

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

DATE: APRIL 8, 2019

TO: DISTRIBUTION

FROM: CAPTAIN RAY WHITELEY *Rw*
Professional Standards Bureau

SUBJECT: AI-19-001 SHERIFF'S FINDING

On April 5, 2019 at 1731 hours, Deputy Amy Gee, #58764, was terminated per Sheriff Gualtieri as a result of AI-19-001.

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 Paul Halle
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: APRIL 5, 2019

TO: DEPUTY AMY GEE, #58764

FROM: SHERIFF BOB GUALTIERI

SUBJECT: CHARGES RE: AI-19-001

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, January 8, 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 5.15, Custody of Arrestees/Prisoners.

On January 8, 2019, while working in the capacity of a Detention Deputy at the Pinellas County Jail, you were assigned to Intake/Receiving. You were specifically responsible for assisting incoming inmates through the booking process.

A female inmate was brought in to the jail by a Pinellas County Sheriff's Office Patrol Deputy for the offense of Disorderly Intoxication. You first came into contact with this female inmate when you approached her to initiate the facial recognition process. In doing so, you verbally directed her to stand in the designated area for her photograph to be taken. The female inmate failed to comply with your direction by refusing to look up at the camera.

Due to the inmate's non-compliance, you escorted her to booking counter two (2), where you attempted to obtain a verbal response when you asked her name for the purpose of identifying her. She failed to offer any verbal response to your questioning. Ultimately, this information was obtained from the arresting deputy so the booking process could commence.

While positioned at the counter with the inmate, surveillance video shows you were standing to the right side of the inmate with a hold of the inmate's jacket with your left hand. At the time, the inmate was secured in handcuffs with her hands behind her back. The inmate can be seen shifting her weight away from you and you pulled her back toward your direction.

The inmate was not responding to your verbal direction however, the inmate was not physically resisting or verbally threatening yourself or any other deputies within your proximity.

Immediately following, the inmate can be seen moving away from you a second time. At this point, you pulled the inmate back toward you, utilizing the hold you maintained to the inmate's jacket. As you pulled the inmate in closer to you, you placed your right hand around the inmate's neck and slammed her to the ground. You maintained a continuous hold of the inmate's neck until she hit the floor.

Simultaneously, you placed your right foot behind the inmate's legs causing her to fall to the ground. Due to the inmate's hands being secured behind her back, she was unable to break her fall. As a result, she fell backwards landing directly on her left arm, which resulted in a fracture to her left humerus.

At the time you utilized this force toward the inmate, it can be seen on video surveillance there were a total of six (6) deputies available to assist you if needed. However, you failed to verbalize or request any assistance from other deputies. In addition, a review of surveillance video revealed the inmate's actions failed to demonstrate the necessity for the force to be used.

The inmate indicated during sworn testimony to the Administrative Investigation Division, while she was standing at the booking counter she lost her balance due to consuming alcoholic beverages and stated, "My gait wasn't a hundred percent." She further indicated she suffered medical issues which made it uncomfortable for her to stand and she wasn't trying to get away or resist staff's efforts.

You testified you "redirected" her to the floor to control the inmate and you believed she was offering a level of resistance which required you to respond in this manner. However, you also testified you didn't feel as if the inmate was going to harm you or any other deputies.

Pinellas County Sheriff's Office Use of Force Policy states, "A choke hold is never permitted unless deadly force is authorized." In this case, you grabbed ahold of the inmate by the neck, while she was still secured in handcuffs behind her back as you conducted a takedown.

The Administrative Review Board determined your actions and the force utilized to be unnecessary and in violation of agency policy.

During the Administrative Interview you made the following statements:

- You testified, “Most of her interaction with me was passive resistance. Like she just didn’t want to listen or partake in anything that I was asking of her.”
- You testified, “Of course hindsight’s 20/20, I’m sure I could have, now I can think of a better option, but then and there that was the route that I took.”
- You testified, “She wasn’t combative.”
- You testified, “It was more I redirected her more so to gain and maintain control. I don’t feel that – I don’t believe she would have hurt me.”
- When asked if you felt there was potential for the inmate to hurt other deputies you replied, “No.”
- When asked if you considered the inmate would not have a way to break her fall when performing a takedown due to the inmate being handcuffed you replied, “I did not.”

At the time of the Administrative Review Board you provided the following testimony:

- When asked if you could have requested assistance from other deputies because the inmate wasn’t cooperating you replied, “Yes.”
- When asked if you could have moved your position, moved your hand placement, or blade the inmate up against the counter you replied, “Sure.”
- When asked if you could have placed a bent wrist on the inmate you replied, “Ya.”
- When asked if you felt you were under attack you replied, “No, I didn’t feel I was under attack.”
- You testified the encounter happened so fast, but when asked who controlled the speed of the encounter, you agreed you did.
- When asked if it made a difference with the inmate being handcuffed behind her back you replied, “Obviously, because they can’t stop themselves or put their hands out to ease their fall.”
- When asked, if given the opportunity, would you change anything you replied, “Looking back on it now and everything that has happened, it definitely wouldn’t be my first response or reaction.”
- When asked if your actions were reasonable based upon the subject’s resistance level at the time you replied, “No.”

The Administrative Review Board determined you committed this violation.


Disciplinary Points and Recommended Discipline Range:

You were found to be in violation of one (1) Level Five Rule/Regulation, totaling fifty (50) points. This point total, affected by no carryover points from previous discipline, resulted in fifty (50) progressive discipline points. At this point level, the recommended discipline range is a five (5) day 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 4/5/19
Time 1231

SIGNATURE