

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

DATE: NOVEMBER 18, 2016

TO: DISTRIBUTION

FROM: CAPTAIN RAY WHITELEY *SGT. D. Garvey 5966*
Professional Standards Bureau *For Captain Whiteley.*

SUBJECT: AI-16-015 SHERIFF'S FINDING

On November 18, 2016 at 1438 hours, Deputy Wayne Wagner, #58964, was terminated per Sheriff Gualtieri, as a result of AI-16-015.

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
- Payroll
- Purchasing-Uniform Supply

RW/kmm

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

DATE: NOVEMBER 18, 2016

TO: DEPUTY WAYNE WAGNER, #58964

FROM: SHERIFF BOB GUALTIERI

SUBJECT: CHARGES RE: AI-16-015

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 March 25, 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 5.15, Custody of Arrestees/Prisoners.

On March 25, 2016, you conducted a lawful traffic stop at 10021 4th St. N., St. Petersburg, Florida 33702, wherein an occupant was arrested for felony driving on a suspended driver's license.

In order to facilitate the impounding of this vehicle, you instructed the female occupant to exit the truck. Upon her exit, you handed her driver's license back to her. As she took the license and turned to walk away from you, apparently free to leave, you used unnecessary physical force to push her into a vehicle, used take down maneuvers to place her on the parking lot pavement, and pushed her head aggressively into the ground. The basis for the force used was the charge of Battery on a Law Enforcement Officer.

During this event, Pinellas County Sheriff's Office digital video recording (COBAN) captured the subject being arrested and speaking with you. You called for a backup deputy, advising the Communications Division that you were "in a fight", while still using your body weight to hold the female on the ground. The arrestee calmly stated, "You're not in a fight officer", as she asked what you were doing and why she was under arrest.

You alleged the arrestee exited the vehicle while "aggressively" approaching you. She then "ripped" her license from your hand, while using her right hand to "shove" you, in the chest area.

The video collected from the occurred location business as evidence during this investigation, shows you falsely stated you were shoved and the evidence does not support the elements needed to establish the charge of Battery on a Law Enforcement Officer or your additional charge of Resisting an Officer with Violence. Furthermore, the video evidence does not show the arrestee approaching you aggressively, forcefully snatching or removing her driver license from your hand, or making contact with your chest at any time.

You admitted that none of the video collected as evidence supports your testimony as to what occurred.

The Administrative Review Board determined you committed this violation.

2. You violated Pinellas County Sheriff's Office General Order 3-1.1, Rule and Regulation 5.6, Truthfulness.

After the altercation concluded, you were seen on the occurred business location surveillance video describing the arrest to responding deputies. What you were captured on video physically describing to these deputies was not what was depicted on Pinellas County Sheriff's Office digital video recording (COBAN), or the occurred location business surveillance video. Your actions exaggerated and falsify stated what had just transpired.

You falsified your Pinellas County Sheriff's Office offense report, documenting that the female "shoved" you, after "aggressively" approaching you, upon her exit from the involved vehicle. During later supportive documentation, and after viewing the occurred business surveillance video, you now documented the arrestee exited the vehicle "aggressively" and used her hand to "push" you. During the Administrative Investigation Division process, you changed your statement detracting away from the words shove and push, testifying there was "contact" and or a "touch."

You documented and testified that she pushed you in your "chest", which is proven to be untruthful by utilization of video evidence. During the Administrative Investigation Division process, you were unable to point out the contact you based your use of force and arrest on, while viewing video documentation.

You later admitted that the documentation authored by you and verbal explanation you provided about this incident are, "not an accurate representation of what happened."

The Administrative Review Board determined you committed this violation.

Disciplinary Points and Recommended Discipline Range:

You were found to have violated two (2) Level Five Rule/Regulations, totaling sixty (60) points. These points, which were affected by twenty-five (25) carryover points from previous discipline, resulted in eighty-five (85) progressive discipline points. In accordance with agency policy, this

total reverts to a seventy-five (75) points and the recommended discipline range is from ten (10) 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.

SGT. D. 5966
SERGEANT DENNIS GARVEY
PROFESSIONAL STANDARDS BUREAU
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 11/18/14

Time 1430hrs

[Signature]
SIGNATURE

BG:kmm