

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

DATE: **MAY 31, 2019**

TO: **DISTRIBUTION**

FROM: **CAPTAIN RAY WHITELEY** Lt. Love #2204
 Professional Standards Bureau for Capt. Whiteley

SUBJECT: **SHERIFF'S FINDING**

Per Sheriff Gualtieri, Deputy David Webb, #52153, received the following as a result of AI-19-004:

1. Written Reprimand

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
Deputy David Webb

RW/kmm

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

DATE: MAY 24, 2019

TO: DEPUTY DAVID WEBB, #52153

FROM: SHERIFF BOB GUALTIERI

SUBJECT: CHARGES RE: AI-19-004

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, February 21, 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 3-1.3, Rule and Regulation 3.4(d), Performance of Duty.

Synopsis: On February 21, 2019 you were stopped facing westbound on Keystone Road east of East Lake Road for the red traffic signal. You were stopped in the left through lane to continue westbound through the intersection once the light turned green. A motorcycle pulled up and stopped along the passenger's side of your vehicle.

You addressed the motorcyclist and he responded by telling you to put your seatbelt on, at which time you told him you were wearing your seatbelt. You reported the motorcyclist made a degrading hand gesture toward you and then drove off westbound.

You immediately activated your light bar to initiate a traffic stop, although you admit you did not have any reasonable suspicion or probable cause to stop the motorcycle. You advised the basis for the stop was to see what his "issue" was.

Once the motorcyclist stopped, you failed to immediately approach him and reported over the radio that you were unable to "get close to the motorcycle, he's very sixty-two" (disorderly conduct). You also advised responding deputies, the motorcyclist was threatening you, but you were unable to articulate any particular threat. You later testified the motorcyclist was protesting the legality of the traffic stop.

Due to your description of what was occurring and your failure to acknowledge radio communications directed toward you, responding deputies were led to believe you were being threatened or your safety was compromised therefore, they continued to respond in an emergency mode.

Once the initial back-up deputy arrived, he provided a verbal command to the motorcyclist to get off the motorcycle to which the motorcyclist failed to comply. Due to the perceived threat and the motorcyclist's failure to comply with the verbal command, the back-up deputy pulled the motorcyclist from the motorcycle, as you simultaneously pushed the motorcyclist toward the back-up deputy. These combined actions resulted in the motorcyclist falling onto the back-up deputy who was in the roadway.

You then walked around the motorcycle to assist the back-up deputy. You assisted by rolling the motorcyclist off of the back-up deputy. However, once the second back-up deputy arrived you removed yourself, failed to provide any assistance and never reengaged. When you disengaged, the other two deputies continued to struggle to secure the motorcyclist in handcuffs as neither hand was secured up to this point.

You advised over the radio the subject was in custody and other deputies could slow down their response. This was not the case. The two other back-up deputies were still engaged in a struggle to secure the motorcyclist. The initial back-up deputy heard your transmission and advised, via radio, the subject was not in custody and he needed the responding deputies to continue for assistance. You failed to reengage.

The motorcyclist was eventually secured with minor abrasions, but later released with no charges. It was determined by supervision on scene, and through your admissions, you lacked any reasonable suspicion or probable cause to initiate the traffic stop.

The Administrative Review Board determined you committed this violation.

Disciplinary Points and Recommended Discipline Range:

You were found to have violated one (1) Level Three Rule/Regulation totaling fifteen (15) points. These points, which were affected by no modified points from previous discipline, resulted in fifteen (15) progressive discipline points. At this point level, the recommended discipline ranges from a Reprimand to three (3) days Suspension.

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

Major Halle

MAJOR PAUL HALLE
PATROL OPERATIONS BUREAU
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 5/30/19

Time 13:25

Dep Dwyer
SIGNATURE