

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

DATE: MAY 17, 2021

TO: DISTRIBUTION

FROM: CAPTAIN DEANNA CAREY 
Professional Standards Bureau

SUBJECT: AI-21-004 SHERIFF'S FINDING

On May 17, 2021 at 0915 hours, Deputy Brian Overton, #58376, was terminated per Sheriff Gualtieri as a result of AI-21-004.

DISTRIBUTION:

Sheriff Bob Gualtieri
Chief Deputy George Steffen
Assistant Chief Deputy Dave Danzig
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Payroll
Purchasing-Uniform Supply

DC/kmm

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

DATE: MAY 17, 2021

TO: DEPUTY BRIAN OVERTON, #58376

FROM: SHERIFF BOB GUALTIERI

SUBJECT: CHARGES RE: AI-21-004

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, February 6, 2021, 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 5.2, Loyalty.
2. You violated Pinellas County Sheriff's Office General Order 3-1.2, Rule and Regulation 4.10, Associating with Subjects Involved in Criminal or Civil Cases

On July 3, 2020, a Command Level investigation was initiated when a complaint was received by a female citizen regarding unsolicited and unwelcome text messages which were sent to her by you. This investigation was documented under AR-20-033 and revealed that on June 19, 2020, you responded as the primary deputy to a Death Investigation. During the course of this investigation, you made a death notification to the decedent's next of kin, who was the complainant in this case. The initial text messages sent by you were related to the investigation; however, they quickly transitioned to a personal conversation with some comments being sexual in nature. This included sending the complainant personal photographs of yourself, one photograph being in uniform. You subsequently engaged in regular text message conversations with the complainant for a number of days after the investigation. These text messages sent by you were not related to your official duties. You admitted to this violation and were issued a Written Reprimand on August 8, 2020.

On February 5, 2021, while working in your assigned patrol area, you were dispatched to a reported Child Abuse at 1946 hours. Upon conducting the initial investigation, you left the location after speaking with the complainant and responded to a secondary location to conduct further investigation. You cleared this call at approximately 2135 hours and contacted the original

complainant via telephone to inform her of the outcome of your investigation. When contacting the complainant, you utilized a phone application that concealed your personal phone number and displayed an alternate phone number to the recipient.

On February 6, 2021, at 0114 hours, you utilized the same phone application and sent a text message to the complainant requesting information regarding the earlier call for service. You misled the complainant into believing this information was needed so that you could inform [REDACTED]. The complainant responded several hours later with the requested information. This response was received after you had already made the report [REDACTED] at 0415 hours. You then engaged in a volley of text messages with the complainant which were of a personal and sexual nature and lasted over two hours. While engaged in this text conversation, you revealed personal details about yourself without provocation and made comments about the complainant's body and appearance by stating, "Don't take this the wrong way but you have Thst (sic) attractive independent vibe, not a perfect body but def still sexy snd (sic) a very caring heart." These text messages sent by you were not related to the call for service or the performance of your lawful duties.

During the complainant's interview with investigators, the complainant characterized this text message conversation with you as "unprofessional," "creepy," "scary" and stated she felt she was being "sexually harassed." The complainant was hesitant to report the behavior because, "he is in a position of authority" and she did not want to "anger him." The complainant's husband testified he found the text messages "highly inappropriate" and that his wife was concerned there would be "retribution" from you if the incident was reported that could potentially affect her ongoing custody court case.

During your Administrative Interview, you admitted the initiation of the text messages to the complainant was unnecessary and did not serve a legitimate law enforcement purpose. You further acknowledged these messages were sent by you with the sole purpose of engaging the complainant in personal conversation and should not have been sent.

During your Administrative Review Board, you admitted your purpose for texting the complainant was to start a conversation. You also admitted that your conduct in this case was "not ethical." When asked if you would have engaged in a physical relationship with the complainant if propositioned, you admitted that you would have. You also admitted you have provided your agency business cards to females while on duty in the hope that these females would further engage you in non-duty related conversation.

You have demonstrated a pattern of being unable to practice self-restraint and to put the welfare of citizens in vulnerable situations before your own personal wants. You failed to protect the complainant from intimidation and opposition, and instead caused her fear and uncertainty.

The Administrative Review Board determined you committed these violations.

Disciplinary Points and Recommended Discipline Range:

You were found to be in violation of one (1) Level Five Rule/Regulation and one (1) Level Four violation, totaling (80) points. This point total, affected by five (5) carryover points from previous discipline, resulted in eighty-five (85) progressive discipline points. In accordance with agency policy, this point total reverts to seventy-five (75) points. At this point level, the recommended discipline range is from a 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.

Capt. D. #5020 5-17-21
CAPTAIN DEANNA CAREY
PROFESSIONAL STANDARDS BUREAU
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 5-17-21

Time 09:15 am


SIGNATURE

BG:PDL:kmm