

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

DATE: JULY 8, 2019

TO: DISTRIBUTION

FROM: CAPTAIN RAY WHITELEY *RW*
Professional Standards Bureau

SUBJECT: SHERIFF'S FINDING

Per Sheriff Gualtieri, Deputy Kenneth Rowe, #57162, will receive the following as a result of AI-19-002:

1. Two-hundred forty (240) hours Suspension to be served on:

July 8, 2019, July 9, 2019, July 12, 2019, July 13, 2019, July 14, 2019, July 17, 2019, July 18, 2019, July 22, 2019, July 23, 2019, July 26, 2019, July 27, 2019, July 28, 2019, July 31, 2019, August 1, 2019, August 5, 2019, August 6, 2019, August 9, 2019, August 10, 2019, August 11, 2019, August 14, 2019 and August 15, 2019 (10 hours/day).

2. Removal from FTO

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 Kenneth Rowe

RW/kmm

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

DATE: JULY 2, 2019
TO: DEPUTY KENNETH ROWE, #57162
FROM: SHERIFF BOB GUALTIERI
SUBJECT: CHARGES RE: AI-19-002

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 13, 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 13, 2019, while working in the capacity of a Detention Deputy at the Pinellas County Jail, you were assigned to supervise the inmates in the Infrastructure Building Kitchen.

At approximately 2:16 pm, two (2) inmates approached the glass window of the kitchen office attempting to obtain gloves for cleaning duties.

You and another deputy exited the office and confronted the inmates. You were carrying a wooden broomstick in your right hand. With the wooden broomstick raised, you deliberately hit the office door threshold as you walked through, then the glass window immediately to your right. You then transitioned the broomstick to your left hand and maintained it in a vertical position, with one end touching the floor.

You and this deputy, positioned the inmates with their foreheads against an adjacent glass wall with their hands behind their backs, and instructed them to lean forward. At this time, one (1) additional deputy exited the kitchen office. The inmates were instructed to remain stationary, with their foreheads touching the glass wall, to which they complied.

You and the other two (2) deputies stepped back inside the kitchen office. While these two (2) inmates were being forced to remain with their foreheads against the glass wall, several uninvolved inmates were able to observe the entire incident from the inmate breakroom, which was located on the opposite side of the glass wall. During your Administrative Interview, you testified you went to a computer, located inside the office, and authored a document that was printed twice. Contained in this document were derogatory and demeaning statements about the two (2) inmates who were leaning against the glass wall.

After approximately five (5) minutes, you and three (3) other deputies re-emerged from the kitchen office. Using strips of packing tape, you attached the printed documents to the backs of the two (2) inmate's jail issued uniforms. As these pieces of paper were being taped to their shirts, these two (2) inmates were instructed to continue standing still with their foreheads leaning against the glass wall.

At approximately 2:27 pm, the previously uninvolved inmates who, had been inside the inmate breakroom, are observed on surveillance video to simultaneously stand-up and exit the breakroom. After exiting from the breakroom, the inmates were instructed to walk past the two (2) inmates leaning against the glass wall and, as they passed, to read aloud the derogatory messages printed on the paper signs. You took a step back, allowing the inmates to walk by in front of you. You were present and in close proximity to the inmates as they walked past, reading from the signs taped to the two (2) inmates' backs. You failed to take any action to stop this incident and the maltreatment of the two (2) inmates.

While other inmates were walking past, one (1) of the two (2) inmates began to verbally and physically resist being positioned against the wall, and tried to walk away from the situation. Another deputy prevented this inmate from leaving the area by gaining control of his hands, turning him around and again positioning him with his forehead against the glass wall. After the inmate was returned to the glass wall, you approached him and ran your right hand against the inmate's upper back, ensuring the tape was securely adhered to the uniform shirt. Concluding this action, you applied light pressure to the inmate's upper right shoulder to reinforce the inmate's position against the glass wall.

Following the inmate's procession, the two (2) inmates were allowed to leave the area of the incident and they were directed to return to work. The total amount of time these two (2) inmates spent with their heads leaning against the glass wall was approximately eleven (11) minutes.

As the inmates returned to their work area, the previously resistant inmate was observed on surveillance video removing the sign from the back of his jail issued uniform. You, and the three (3) other deputies immediately approached the inmate. Another deputy placed the inmate's hands behind his back and applied handcuffs. The inmate was restrained for no lawful or legitimate purpose.

During the Administrative Interview, you made the following statements:

- You testified, "I believe the inmates were stating that they needed gloves to do some clean up."
- You testified, "I remember being, you know, aggravated and I was like, what am I – what can we do to get these guys focused, you know kind of thing. And I reverted back to something I would do in the military."
- You testified, "I went over to the computer...and I typed up two pieces of paper. The pieces of paper stated something to the effect of, I'm an idiot. I can't stop messing with the guards. I can't get right."
- You testified, "I have two pieces of paper, and I start walking out there...and began taping those pieces of paper on those inmate's backs."

- In regards to the inmates from the breakroom walking by the inmates against the glass wall, you testified, "I don't want that. And right about that time inmates started walking up and I was basically committed to the situation."
- You admitted, "I started to think, oh crap, I'm losing my mind for a second here because I forgot that I'm not in the Army right now. I'm at the Sheriff's Office. And I shouldn't be putting pieces of paper on the inmate's backs. And I definitely shouldn't be allowing these inmates to come parade through here."
- You admitted, "I do not recall ever doing anything of this nature. I know what I did was wrong and I fully take accountability for my actions."

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

- You testified, you heard from another deputy, "Look at these guys coming up here to the window."
- When asked if you knew why the inmates were at the door to the office, you testified, "I believe they were asking for gloves."
- When asked if you were in charge of care, custody and control of the inmates in the kitchen, you testified, "Yes, sir."
- When asked, since there were four (4) deputies in the office, who's watching the inmates, you admitted, "Probably nobody."
- When asked if you agreed the inmates would not have needed to approach the office for gloves if deputies were on the floor, you testified, "Yes, sir."
- You testified, "The action of them coming up to the window is what got us out of the room."
- When asked what specifically the inmates were doing, you testified, "Peering in looking through the window as of, to like, snoop on us."
- When asked if it was a form of intimidation when you came out of the kitchen with the stick in your hand, hitting it against the wall, you admitted, "I agree sir."
- When asked how you positioned the inmates against the glass wall, you testified, "Their positioning looks like hands behind their backs, standing close to the wall, possibly with their forehead against the wall."
- Regarding the inmates standing against the glass wall, you testified, "They were told to stand fast, and just stay right there."
- When asked if it was your intent to put the two (2) inmates in a time out position and degrade and humiliate them amongst their peers, you testified, "Yes sir."
- You admitted, "I'm the one who escalated what really started the situation with creating the signs."
- Regarding the documents that were printed, you admitted, "I take accountability of, you know, making the papers, it was my idea."
- Regarding the documents, you admitted, "The only reason [typing the documents] did pop in my head is because, things that we would do in the military. And obviously things we did in the military you can't do here."
- You testified, "So I went ahead and made the paper, printed it off, and went out of the [office], and with, you know, putting it on their back."
- You admitted, "[There was] full intent to go out there and place it [the signs] on their back, using tape."


- When asked if hazing, is part of the Pinellas County Sheriff's Office's culture, you testified, "Absolutely not."
- When asked when you started feeling uncomfortable with the situation, you testified, "Right around when the inmates are starting to gather, and were kind of standing there [at the end of the hall]."
- Referencing the Administrative Interview, when asked what was meant when you testified, "I'm losing my mind," you clarified, "Losing my bearing as a Sheriff's Deputy, doing something that's inappropriate."
- When asked why you didn't stop the situation as a senior deputy and as a trainer, you testified, "Mainly just 'cause I didn't want to have any issues in front of the inmates."
- Regarding the order given to the inmates standing in line, you testified, "They were being told to walk by."
- Regarding the upset inmate attempting to walk away from the situation, you testified, "He's mad that the inmates are walking by him, reading the sign, like he's being made fun of."
- When you returned to the office, you testified you stated to the other deputies, "What did we just do?"
- When asked if this was an environment where there was bullying, humiliation, and intimidation by you and the other deputies, you admitted, "On this current day, yes sir, I do."
- When asked if the hitting the broom stick handle against the wall was a show of force, you admitted, "Yes, sir."
- When asked if there was cause to show force by policy, you admitted, "No, sir."
- When asked if it was a use of force, by placing your hand against the inmate's head to secure him against the glass for approximately twenty (20) seconds, you admitted, "Yes, sir."
- When asked if there was cause to use force, you admitted, "No, sir."
- When asked if the inmates violated any rules for this to have occurred, you admitted, "No, sir."

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.


COLONEL DAVID DANZIG
DEPT. OF DETENTION AND CORRECTIONS
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 07/03/19

Time 1035 HRS

DAVID DANZIG 7162
SIGNATURE

BG:JLS:kmm