

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

DATE: DECEMBER 19, 2017

TO: DISTRIBUTION

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

SUBJECT: SHERIFF'S FINDING

Per Sheriff Gualtieri, Deputy Alexander Edge, #58527, will receive the following as a result of AI-17-034:

1. One hundred and twenty (120) hours Suspension to be served on:
December 20, 21, 26, 29, 30, 31, 2017 (12 hours/day), and
January 8, 9, 12, 13, 2018 (12 hours/day).
2. Mandatory Retraining in Use of Force Decision Making

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
Director Julie Upman
Shannon Lockheart, General Counsel
Payroll
Purchasing-Uniform Supply
Deputy Alexander Edge

RW/kmm

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

DATE: DECEMBER 13, 2017

TO: DEPUTY ALEXANDER EDGE, #58527

FROM: SHERIFF BOB GUALTIERI

SUBJECT: CHARGES RE: AI-17-034

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 May 25, 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 5.15, Custody of Arrestees/Prisoners.

On May 25, 2017, you responded to 7171 79th Street North Pinellas Park, Florida 33781, where an unwanted subject was trespassing.

Upon your arrival, witnesses told you that the subject trespassing had a gun that he had walked toward a vehicle in the street and away from the scene. You engaged the subject and drew your firearm. The subject then concealed himself behind a vehicle that was parked in the roadway. You held the subject at gunpoint and provided verbal commands for the subject to show his hands and get on the ground. The subject refused to follow your commands and began "circling" around the vehicle, which he did approximately four times as he evaded your commands.

As Deputy Fineran arrived, the subject can be seen on in-car video with his hands out across the hood of the vehicle. Deputy Fineran provided verbal commands, at gunpoint, to the subject to, "get on the ground." The subject complied with these commands as you approached the subject from the rear, and by doing this you created a "crossfire" situation.

The subject was in a prone position on the ground and the perspective from Deputy Fineran's in-car video shows the subject had his hands out in front of him. You testified that from your view to the rear of the subject you could not see the subject's hands and you

did not believe his hands were out in front of him. Despite believing the subject was armed, had a gun in his waistband, and you could not see his hands, you holstered your firearm and approached the subject to make physical contact with him and take him into custody.

You then jumped on the subject's back who you believed to be armed and straddled him because you could not see his hands and believed he had access to a concealed gun. You delivered seven strikes to the subject's head for the purpose of pain compliance and/or as a distraction technique because you feared for your safety due to the subject's arm being free and his immediate access to the gun.

The subject then actively resisted your efforts to handcuff him and take him into custody and you pulled the subject's hair and transitioned into a choke hold maintaining a position on the subject's back. You described this as "a tangled mess of hands and body parts underneath us." The subject was eventually handcuffed and taken into custody.

Your actions of making premature physical contact with a person who you believed to be armed with a gun, in a cross fire situation, while your gun was holstered, was unnecessary, contrary to effective and accepted police practices and caused a use-of-force situation that could and should have been avoided.

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 5.4, Duties and Responsibilities.

You failed to obtain relevant information pertaining to the circumstances surrounding a firearm said to be in possession of a subject at the residence who was refusing to leave.

You testified, that you believed you were responding to a potential trespass situation, but a trespass warning was never investigated or issued.

You testified you spoke to everyone on scene, but failed to identify them in your report.

You advised an involved citizen that you did not have any legal basis to search the vehicle the arrested subject arrived in for a firearm. Therefore, the citizen entered the vehicle, while you were still on scene, and retrieved two (2) firearms from within the vehicle. You later identified these firearms as belonging to the arrested subject and entered them into evidence. You failed to identify where these firearms were located inside the vehicle. If you would have completed a thorough investigation, including witness interviews, you would have learned the arrested subject returned to his vehicle prior to your arrival on scene and that you had a lawful basis to search the vehicle.

PCSO responded two (2) days later to find the vehicle parked a significant distance from the curb and potentially blocking traffic. A photograph taken of the vehicle at this time also

identified the arrested subjects shoe lying on the ground in the area where the incident occurred. The shoe was never collected or returned to the subject. The keys to the vehicle, which can clearly be seen in the in-car video, were never retrieved or returned to the subject.

Once the subject was in custody, a search of his person revealed "brass knuckles" in the subjects short's pocket. This item was turned over to you at the scene, but never entered in as evidence, nor was the subject charged accordingly. This item is currently unaccounted for.

You later admitted that these were "hustle" mistakes. You testified, "But there were mistakes made, and I would correct the administrative ones."

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 five (5) carryover points from previous discipline, resulted in sixty-five (65) progressive discipline points. In accordance with agency policy, this total reverts to sixty (60) points and the recommended discipline range is from seven (7) 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.



BOB GUALTIERI, SHERIFF

I have received a copy:

Date 12/13/17

Time 3:45 PM


SIGNATURE

BG