

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

DATE: **DECEMBER 9, 2022**

TO: **DISTRIBUTION**

FROM: **CAPTAIN DEANNA CAREY *DS***
Professional Standards Bureau

SUBJECT: **AI-22-026 SHERIFF'S FINDING**

On December 9, 2022 at 1432 hours, Inmate Records Specialist III Marlin Rivera-Perez, #59262, was terminated per Sheriff Gualtieri as a result of AI-22-026.

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
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Major Jennifer Love
Director Jennifer Crockett
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Director Susan Krause
Director Jason Malpass
Shannon Lockheart, General Counsel
Payroll
Purchasing-Uniform Supply

DC/blb

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

DATE: **DECEMBER 9, 2022**

TO: **INMATE RECORDS SPECIALIST MARLIN RIVERA-PEREZ, #59262**

FROM: **SHERIFF BOB GUALTIERI**

SUBJECT: **CHARGES RE: AI-22-026**

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:

Between, but not limited to, June 13, 2022, through September 28, 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 5.21, Chronic Offender.

Synopsis: On April 1, 2021, while working the Release Desk, you failed to call the Public Lobby at the Pinellas County Jail to confirm that a program representative was present and ready to take custody of an inmate being released to them for a court ordered program. This violation of General Order 3-1.3, Rule and Regulation 3.4(d), Performance of Duty, was investigated and substantiated under AR-21-032. A Written Reprimand was issued to you on July 1, 2021.

Between, but not limited to August 3, 2021, through December 4, 2021, you made 14 documented errors and displayed deficiencies at all seven positions an Inmate Records Specialist III can be assigned. This violation of General Order 3-1.3, Rule and Regulation 3.4(d), Performance of Duty, was investigated and substantiated under AR-22-002. A Written Reprimand was issued to you on January 25, 2022.

Between, but not limited to January 5, 2022, through January 26, 2022, you made 4 documented errors at three of the seven positions an Inmate Records Specialist III can be assigned. As a result of these errors and the two previously sustained 3.4(d), Performance of Duty, you were in violation of General Order 3-1.1, Rule and Regulation 5.21, Chronic Offender. This violation was investigated and substantiated under AI-22-003. A forty-hour Suspension was issued to you on April 29, 2022.

In the current case, on the following dates, you failed to properly perform your assigned duties:

On March 25, 2022, you completed the booking process of an inmate who was transported from Hillsborough County to the Pinellas County Jail (PCJ), with hold paperwork from Hillsborough County Sheriff's Office for Pasco County. The paperwork indicated there was a warrant from Pasco County that was still outstanding in NCIC/FCIC. You did not send a hit confirmation for the warrant, and instead booked the charge in as a general detainer. Additionally, you did not write the affidavit for the warrant, and did not book the charge as a warrant to ensure the inmate attended advisory court. This error was not discovered until June 13, 2022, when another Inmate Records Specialist III sent a teletype to Pasco County to notify them the inmate was ready to be transported to their facility. Pasco County advised they were unaware the subject was in our custody, due to not receiving a hit confirmation. The inmate was in PCJ custody for three weeks before seeing an advisory judge for the Pasco warrant.

On August 13, 2022, you did not print the Demographics page for an inmate, did not link the criminal court case number to the VIPAR affidavit and then close the affidavit, and did not print the affidavit. This error was caught by another Inmate Records Specialist III, who corrected the error on the same day on a different shift. Had the error not been discovered it would have created an issue with the courts not having the inmate's affidavit for advisory and the inmate's file not being created for Inmate Records.

On August 27, 2022, while assigned to the Bond Lobby, you were processing a walkthrough. You did not follow the procedure of checking VIPAR for any outstanding probable cause (PC) affidavits. The defendant you were processing had six open PC affidavits that were found by another Inmate Records Specialist III during the booking process. You attempted to contact the bondsman and wait for confirmation on if they would post the bonds for the six additional charges. After an extended length of time, the bondsman notified you they would not post the additional bonds. This caused a delay in the inmate being taken into custody. You did not notify your supervisor of the situation, who only found out later when notified by detention staff. You had previously been provided with an Inter-Office Memorandum authored on July 21, 2021 which outlined the Bond Lobby position was required to check VIPAR for PC affidavits.

During your Administrative Investigation Interview, you admitted to not referring to any guide provided to you or following any step-by step process while completing your work, testifying, "We have but I don't -- I don't have that constantly right up in front of me looking at it because I've been doing it for quite so many years. But you skip one important step and now you're in trouble." In regard to the error on August 27, 2022 while working the Bond Lobby, you admitted you were not always checking the VIPAR affidavits for

walkthroughs, stating, “Sometimes, sometimes not. You’re in a rush to do things. Sometimes I remember that, yes, I have to run it. And then there are days that I forget....”

When asked if the errors will continue happening, you testified, “I don’t know. I am not one that can tell you the future, so I don’t know. What happens today happens; what happens tomorrow happens.” You also testified, “Well, you know what my thing is, if they don’t like the job that I’m doing, and if they don’t like my attitude and my negativity so they say, then fire me. That’s all I have to say. Because I can’t do no better.” When asked if you violated General Order 3-1.1, Rule and Regulation 5.21, Chronic Offender, you testified, “Yes.”

You have demonstrated a pattern of incompetence in your job assignment and the inability to improve your performance even when provided remedial training, guides and training manuals, and guidance from your supervision.

2. You violated Pinellas County Sheriff’s Office General Order 3-1.1, Rule and Regulation 5.4, Duties and Responsibilities.

Synopsis: On Sunday September 25, 2022, Sheriff Gualtieri sent an agency wide email which stated, “Essential personnel will report to work as normally scheduled or on an alternative storm deployment schedule as directed by your bureau commander.”

On September 25, 2022, the Inmate Records manager sent an email to Inmate Records which stated, “Members assigned to Inmate Records are considered essential personnel and will report for duty unless told otherwise.”

On Monday September 26, 2022, an Inmate Records supervisor advised you via phone that Inmate Records would be required to report to work 12-hour shifts Wednesday and Thursday for Hurricane Ian. Both days were your regularly scheduled days to work. During that phone conversation you told the supervisor that you would not report to work as directed because you did not want to leave your husband home to take care of the dogs alone. You were informed during that phone conversation that there would be repercussions for those who failed to report to duty as required.

On September 26, 2022, you sent an email to Sheriff Gualtieri stating, “I was just inform of the plans that are in place for our department. I’m sorry but I will not be adhering to those plans due to my small family being more important to me than anything or anyone in this world.”

On Tuesday September 27, 2022, you had a meeting with multiple supervisors regarding your decision not to report to work the following day for Hurricane Ian. You were given a direct order to report to work; however, continued to advise supervision “I’m not leaving my family. I will not be coming in.” along with stating that you “don’t care” what the repercussions were for not coming to work. You also told supervision you were not a certified member; therefore, direct orders did not apply to you.

Additionally, while on duty, you made several comments on the social media site Facebook, stating you would not report to work as directed. You also made comments attempting to incite other coworkers to not report to work, to include: "THEY CAN'T DO SHIT IF TOO MANY OF US DON'T COME IN. WE'RE SHORT ON TOP OF THAT SO THEY NEED US MORE THAN WE NEED THEM."

On Wednesday September 28, 2022, you contacted an Inmate Records shift supervisor and advised them you were calling in sick.

During your Administrative Investigation Interview, you admitted that the job description for an Inmate Records Specialist III states the position is essential in the event of an emergency or natural disaster. When asked if it was clear that you were required to report to work after your multiple conversations with supervision, you testified, "Well yeah, they said it was required. It was mandatory." You admitted you were not sick on September 28, 2022 and did not come into work because you did not want to leave your family. You testified the comments you posted on Facebook were "not appropriate" and "not professional." You stated you would never come in to work as directed for a hurricane. When asked if you violated General Order 3-1.1, Rule and Regulation 5.4, Duties and Responsibilities, you testified, "Yeah, I guess so. I did."

Disciplinary Points and Recommended Discipline Range:

You were found to be in violation of two (2) Level Five Rules and Regulations violations totaling sixty (60) points. These points, which were affected by thirty (30) points from previous discipline, resulted in ninety (90) progressive discipline points. Per policy, the lower point value of seventy-five (75) progressive discipline points was utilized. At this point level, the recommended discipline range is from eighty (80) hour 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
CAPTAIN DEANNA CAREY
PROFESSIONAL STANDARDS BUREAU
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 12/9/22

Time 14:32

Marlin Rivero - Perez
SIGNATURE

BG:KCC