

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

DATE: JUNE 6, 2018

TO: DISTRIBUTION

FROM: CAPTAIN RAY WHITELEY *Rw*
Professional Standards Bureau

SUBJECT: SHERIFF'S FINDING

Per Sheriff Gualtieri, Deputy Erin Nestor, #58479, will receive the following as a result of AI-18-008:

1. Forty (40) hours Suspension, reduced by Educational Based Discipline, is amended to Sixteen (16) hours Suspension to be served on:

June 8, 2018 (12 hours) and June 9, 2018 (4 hours).

Due to the nature of the above listed disciplinary action, Education Based Discipline is rendered in accordance with General Order 10-2(a).

DISTRIBUTION:

Sheriff Bob Gualtieri
Chief Deputy Dan Simovich
Assistant Chief Deputy Sean Jowell
Assistant Chief Deputy George Steffen
Colonel Paul Halle
Major Stefanie Campbell
Major Dave Danzig
Major Bill Hagans
Major Rich Nalven
Major Lora Smith
Lieutenant Deanna Carey
Director Jennifer Crockett
Director Nancy Duggan
Director Susan Krause
Director Jason Malpass
Shannon Lockheart, General Counsel
Payroll
Purchasing-Uniform Supply
Deputy Erin Nestor

RW/kmm

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

DATE: JUNE 5, 2018

TO: DEPUTY ERIN NESTOR, #58479

FROM: SHERIFF BOB GUALTIERI

SUBJECT: CHARGES RE: AI-18-008

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 December 23, 2017, 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.

Synopsis: You utilized a Precision Immobilization Technique (P.I.T.) on a vehicle, without any justification or facts to support that a P.I.T. was compliant with Pinellas County Sheriff's Office policy. As a result, your P.I.T. was determined to be in direct violation of the policy.

You attempted to conduct a traffic stop on a vehicle for a window tint violation and the odor of marijuana emitting from the vehicle. After activating your emergency lights and siren, this vehicle failed to yield. Instead, the driver continued to operate the vehicle in a safe manner.

You acknowledged that you continued following this vehicle at a close distance with your emergency lights illuminated, in contrast with your supervisor's direction to, "just lay back off of him." You acknowledged that you were familiar with this direction from your sergeant and understood it to mean, "That means shut down the traffic stop. Turn off your lights. Turn off your siren."

Immediately following your sergeant's directive, a P.I.T. was utilized in an attempt to stop the vehicle, but it was unsuccessful. A civilian vehicle, traveling in the opposite direction, was dangerously close to your vehicle during the P.I.T. You acknowledged that, had your P.I.T. been successful, this civilian vehicle would have been impacted by the P.I.T. Your actions and decision to conduct a P.I.T. compromised the safety of a civilian driver.

Your use of the P.I.T. in an effort to stop this vehicle did not meet the mandatory requirements established by the Pinellas County Sheriff's Office policy which include the following:

- Occupant in the vehicle is suspected of having committed a felony, *and*;

You acknowledged your basis for the attempted P.I.T. was due to illegal window tint and the odor of marijuana emitting from the vehicle.

- Deputy has reasonable and articulable grounds to believe the suspect will flee upon being directed to stop, *and*;

You testified you felt the driver may have been unaware of your presence until you attempted the P.I.T. maneuver. You believed until this point, "At the time, it was not fleeing, it was an elongated traffic stop" and "I feel like they didn't even know I was back there at that point."

- Deputy believes the suspect must be stopped immediately to safeguard life or preserve public safety.

You believed the vehicle was a possible threat to other drivers on the roadway due to the odor of marijuana emitting from the vehicle, your approach to 66th Street, an area of higher traffic volume and the possibility that the driver may be impaired. However, digital video recording of the incident did not reveal the suspect driving in an unsafe manner, which would constitute a threat to public safety.

When asked if this situation met all three (3) criteria, as stated in agency policy, you responded, "Not all three, no."

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

- You acknowledged the vehicle was abiding by traffic laws such as roadway markings, stop signs and slowing for speed humps.
- When asked if you were authorized to perform the P.I.T maneuver by policy you replied, "If you're wanting to refer to policy, no sir."
- When asked if you had the criteria to P.I.T. the vehicle, you replied, "No sir."

The Administrative Review Board determined you committed this violation.

Disciplinary Points and Recommended Discipline Range:

You were found to be in violation of one Level Five Rule and Regulation, 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, recommended discipline range is 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.

 51600 06/05/18
ASSISTANT CHIEF DEPUTY GEORGE STEFFEN
CHIEF DEPUTY OFFICE
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 6/5/2018

Time 1630 HRS

 58479
SIGNATURE

BG:RHO:kmm