Lieutenant Castellucci started to parallel her. Officer Heller asked Lieutenant Castellucci where [redacted]

she was going; she replied by saying [redacted] was not going anywhere. Officer Heller brought Lieutenant Castellucci back to the residence and told her that she could not follow. Sergeant O'Connor was present for this comment and asked Lieutenant Castellucci to clarify her statement, but she stopped talking. Officer Dunn asked Lieutenant Castellucci if she wanted to fill out a statement, but she did not answer that question. At that time, Officer Dunn placed Lieutenant Castellucci in handcuffs and arrested her. Officer Heller did not speak with [redacted] about the incident.

I concluded the interview at 1607 hours.

Officer Audi Augustin (SCPD) - Witness

On January 13, 2022, at 1612 hours, I met with Officer Augustin at the Saint Cloud Police Department for an interview. I read the witness advisement concerning perjury and placed Officer Augustin under oath.

On November 28, 2021, Officer Augustin responded to [redacted] in reference to a verbal disturbance. Upon arrival, he made contact with [redacted] received a phone call or text message from [redacted] asking her to go to the residence. Upon arrival at the residence, she heard screaming coming from inside and called 911. Officer Augustin asked [redacted] to complete a statement by his vehicle. Officer Augustin did not speak with Lieutenant Castellucci.

I concluded the interview at 1618 hours.

Sergeant Mark O'Connor (SCPD) - Witness

On February 2, 2022, at 1627 hours, I met with Sergeant O'Connor at the Saint Cloud Police Department for an interview. I read the witness advisement concerning perjury and placed Sergeant O'Connor under oath.

On November 28, 2021, Sergeant O'Connor responded to [redacted] for a domestic battery. He was the supervisor on the scene and did not speak with anyone directly. Sergeant O'Connor was not present during any conversation that took place with [redacted]

Sergeant O'Connor was present during [redacted] interview and learned that she and Lieutenant Castellucci were drinking wine and engaged in an argument. [redacted] wanted to be left alone and went into the bedroom to go to sleep, but Lieutenant Castellucci followed her and would not leave her alone. When [redacted] said she was going to leave, Lieutenant Castellucci stopped her from leaving, by blocking a door and preventing her from exiting through a window. Lieutenant Castellucci grabbed onto [redacted] sweater, but [redacted] was able to get away from her when she slipped out of the sweater. At some point, [redacted] called [redacted] who responded to the residence. [redacted] did not want to press charges and said she did not want to ruin Lieutenant Castellucci's career.

Sergeant O'Connor was in the vicinity during Lieutenant Castellucci's interview. She was silent, denied there being a battery and said nothing happened. When Lieutenant Castellucci was made aware that [redacted] would be leaving for the night, Lieutenant Castellucci said [redacted] was not leaving and that she could not leave, which concerned Sergeant O'Connor. After all of the [redacted]

information was obtained, Sergeant O'Connor notified Lieutenant Garcia that the SPCPD would be arresting Lieutenant Castellucci for Domestic Battery and False Imprisonment.

I concluded the interview at 1638 hours.

Corporal Lawrence Wall (SCPD) - Witness

On January 4, 2022, at 1236 hours, I met with Corporal Wall at the Saint Cloud Police Department for an interview. I read the witness advisement concerning perjury and placed Corporal Wall under oath.

On November 28, 2021, Corporal Wall responded to [redacted] for a domestic physical disturbance. Upon arrival, he made contact with Lieutenant Castellucci and had her walk away from the residence. Officer Heller started to speak with Lieutenant Castellucci who advised they had been consuming alcohol while putting a puzzle together and they engaged in a verbal altercation. While talking to Lieutenant Castellucci, [redacted] exited from the rear of the residence and walked to the front of the house. [redacted] did not want to get anybody in trouble but said she was not allowed to leave the house, as she was being forced to stay inside. She wanted to leave, but was being held in the bedroom by Lieutenant Castellucci and she had locked the door and windows. When she did try to leave, Lieutenant Castellucci grabbed onto her sweater, pulled on her and did not allow her to exit the residence. The only way [redacted] was able to get away from Lieutenant Castellucci was by twisting her body around to get out of her sweater.

[redacted] was interviewed and stated she responded to the residence because [redacted] had called her and asked her to pick her up. Upon arrival, she heard a commotion and went to the rear of the residence, where she observed a physical altercation through the sliding glass door. [redacted] saw as [redacted] shirt was being pulled off, [redacted] was trying to get away from Lieutenant Castellucci.

Corporal Wall heard part of Lieutenant Castellucci's interview but did not speak with her directly. Lieutenant Castellucci advised she and [redacted] were drinking while working on a puzzle and became engaged in a verbal altercation. Lieutenant Castellucci commented that [redacted] was not going to leave, which was concerning. Based on the investigation, Lieutenant Castellucci was arrested for domestic battery and false imprisonment.

I concluded the interview at 1244 hours.

Lieutenant Erika Castellucci - Principal

On February 11, 2022, at approximately 0703 hours, Lieutenant Erika Castellucci reported to the Internal Affairs Office, while on duty, without representation. I read the subject advisement to Lieutenant Castellucci and proceeded to place her under oath. I provided Lieutenant Castellucci with the entire case file for IA 21-019 for her review. No information of material facts relevant to the investigation was intentionally kept from Lieutenant Castellucci's attention and review. At approximately 0707 hours, Lieutenant Castellucci started her evidence review. At approximately 0744 hours, Lieutenant Castellucci completed the evidence review and did not have any questions or concerns before the interview process.

On November 28, 2021, Lieutenant Castellucci was in a domestic relationship with [redacted] and [redacted]

they resided at _____. Both were home and drinking wine. Lieutenant Castellucci remembered drinking one (1) bottle of wine, but was told she had three (3) in total. From what Lieutenant Castellucci was told, she and _____ engaged in a verbal altercation. Lieutenant Castellucci has had flashbacks from the incident, but did not recall much of what had occurred that night, as she had been drinking and was very intoxicated. Lieutenant Castellucci was in the bedroom while _____ was in the bathroom yelling that she was done. Lieutenant Castellucci advised she was scared and confused and wanted to speak with _____ Lieutenant Castellucci did not recall stopping _____ from exiting the bedroom or a window during the argument. Lieutenant Castellucci did not remember holding onto _____ but did say she was trying to hold her hand so they could talk about what was happening. She did not recall trying to twist out of her sweater to get away. Lieutenant Castellucci advised her statement of _____ not being free to leave was her being scared and wanting to talk to _____ as she was confused and did not know what was going on. According to their statements, Lieutenant Castellucci said SCPD developed probable cause to arrest her.

Lieutenant Castellucci was provided with a copy of the Standards for Police Department Conduct, General 201.02(j); Obedience to Laws, during her audio-recorded interview. Lieutenant Castellucci reviewed and acknowledged reading this General Order. She advised she did not believe she violated any laws, but explained she takes responsibility for her actions.

I concluded the interview at 0807 hours.

Summary of Investigation

On November 28, 2021, Lieutenant Jesus Garcia alleged that the Saint Cloud Police Department was investigating Lieutenant Erika Castellucci for a domestic battery/false imprisonment case. Lieutenant Garcia's inquiry concerned an alleged violation of General Order 201.02(j) Obedience to Laws.

I conducted interviews with Lieutenant Garcia, and Saint Cloud Police Department personnel: Sergeant O'Connor, Corporal Wall, Officer Augustin, Officer Heller, Officer Dunn, and Officer Wager. Sergeant O'Connor notified Lieutenant Garcia about the criminal investigation against Lieutenant Castellucci, and responded to the residence. Lieutenant Garcia gathered the facts of the investigation and learned that Lieutenant Castellucci was being arrested for domestic battery and false imprisonment. He did not question Lieutenant Castellucci about the incident. I received highly consistent testimony from members of the SCPD that Lieutenant Castellucci and _____ were drinking, putting a puzzle together, and engaged in a verbal altercation. During the altercation, _____ tried to get away from Lieutenant Castellucci, but Lieutenant Castellucci either blocked her path or prevented her from exiting through a door and a window. Lieutenant Castellucci provided a statement indicating she and _____ were only involved in a verbal altercation. Based on the statements obtained, SCPD developed probable cause to charge Lieutenant Castellucci for domestic battery and false imprisonment. Lieutenant Castellucci was booked into the Osceola County Jail.

I called and spoke with victim, _____ and witness, _____ and asked them if they would be willing to provide a statement for this internal investigation. Both advised they would not be willing to provide an audio-recorded interview. However, when Saint Cloud Police Department was investigating the criminal incident both provided verbal and sworn written

statements that were consistent with one another. [redacted] was called to the residence by [redacted] who was asking for a ride to leave due to an argument she was having with Lieutenant Castellucci. Upon her arrival, [redacted] heard screaming and went to the back of the residence and observed (though a sliding glass door) [redacted] and Lieutenant Castellucci in a physical altercation. [redacted] indicated that she and Lieutenant Castellucci had been drinking and an argument ensued. During the argument, [redacted] wished to leave the residence so she called for a ride. Lieutenant Castellucci blocked her path to exit a bedroom door, blocked her path from exiting through a window and at one point grabbed her arm/sweater to prevent her from leaving. [redacted] freed herself by pulling off her sweater. [redacted] did not wish to press charges.

I obtained the incident report and supplemental reports from the St. Cloud Police Department. The reports were consistent with the audio-recorded internal affairs interviews I obtained from Saint Cloud Police Department Officers, as well as video captured on their body-worn cameras.

I reviewed Body-worn camera video from the Saint Cloud Police Department. The video was consistent with the information I obtained during audio-recorded interviews as well as the incident reports completed by Saint Cloud Police Department Officers.

Lieutenant Castellucci signed General Order 201, Standards for Police Conduct on May 15, 2019, at 02:28 hours. The particular General Order that Lieutenant Castellucci was alleged to have violated was 201.02(j); Obedience to Laws, which is located on page three (3) of twenty-two (22).

I conducted an interview with Lieutenant Castellucci. Lieutenant Castellucci advised she and [redacted] were drinking wine and putting a puzzle together. Lieutenant Castellucci remembered finishing one (1) bottle of wine, but was told she had three (3) in total that night. At some point they had a verbal altercation, which resulted in her being arrested for a Domestic Battery and False Imprisonment. However, Lieutenant Castellucci was intoxicated and did not have a recollection of everything that occurred that night. Lieutenant Castellucci was provided with a copy of the Standards for Police Department Conduct, General 201.02(j); Obedience to Laws, during her audio-recorded interview. Lieutenant Castellucci reviewed and acknowledged reading this General. She advised she did not believe she violated any laws, but explained she takes responsibility for her actions.

Conclusion/Findings

A preponderance of evidence means such evidence as, when considered and compared with that opposing to it, has more convincing force and produces a belief that what is sought to be proved is more likely true than not.

Preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence. Preponderance of the evidence is required in a civil case and is contrasted with "beyond a reasonable doubt," which is the more severe test of evidence required to convict in a criminal trial.

**Allegation 1: Violation of Kissimmee Police Department Standards for Police Department
Conduct General Order 201.02(j); Obedience to Laws**

GO 201.02(j) states: "Employees shall observe and obey federal and state laws; county and municipal ordinances."

Accused #1: Lieutenant Erika Castellucci #782

Complainant: Lieutenant Jesus Garcia #567

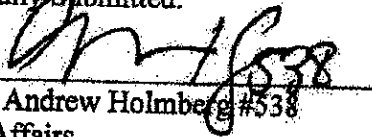
Findings: **SUSTAINED**

During this internal affairs investigation, it was determined that on November 28, 2021, Lieutenant Castellucci was intoxicated and engaged into a verbal altercation with her girlfriend. During the altercation, she tried to leave the residence, but Lieutenant Castellucci prevented her from doing so. At one point, Lieutenant Castellucci held onto her arm, to keep her inside the residence, which resulted in her twisting out of her sweater to break free from Lieutenant Castellucci. She witnessed herself freeing herself from her sweater and contacted the Saint Cloud Police Department. SCPD investigated the incident and developed probable cause to arrest Lieutenant Castellucci for Domestic Battery and False Imprisonment. This case was charged as a domestic violence incident, which is defined under Florida State Statute 741.28 as "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member." Simple Battery, pursuant to Florida State Statute 784.03(1)(A)(1), is defined as "Actually and intentionally touches or strikes another person against the will of the other." False Imprisonment, pursuant to Florida State Statute, 787.02(1)(A), is defined as "The term 'false imprisonment' means forcibly, by threat, or secretly confining, abducting, imprisoning, or restraining another person without lawful authority and against her or his will." The State Attorney's Office reviewed the case, but did not prosecute Lieutenant Castellucci as the victim did not cooperate with prosecution. Both she and the complainant were not willing to provide any further statements for this internal affairs investigation. On her own admission, Lieutenant Castellucci advised she was intoxicated and could not remember a lot of the incident that took place on November 28, 2021, but is responsible for her actions. Based on the facts of this investigation, I find that there is a preponderance of evidence to show that Lieutenant Erika Castellucci violated Kissimmee Police Department General Order 201.02(j); Obedience to Laws.

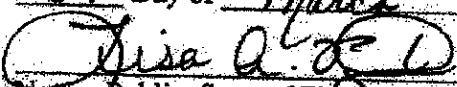
Under penalties of perjury, I declare that I have read the foregoing document that the facts stated in it are true to the best of my knowledge and belief.

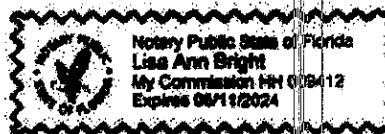
I, the undersigned, do hereby swear, under penalties of perjury, that, to the best of my personal knowledge, information and belief, I have not knowingly or willfully deprived or allowed another to deprive the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida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

Respectfully Submitted:

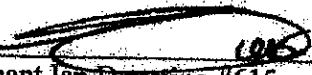

Corporal Andrew Holmberg #538
Internal Affairs

Sworn to and subscribed before me, this
07 Day of March 2022


Notary Public, State of Florida
My commission expires: 06-11-2024



I HAVE READ THE FOREGOING AND CONCUR:


Lieutenant Ian Downing #615
Professional Standards Section

MEMORANDUM

Kissimmee Police Department

DATE: March 24, 2022

TO: Lieutenant Erika Castellucci *EC*
Patrol

FROM: Jeffrey M. O'Dell *JW*
Chief of Police

SUBJECT: Final Discipline Decision IA 21-019

On November 28, 2021, an Initial Notice of Inquiry was generated alleging you violated Standards for Police Department Conduct related to the circumstances surrounding your arrest for Domestic Violence and False Imprisonment. The conclusion of the Internal Investigation IA 21-019 determined you were SUSTAINED for the following violation: G.O. 201.02(j) Professional Conduct and Responsibilities – Obedience to Laws.

On March 11, 2022, I issued you a Notice of Intent to Demote, based on my review of the investigation and the discipline recommendation by your Chain of Command. I scheduled a meeting for you to respond to this issue and to provide me any additional information to consider before making a final decision on your discipline.

We met on March 16, 2022, at 9:30 a.m. in my office. During our meeting, you provided additional factors for me to consider in determining the appropriate discipline associated with this violation. Most notable for me were:

- Accepting responsibility for your actions during this incident.
- Previously diagnosed PTSD, and continued treatment.
- Discipline associated with previous, and similarly related violations by others.
- In-person testimony of

Prior to our meeting, the discipline recommendation was upheld by me based on the facts surrounding your limited memory of the incident and not participating in the Internal Investigation. As such, I relied primarily on the written reports and documented information available. In conducting my review subsequent to our meeting, I considered the information you provided, and relied heavily on testimony in describing your relationship and the events of that evening. Her description of the incident to me remained consistent with what she also provided to the Assistant State Attorney prior to their decision not to pursue the charges against you. indicated she could have called the police versus a friend if she felt the situation warranted a police response. Although she indicated it was an emotional situation, stated she never felt threatened or intimidated, nor was she harmed. She described your conduct during the

incident being reflective of a partner wanting her to stay so that you could talk things out. further indicated she did not feel this incident was a situation of domestic violence. Based on my review of the additional information available to me now, I am amending the discipline associated with this violation to a suspension.

After determining a suspension is more appropriate, I reviewed past discipline precedence for any violations similarly situated. IA 16-015 included a violation of G.O. 201.02(j) Professional Conduct and Responsibilities - Obedience to Laws, and more similarly situated to this incident. The Subject of that violation was the rank of Police Officer and received a suspension of 80-hours.

Although I considered testimony concerning the events that evening with regard to amending the discipline, I do find that you have responsibility for your actions that subsequently resulted in you being arrested and charged criminally from this incident. I can demonstrate some level of understanding in your desire to talk through the issue with your partner, but as a police veteran you also understand we must be held to a higher standard when considering potential violations of the law. Although off duty you have an obligation to realize when it is best to separate yourself from an emotional situation when it could potentially escalate into a violation of the law. Ultimately, a third party not involved in the situation observed your actions and contacted the police out of concern.

As a Police Lieutenant, you are also held to a higher standard with consideration given to violations of our Standards for Police Department Conduct General Order. Therefore, I intend to issue you a suspension of 160 hours, half of which you have the option of forfeiting personal leave in lieu of a no pay status. I will also require you to attend the equivalent of 40 hours of additional Domestic Violence Training, and to confirm with the City Human Resources Department that you remain in your current counselling program until released by your Counsellor.

You have the right to grieve this decision, please seek guidance from our Discipline General Order that outlines the grievance process.

PAYROLL EXCEPTION REQUEST FORM

Employee Name (Printed): Erika Castellucci

Employee Signature: [Signature]

Date 3/31/2022

(MUST USE ONE OF THE CODES LISTED BELOW)

Date (mm/dd/yy)	From Time	To Time	Number of Hours	Request Code	Comments
4/8/22				SO	
4/9/22				SO	
4/10/22				SO	
4/13/22				SO	
4/14/22				SO	
4/15/22				SO	
4/19/22				SO	
80hrs VA forfeit					

REQUEST CODES

AC - Accrued Comp
AD - Administrative Leave
AH - Additional Holiday
AL - Authorized Leave w/o Pay
DA - Donate Administrative
DC - Donate Comp
DF - Donate Fire Holiday
DS - Donate Sick
DV - Donate Vacation
FH - Fire Holiday

HA - Holiday Accrued
HB - PD Holiday Call Back
HU - Holiday Used
HW - Holiday Worked
IL - Injury Leave (Wk Comp)
JD - Jury Duty/Court Duty
LD - Light Duty
ML - Military Leave
MI - Military Leave No Pay
OT - Overtime

SA - Police Special Assign.
SB - Standby
SD - Police Special Detail
SI - Sanitation Incentive
SL - Sick/Medical Leave
SO - Suspension w/o Pay
SW - Suspension w/ Pay
TS - Time Swap
UC - Used Comp
UL - Unauth. Leave w/o Pay

VA - Vacation
FMLA Codes:
FD - Admin Leave
FT - Donated Time
FF - Fire Hol.
FO - Holiday Pay
FS - Sick Leave
FN - Unpaid Leave
FU - Used Comp
FV - Vacation

SUPERVISOR APPROVAL

DEPARTMENT HEAD/DESIGNEE APPROVAL

DATE _____

DATE _____

MEMORANDUM

Kissimmee Police Department

DATE: March 16, 2022

TO: Chief Jeffrey O'Dell

FROM: Lieutenant Erika Castellucci, Patrol Division *EKC*

SUBJECT: Response to Recommended Discipline

I want to start by saying I take full responsibility for my actions during the incident that happened the evening of November 26, 2021. I know, and respect that as law enforcement we are held to a higher standard and recognize that I put the department and myself in a horrible position and for that, I am sorry. I am also sorry for not reaching out for help that I now recognize I needed, but I am guilty for being a human being falling into the trap of thinking I had the stress under control when clearly I did not.

Chief, I opened up to you after much coaxing regarding my PTSD diagnosis a few years ago. Although I successfully completed that 3-week program, I failed to see those 3 weeks were not going to make decades disappear. I did attempt a few times to find another counselor but as we so often see there is a lack of experienced counselors that understand our profession and the treatments needed to cope with our everyday lives. I fell back into a dark place after months of work related and personal stress and started to cope with alcohol not knowing what that would cause in my behavior. While trying to analyze what occurred that night I realized I was experiencing a flashback exacerbated by the large amount of alcohol I consumed. Memories come in flashes and I only remember portions of the evening. During the interview, I spoke about standing somewhere near the bathroom and recalled yelling at me that she was leaving. Because I did not recall what caused her reaction, I was confused and trying to get her to tell me what happened. After my interview with IA, I spoke with regarding her opening in the window. I do very vaguely recall her opening the window in our room at some point but then she walked away so I closed it. Again, these come in flashes as I try to understand all my actions that night while I work through counseling. I also know through research and counseling that as you talk through the scene, you start to remember more details the more you talk about it.

All of my actions that night while she was calling a friend to leave was to get her to calm down and talk to me because I was scared and very confused. I had absolutely no intent to harm anyone in any way. Never have and never will. My personality, like many of us, drives me to resolve conflicts. Although I know, now there is more control in walking away and coming back to a conversation when both parties are in a better headspace to do so,

which is something we have put in place now thanks to our counseling and communication.

As you are aware, the State Attorney's Office declined to prosecute the case. Although they cited that the case was dropped because [redacted] did not want to prosecute, several factors were not stated. [redacted] called a friend that evening to give her a ride, not the police. Also not really highlighted was that both her and the friend she called were intoxicated as well. Looking back, not proudly, we all could and should have handled the situation better as we have discussed. I recognize that [redacted] coming in for an interview with IA would have cleared up all the concerns you have; she did not for several reasons. One being she truly believes St. Cloud exaggerated her statements such as reporting that she was barricaded in the house, which she expressed to the attorney when she was interviewed. She was also told on scene that there was no arrest being made and all parties were going to separate for the evening only to be told minutes later that I was "flexing my brass" and now being arrested. There were other concerns that have happened with St. Cloud PD as well as the Osceola County Clerk's office she had with the process making her fear coming in to give a statement.

The SAO made a statement to [redacted] to the effect that actions with intimate partners differ from those with strangers showing that my actions did not rise to the level of the arrested charges. The SAO explained their view was a person grabbing a stranger would be viewed as aggression whereas in a relationship and during our specific scenario this was viewed as a way to get her attention, not to cause any harm. She also explained she was not in fear and never wanted the police to be called to our house so we could resolve our issues amongst ourselves. Proven by the fact that she called a friend not the police that night.

I have been with KPD for 16 years now and have proudly risen to the level of Lieutenant. I have and continue to show my dedication to not only the department but to the community as well. I hold myself to a high standard and have made mistakes as we all do. In each of those incidents, I took responsibility and learned from my mistakes only using them to make me better for the department and for myself. This incident is no different. I have repeatedly been called on for programs, projects and to resolve issues that arise in the Central Florida area as it relates to the department. Many staff officers and other members of the department have reached out to me for guidance because of my integrity and moral character, to include you Chief. I also humbly serve as your only female Lieutenant and the only LGBT community member on staff. I take that role on and work ambitiously to make sure both demographics are heard and cared for. I continue to work with females in the department, as it is not easy in this male dominated atmosphere. I also attempt to ensure our other LGBT members feel at ease in our department and have worked with an organization for several years to help surrounding agency members.

Chief you have stood before us all as well as to me in private conversations said it is not what we do but how we react and move forward. From my first day out of jail, I reached out to the new CISM coordinator for Osceola County for help, mainly because she used

to work at UCF RESTORES. Through her, I was extremely lucky and happy to hear that my old counselor from my inpatient program had opened her own practice. Within 2 days I was back in counseling and have been ever since. She monitors my progress and keeps me on track. Through this I have learned I will need to keep up with counseling for years to come as I cannot undo decades of accumulated trauma (work and personal). In a one time 3 week program. Fortunately, however, I have learned that by not drinking I can navigate through difficult situations without over-reacting. I can proudly say I have not had a drink of alcohol in 125 days and that is a promise I will keep with myself as I continue to move forward. Strangely enough, it has not been a hard promise to keep because I have seen how I have benefited from it in several situations since the incident. I have however noticed how often people here talk about drinking especially as they are getting off work or when they are dealing with a difficult situation. As I said before I wish I would have reached out for help before falling as far as I did. However, since I have been back I have made it my own mission to make sure those I can reach get help. I have reached out to several employees and have actually had several reach out to me since I have been back for help. This situation has made me so much more compassionate in the need to care for ourselves and each other. I plan to champion any cause that will improve any of our family when they are struggling. Demoting me and sticking me away is not a way to promote the help our members need.

After the charges were dropped, I was brought back as the Lieutenant for my watch. I was expected to retain my responsibilities with the only restriction of not being able to go out in the field. Although I was nervous, I walked in the doors with my head held high and owned up to my actions and responsibilities. I have, as confirmed by Captain Succi and DC Holland, performed well since I have been back. In those months, I would like to add that my responsibilities include reviewing all domestic violence outcomes showing my one time incident did not affect my ability to carry out my responsibilities, nor did it show any concerns from others in my decisions.

As I prepared for our meeting I did my due diligence, reviewed previous Internal Affairs files, and issued discipline for similar violations. Those include:

- o IA 18-011 Violation of Laws (DV arrest) 40 hours
- o IA 16-015 Violation of Laws (DV arrest) 80 hours
- o IA 14-015 Violation of Laws (DUI) 80 hours

PREVIOUS
ADMINISTRATION
NOT CURRENT
CHIEF

My incident was a one-time occurrence, while I was at home. I have stated many other mitigating factors above to how I got to where I was and explained how the incident was not how it was portrayed in the report. This incident was not one of domestic violence but of one where I was trying to get my partner to tell me why she was upset and leaving. I have also explained the many steps I have already taken to ensure this is never repeated. I again take full responsibility for my actions and my inactions in getting help when I truly needed it. I do believe I deserve a fair discipline for my actions and agree it should be higher than those listed above. However, I strongly believe an alternative discipline will show a proper punishment and recourse by the department without a demotion. I would

respectfully request a 240-hour suspension (without the option to use vacation time causing a large financial punishment) with a 12-month probation. I humbly appreciate your consideration in this matter and look forward to moving on as a valued member of this department.

MEMORANDUM

Kissimmee Police Department

DATE: February 28, 2022
TO: Deputy Chief Betty Holland, Operations Bureau
FROM: Captain Christopher Succi, Patrol Division
SUBJECT: Discipline Recommendation – Lieutenant Erika Castellucci

On November 28, 2021, at approximately 0140 hours, Lieutenant Erika Castellucci was arrested and charged with one count of Domestic Battery and one count of False Imprisonment. The St. Cloud Police Department was the investigating agency (Case#21-005905). The internal affairs investigation was concluded by Corporal Andrew Holmberg on February 21, 2022. Lieutenant Castellucci was sustained for violation of General Order 201.02(j) Professional Conduct and Responsibilities – Obedience to Laws.

I reviewed all reports, body camera footage and interviews conducted during the internal investigation. The body camera footage captured Lieutenant Castellucci in what appeared to be an intoxicated state at the scene and her cooperation with the officers ranged from silence to one-word statements such as "verbal" and providing contrasting versions of the incident. During the interview with Internal Affairs, Lieutenant Castellucci admitted the arrest made her realize she had a problem with alcohol and often used alcohol as method of dealing with her anger. Lieutenant Castellucci noted that she didn't feel as though she violated any laws but accepted responsibility for her actions which led to her arrest.

As a ranking officer at the command staff level, Lieutenant Castellucci represents the Kissimmee Police Department and the City of Kissimmee at the highest level of standards and performance. A review of disciplinary history for violations of G.O. 201.02(j) Professional Conduct and Responsibilities – Obedience to Laws ranges from Suspension to Termination. Each of the previous cases reviewed for this violation involved employees at the rank of Corporal or below. There are no cases involving an employee at the level of Command Staff. Lieutenant Castellucci does not have any previous violations of this general order.

Lieutenant Castellucci's actions and demeanor at the scene raise valid questions regarding her commitment as a ranking officer at the command staff level. The preponderance of evidence in this incident is significant and proves Lieutenant Castellucci violated G.O. 201.02(j) Professional Conduct and Responsibilities – Obedience to Laws. Based on my review of previously issued discipline, I am recommending Demotion to the rank of Sergeant for violation of G.O. 201.02(j) Professional Conduct and Responsibilities – Obedience to Laws.

MEMORANDUM

Kissimmee Police Department

DATE: March 7, 2022

TO: Sergeant Andrew Holmberg
Internal Affairs Unit

FROM: Jeffrey M. O'Dell 
Chief of Police

SUBJECT: Initial Notice of Inquiry IA 20-019

In reviewing the Discipline Recommendation and Investigative Narrative associated with IA 20-019, I would like the below information included in the Conclusion/Findings section of the report.

- Preponderance definition and statement
- Applicable Florida Statute language
- State Attorney's Office resolution of the case

MISSISSIMMEE POLICE DEPARTMENT

5-Day Response

INOI:

IA 21-019

EMPLOYEE:

Erika Castellucci

EMPLOYEE #: 564

DATE:

2/25/2022

I HAVE PROVIDED A WRITTEN RESPONSE WITHIN 5-DAYS:

YES ☐

NO ☒


SIGNATURE