

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

DATE: DECEMBER 05, 2022

TO: DISTRIBUTION

FROM: CAPTAIN DEANNA CAREY 
Professional Standards Bureau

SUBJECT: SHERIFF'S FINDING

Per Sheriff Gualtieri, Sergeant Eugene Paniccia, #56399, will receive the following as a result of AI-22-021:

1. Demotion to deputy

DISTRIBUTION:

Sheriff Bob Gualtieri
Chief Deputy Paul Halle
Assistant Chief Deputy Dave Danzig
Assistant Chief Deputy Dennis Komar
Colonel Paul Carey
Major Adrian Arnold
Major Dennis Garvey
Major Joe Gerretz
Major Nick Lazaris
Major Jennifer Love
Director Jennifer Crockett
Director Nancy Duggan
Director Susan Krause
Director Jason Malpass
Shannon Lockheart, General Counsel
Payroll
Purchasing-Uniform Supply
Deputy Eugene Paniccia

DC/blb

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

DATE: DECEMBER 2, 2022

TO: SERGEANT EUGENE PANICCIA, #56399

FROM: SHERIFF BOB GUALTIERI

SUBJECT: CHARGES RE: AI-22-021

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, August 15, 2022, 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: On August 15, 2022, while working as a Patrol sergeant, your assistance was requested by a deputy regarding a video voyeurism call for service. The deputy advised a camera was found by the victim within her bedroom air conditioning vent. At the time, the deputy identified the victim's roommate, who was not currently at the residence, as the suspect.

Upon arrival to the scene, you contacted a Robbery/Homicide Unit sergeant to inquire if a detective would respond to this type of call. The sergeant asked several questions, to which you did not have the answer, as you had not yet been to the unit. You responded to the eighth-floor unit and observed the camera, still within the air conditioning vent, and took one photograph using your personal cell phone. Without using gloves, you pulled on the wire attached to the camera to see what it was connected to within the vent. As you did this, a battery pack fell into your ungloved hands along with the camera, which had become dislodged from the mount within the vent. By doing this, you potentially contaminated any evidence that may have been on the surface of the camera and the battery pack. You took one photograph of the battery pack on your personal cellphone, placed the evidence on the victim's bed, and left the unit to contact the Robbery/Homicide Unit sergeant. While speaking to the sergeant, you failed to inform him you had removed the camera from the vent, which caused him to deploy unnecessary detectives from another investigative unit.

Once you learned detectives would respond to the scene, you returned to your vehicle without advising the deputy, who was the only other agency member on scene at the time. You remained in your vehicle, parked out of eyesight of the unit, for approximately thirty minutes. Towards the end of this timeframe, you saw and briefly spoke to the on-scene deputy at your vehicle. You testified that although the thought crossed your mind, you did not direct the deputy to return upstairs, assuming she was going to do so of her own accord, even though you stated she walked to her vehicle after speaking to you. You also did not inquire as to how long she had been away from the unit. While in your vehicle, you spoke to your lieutenant about another call for service and failed to advise him of the error you made by removing the camera from the vent.

Since the evidence you removed from the vent was left on the bed and you did not ensure the unit was secured for an extended period, the suspect was able to return to the unit undetected and take the camera. Once notified, you and the on-scene deputy, along with Robbery/Homicide Unit detectives who arrived on scene shortly after you were notified the camera was gone, began a search for the missing evidence. The suspect eventually returned to the scene and provided the camera to detectives; however, a Secure Digital (SD) card was notably absent from the device.

Due to your incompetence, the evidence was left unsecured at the scene, the chain of custody was broken, and potential evidence was unable to be recovered, which may impact the criminal case. If the suspect had not returned with the camera, further evidence would have been lost, resulting in what may have been determined to be a non-prosecutable case.

You did not author a supplement in the agency's report management system regarding your case activity, testifying you were "embarrassed," "upset" and "didn't know where to begin with it." You failed to attach the two photographs of the evidence to the report, with one of those photographs being the only representation of how the camera was positioned in the vent before you removed it. Your body worn camera (BWC) was in "sleep mode" throughout most of the shift, and you did not ensure the on-scene deputy was using her BWC as dictated by policy.

During your Administrative Investigation Interview, when asked if you were overwhelmed at the time, you testified, "It got bad. Overwhelmed might be an understatement." You admitted you "made a mistake" by moving the evidence and agreed you set a bad example for the on-scene deputy. You stated after removing the camera from the vent you "got stressed out" and made the poor decision to leave the evidence on the bed, instead of placing it in an evidence bag and securing it in your vehicle. You admitted you should have "double checked" that the on-scene deputy was returning to the unit. You agreed that as a former detective, your investigative knowledge was not utilized during this incident.

During the Administrative Review Board, you admitted you compromised the investigation and prosecution of this criminal case, and you "failed to lead the way...and I failed to set a good example." You stated that you were "rushing" because while on scene you were dealing with another call for service in the squad and wanted to provide the Robbery/Homicide Unit sergeant with answers to his questions. You agreed you could not

recover after mistakenly removing the camera from the vent, which resulted in additional mistakes. You admitted you did not discuss what the proper procedure should have been with the on-scene deputy later and have not addressed the BWC policy with your squad. You further testified in addition to being upset, you did not complete a supplement to the report regarding your actions because "I felt it was going to make the case worse for prosecution purposes."

You were incompetent in handling this case and supervising the deputy that sought your assistance. Instead of providing guidance, your actions and inactions potentially weakened the case, and then you failed to follow up with the deputy on how the investigation should have been conducted. Despite your tenure as a sergeant, and experience in complex investigations as a detective, your handling of this case displayed an ineptness of basic investigatory and leadership skills. You admitted to being overwhelmed in what would be considered a low-stress incident, where you had time and resources on your side, and failed to assist the on-scene deputy complete a thorough and complete investigation.

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 forty (40) hours 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 NICK LAZARIS #J446
PATROL OPERATIONS BUREAU
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 12/5/21

Time 12:20


SIGNATURE

BG:MLD:blb