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

DATE: **APRIL 1, 2016**

TO: **DISTRIBUTION**

FROM: **CAPTAIN RAY WHITELEY** RW
Professional Standards Bureau

SUBJECT: **AI-16-002 SHERIFF'S FINDING**

Per Sheriff Gualtieri, Deputy Wayne Wagner, #58964, will receive the following as a result of AI-16-002:

1. Forty (40) hours Suspension to be served on:

   April 2, 7, 8, and 9, 2016 (10 hours/day).

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 Lora Smith
Major Rich Nalven
Captain Dennis Fowler
Director Jennifer Crockett
Director Nancy Duggan
Director Susan Krause
Director Jason Malpass
Director Julie Upman
Shannon Lockheart, General Counsel
Purchasing-Uniform Supply
Payroll
Deputy Wayne Wagner

RW/kmm

PINELLAS COUNTY SHERIFF'S OFFICE
INTER-OFFICE MEMORANDUM

DATE: **MARCH 15, 2016**

TO: **DEPUTY WAYNE WAGNER, #58964**

FROM: **SHERIFF BOB GUALTIERI**

SUBJECT: **CHARGES RE: AI-16-002**

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 January 14, 2016, 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 engaged in a high speed pursuit which violated General Order 15-2.

   Specifically, at 0349 hours, you observed the suspect vehicle exit the parking lot of a restaurant and make a U-turn to travel in the same direction as you. You estimated it was traveling 70 mph in a 55 mph speed zone and followed to continue observation of its driving. You observed the vehicle make three (3) more consecutive U-turns, with rapid accelerations, and continued to follow it. After the last U-turn, you made radio contact, informing units of the vehicle and its driving behavior.

   You followed the vehicle, at speeds recorded at 130 mph on US Highway 19 N, with no emergency equipment activated. COBAN video captured several vehicles on the roadway as you passed them on their right and left. Your speed was recorded at 115 mph as you drove through a red light intersection; your emergency lights were not activated until 30 – 50 feet prior and your siren was inaudible until you were through the intersection. A civilian vehicle was stopped at this intersection.

   You advised radio you were "trying to catch up" as your speed again crested 102 mph. While your lights and siren were activated, the vehicle continued to flee and exited the highway in a 35 mph speed zone. You followed at a recorded 127 mph.

   At this point, a supervisor called out to you; you replied, "Shutting it down, go ahead," and deactivated your emergency equipment. At the time of this reply, you were traveling

at 117 mph in the posted 35 mph speed zone. When he asked your speed, you advised you were stopped at an intersection. You estimated the suspect vehicle's speed, and you repeated, "I'm still stationary."

Moments later, you reactivated your emergency lights to clear the intersection and continued to BOLO for the vehicle. At no point during this incident did you announce you were in pursuit.

Your dangerous driving and justification for it contradicted policy. Moreover, the incident did not involve a forcible felony, an enumerated crime, an imminent and/or continuous threat, or any extremely dangerous driving. You admitted you were in pursuit after the suspect vehicle's final U-turn and you conceded the suspect vehicle's extreme speeding was caused by your law enforcement actions.

You admitted to this violation.

Disciplinary Points and Recommended Discipline Range:

You were found to have violated one Level Five Rule/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 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.

MAJOR RICHARD NALVEN
PATROL OPERATIONS BUREAU
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 3/31/16

Time 1510 hrs

#5896 4
SIGNATURE

BG:MHH:kmm