

**PINELLAS COUNTY SHERIFF'S OFFICE
PROFESSIONAL STANDARDS BUREAU
INTER-OFFICE MEMORANDUM**

DATE: MARCH 9, 2020

TO: DISTRIBUTION

FROM: CAPTAIN RAY WHITELEY *RW*
Professional Standards Bureau

SUBJECT: AI-19-028 SHERIFF'S FINDING

On March 6, 2020 at 1457 hours, Deputy Roy Harper, #59844, was terminated per Sheriff Gualtieri as a result of AI-19-028.

DISTRIBUTION:

- Sheriff Bob Gualtieri
- Chief Deputy Dan Simovich
- Assistant Chief Deputy Sean Jowell
- Assistant Chief Deputy George Steffen
- Colonel Dave Danzig
- Major Stefanie Campbell
- Major Bill Hagans
- Major Dennis Komar
- Major Sean McGillen
- Major Larry Nalven
- Lieutenant Deanna Carey
- Director Jennifer Crockett
- Director Nancy Duggan
- Director Susan Krause
- Director Jason Malpass
- Shannon Lockheart, General Counsel
- Payroll
- Purchasing-Uniform Supply

RW/kmm

**PINELLAS COUNTY SHERIFF'S OFFICE
INTER-OFFICE MEMORANDUM**

DATE: MARCH 6, 2020

TO: DEPUTY ROY HARPER, #59844

FROM: SHERIFF BOB GUALTIERI

SUBJECT: CHARGES RE: AI-19-028

An investigation has been conducted by the Administrative Investigation Division, Professional Standards Bureau, of the Pinellas County Sheriff's Office. As a result of this investigation, the Administrative Review Board has determined you committed the following violation:

On, but not limited to, December 10, 2019, while on duty in Pinellas County, Florida, you violated the Pinellas County Sheriff's Civil Service Act Laws of Florida, 89-404 as amended by Laws of Florida 08-285, Section 6, Subsection 4, by violating the provisions of law or the rules, regulations, and operating procedures of the Office of the Sheriff.

1. You violated Pinellas County Sheriff's Office General Order 3-1.1, Rule and Regulation 5. 4, Duties and Responsibilities.

On December 10, 2019, while working in the capacity of a Detention Deputy at the Pinellas County Jail, you were assigned to supervise the inmates in the South Division Lower Gulf housing unit.

At approximately 5:00 pm, you and another Detention Deputy were supervising the distribution of commissary to inmates in a corridor located adjacent to the housing unit. Several inmates were present.

At this time, you were speaking with the other Detention Deputy when an inmate completing commissary walked past you and made contact with your left arm. During testimony, both you and the inmate acknowledged the contact was unintentional. After the contact, you and the inmate engaged in a conversation.

Witnesses testified that during this conversation, you stated to the inmate, "do you want smoke," "that's why you're easy," "that's why you're soft," "that's why you're weak," "do you want to handle this like a man," "do you want me to write you up on a DR" (Disciplinary Report), "...do you want me to press charges," and "you know that's an assault on an officer."

As this conversation with the inmate took place, you removed your agency issued 911/Rescue Tool from your duty belt, opened the tool's blade, approached the inmate, and briefly held it to the inmate's chest. You then closed the 911/Rescue Tools blade and placed it back on your duty belt. Shortly after this interaction, the inmate returned to his housing unit. (The 911/Rescue Tool is defined as a tool with a specifically designed blade used for emergency situations for fast cutting.)

During testimony, the inmate stated that he perceived your actions with the 911/Rescue Tool as a threat. The inmate also testified your actions were intimidating and he didn't perceive this as a joke.

You acknowledged your primary responsibility within the Pinellas County Jail is to maintain care, custody and control of inmates. On this date, you acknowledged your actions with the tool were inappropriate, a mistake, and a bad decision.

During this investigation, you provided the following testimony:

- "It was my poor decision in bringing out the 911 Tool as we had interaction"
- "It was never intentional for it to be used as a threat and to harm in any way"
- "Once I brought out the tool, I guess he took it as a threat and that's what got us here"
- "It could have been interpreted as threatening"
- "I was a little bit too complacent" while interacting with the inmate
- "It was more like to exaggerate the joke...exaggerate the point of, you know, don't bump into me again."

This entire interaction with the inmate was captured on the Pinellas County Jails digital video surveillance system.

You admitted to this violation.

Disciplinary Points and Recommended Discipline Range:

You were found to be in violation of one (1) Level Five Rules and Regulations violation totaling fifty (50) points. These points which were affected by no modified points from previous discipline, resulted in fifty (50) progressive discipline points. At this point level, the recommended discipline range is from five (5) days Suspension to Termination.

Disciplinary action shall be consistent with progressive discipline, for cause in accordance with the provisions of the Pinellas County Civil Service Act.

Capt. R. Whiteley
CAPTAIN RAY WHITELEY
PROFESSIONAL STANDARDS BUREAU
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 3/6/20

Time 1457


SIGNATURE

BG:BBT:kmm