

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

DATE: MAY 7, 2018

TO: DISTRIBUTION

FROM: CAPTAIN RAY WHITELEY ^{RW}
Professional Standards Bureau

SUBJECT: AI-18-003 SHERIFF'S FINDING

On May 4, 2018 at 1608 hours, Deputy James Jerkins, #56319, was terminated per Sheriff Gualtieri as a result of AI-18-003.

DISTRIBUTION:

Sheriff Bob Gualtieri
Chief Deputy Dan Simovich
Assistant Chief Deputy Sean Jowell
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Director Jason Malpass
Shannon Lockheart, General Counsel
Payroll
Purchasing-Uniform Supply

RW/kmm

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

DATE: MAY 4, 2018

TO: DEPUTY JAMES JERKINS, #56319

FROM: SHERIFF BOB GUALTIERI

SUBJECT: CHARGES RE: AI-18-003

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:

Between, but not limited to, October 20, 2017, and January 1, 2018, 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.

While Pinellas County Sheriff's Office Supervision was conducting a comprehensive procedural and compliance review of all areas of the maximum security portion of the Pinellas County Jail, it was discovered, via digital video recording, you failed to complete proper inmate counts as required.

As it pertains to your duties, you are responsible for the care, custody, and control of inmates housed within the Pinellas County Jail. Agency Policy states that accountability of all inmates is the primary duty of staff, and members are responsible for the completion and verification of an accurate inmate count.

Your failure to complete inmate counts as required, compromised the integrity of the secured facility.

Through the Administrative Investigation, it was determined you failed to conduct a total of fifteen (15) end of shift inmate counts. You failed to conduct complete end of shift counts for a total of twelve (12) out of fifteen (15) days, and for the remaining three (3) dates, you only conducted partial counts.

You admitted you were aware of policies and procedures dictating when and how inmate counts were to be conducted.

During the Administrative Interview you made the following admissions:

- You admitted that end of shift counts were not conducted due to “ignorance and complacency.”
- You admitted, “It would be at least probably the highest priority. Just below care, custody, control. So I would say probably number one. It’s Jail Guard 101.”
- When asked why the counts were not conducted, you admitted, “I’m gonna go with complacency and just being lazy.”
- You admitted, “We should have done it. We were lazy and did not do it. And just being complacent.”
- You admitted, “I just think being too comfortable in my area and just becoming complacent with it. And it’s lead to a kind of a back slide, as you will, of my work performance.”
- You admitted, “We just didn’t do them,” referring to inmate counts.
- You admitted, “There’s no reason why it should never be done. It should always be done.”

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

- You admitted, “We didn’t do, at the end of the shift, what we were supposed to do.”
- You stated, “Sorry that I did it, embarrassed.”
- When asked if it was complacency and laziness, you responded, “I believe so.”
- You acknowledged your failure to conduct inmate counts was an intentional act.
- You acknowledged the purpose of conducting inmate counts was for care, custody and control of the inmates.
- You stated you did not provide the care, custody and control you should have by failing to conduct inmate counts.
- You admitted, “I have no excuse. No excuse.”

You acknowledged there was no excuse for failing to complete the end of shift counts and admitted it was a, “bad habit.”

You admitted to this violation.

The discipline substantiated in this case, is similar to previous policy violations that you committed.

- AI 15-024: In this case you were found to be in violation of General Order 3-1.1, Rule and Regulation 5.14 (c), Conduct Unbecoming Members of the Agency and General Order 3-1.1, Rule and Regulation 5.4, Duties and Responsibilities.

You were assigned to conduct Inmate Disciplinary Hearings. The investigation revealed these hearings were not being completed as required. In addition, you deprived inmates of the opportunity to appear at their Disciplinary Report Hearings and rendered disciplinary sanctions to inmates from hearings which never occurred. You failed to conduct these hearings due to neglect of your duties and laziness.

In this previous case, you served a 240 hour suspension.

- AI 16-029: In this case you were found to be in violation of General Order 3-1.3, Rule and Regulation 3.13, Prohibited Activity on duty.

You acknowledged that while on duty, you were photographed, sitting in a chair, with your head back, and your eyes closed and it appeared as you were sleeping. You admitted to being idle while the picture was taken.


In this previous case, you served a 24 hour suspension.

Within the previous three (3) years, you've had three (3) SUBSTANTIATED level five (5) violations and one (1) SUBSTANTIATED level three (3) violation. Previous progressive discipline points are retained and count toward this disciplinary action.

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 thirty five (35) carryover points from previous discipline, resulted in eighty five (85) progressive discipline points. In accordance with agency policy, this point total reverts to seventy five (75) points. At this point level, the recommended discipline range is a ten (10) 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.



CAPTAIN RAY WHITELEY
PROFESSIONAL STANDARDS BUREAU
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 5-4-18

Time 1606



SIGNATURE