

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

DATE: NOVEMBER 04, 2013

TO: DEPUTY PAUL A. MARTIN, #52948

FROM: SHERIFF BOB GUALTIERI

SUBJECT: CHARGES RE: AI-13-037

An investigation has been conducted by the Administrative Investigations Division, Inspections Bureau, of the Pinellas County Sheriff's Office. As a result of this investigation, the Administrative Review Board has determined you committed the following violations:

On July 10, 2013 and July 11, 2013, 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.

This is the third case since February 8, 2011 in which we have determined that you engaged in misconduct and violated the rules and regulations of the Pinellas County Sheriff's Office. In the two previous cases, you received significant suspensions—an eighty eight (88) hour (11 day) suspension as a result of AI-11-007 and a ninety six (96) hour (12 day) suspension as a result of AI-11-027.

1. In the present case, you violated Pinellas County Sheriff's Office General Order, 3-1.3, Rule and Regulation 3.39, Conduct Towards the Public.

Synopsis: On July 10, 2013 and July 11, 2013, you conducted an investigation regarding the involuntary sexual battery of a 17 year old girl. You admitted that on July 10, 2013 while conducting the investigation, you made comments to someone in front of the 17 year old girl about your off-duty lifestyle, including that you go to "strip clubs". This conversation was overheard by the victim and she described your comments as "awkward".

On July 11, 2013, you accompanied a Child Protection Investigator (CPI) to speak with the same 17 year old girl. During this interview, you made wholly inappropriate comments with sexual overtones to this sexual battery victim. Your sexual comments to the victim were irrelevant to the investigation. You described sexual acts and identified body parts during the interview with this victim using inappropriate words such as "ass, fuck and tits". During the AID investigation, you admitted to using these words.

You specifically asked the 17 year old victim if the suspect was "commenting about your (the victim's) ass". You also asked her if the suspect commented about her "having a nice ass or did he want to have anal sex with you." The victim testified that you also asked her

“did he put it in your butt, did it hurt?” You admitted that at the time you asked the victim about “anal sex,” there had been no indication that the suspect had anal sex with the victim. There was no legitimate investigative reason to ask such a question, especially whether “it hurt” when there was no allegation that such an act occurred.

Later in the same interview, you asked the victim a question about a text message and inquired, “Was the guy just flirting with you or is he saying let’s fuck?” You then asked the victim if the guy “thought she had nice tits”. Further, upon learning that the victim had accompanied another female to Busch Gardens, you inquired “are you into girls too.” This question about lesbian sex was totally irrelevant to the allegations at hand and had absolutely no probative investigative value.

These sexual statements and questions by you to the 17 year old sexual battery victim were unnecessary, unacceptable, and irrelevant. You admitted to making these statements and your misconduct violates agency policy and all the tenets of professional policing.

Further, during this interview with the 17 year old girl, you also made inappropriate comments about your ex-wife. After the victim was questioned regarding exchanging sex for money, you stated in front of the victim that it “sounds like my ex-wife”. You admitted to making this statement.

During your subject interview with AI investigators and during the Administrative Review Board, you stated that “you are indifferent to the victim’s feelings”. You also stated that you intentionally attempted to “make the victim feel uncomfortable” in an attempt to ensure that she was telling the truth. You also made statements such as “I own you” and “I control your destiny”. You testified the reason for making those statements was “fear of the unknown outweighs the fear of consequences” and “I was trying to make her feel uncomfortable”. Telling a 17 year old girl who is making a sexual battery complaint that you “own her” and that you “control her destiny,” is contrary to all interviewing boundaries and effective police practices and this conduct violates agency policy.

During the interview, you also learned that the victim had previously intentionally cut herself, and that she had scars from the cuts on her rib cage. Both the CPI and the victim testified that you asked to see the scars on the victim’s rib cage, which was just below her bra line, and that you began to reach out as if you were going to lift the victim’s shirt. The victim and the CPI stated that due to the location of the scars, they were concerned about the victim exposing her breasts. The scars were not relevant to the investigation being conducted, and you admitted that photos could have been taken by the female CPI or a female forensics technician and reviewed by you at a later time, if somehow, it was necessary to view these old marks. Your attempt to view these olds scars while interviewing a 17 year old sexual battery victim was improper and inconsistent with good police practices and human decency.

The victim described you as “harsh, blunt, not concerned”, during your interview with her. She felt your interview technique was “awkward, weird, random, blunt, rude, harsh and uncomfortable”. The victim stated “it kind of made me lose respect for him.”

2. You violated Pinellas County Sheriff's Office General Order, 3-1.3, Rule and Regulation 3.31E, Inappropriate Conduct of Agency Members, Failure to Submit Properly Written, Required Reports as Prescribed.

Synopsis: On July 10, 2013 and July 11, 2013, you conducted an investigation into the involuntary sexual battery of a 17 year old female. During that time, you interviewed the victim twice. You did not submit your report concerning this investigation until July 18, 2013. This is outside the limits of Standard Operating Procedure POB 22, which requires that reports must be submitted within 24 hours unless you receive supervisory approval. You did not receive supervisory permission to hold the report for this length of time. Further, you admitted that the report you submitted fails to adequately detail your involvement in the case and the victim's relevant statements about her complaint.

The report is a combination of the interviews which occurred on July 10, 2013 and July 11, 2013, with no way to delineate what information was gleaned from the victim during each interview. This is not conducive to successful prosecution in any type of case, especially a sexual battery. You admitted to failing to complete a properly written report and stated, "I did a poor job".

Your report also lacked pertinent information that you received during the investigation. You testified during your subject interview with AI investigators and at the ARB that you possessed relevant information that you failed to include in the report. You also admitted that your report did not document the number of times the victim was interviewed, despite there being a legal limit on the number of times a child sexual battery victim can be interviewed, and that you omitted even the most basic information such as the name of the CPI who witnessed the interview.

Finally, you failed to even seek relevant information during the first interview because you were going to "dump the case off to CAC". You stated that you only collected information you could follow up on. You also admitted to this violation.

Disciplinary Points and Recommended Discipline Range:

Deputy Paul A. Martin was found to be in violation of two (2) Level Three violations totaling 25 points. This point total, combined with 58 modified points from AI-11-007 and AI-11-027, resulted in 83 progressive discipline points that by rule, revert back to 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.

Maj. J. Tillia 2244

MAJOR JOHN TILLIA
INSPECTIONS BUREAU
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 11-4-13

Time 10:58 AM


SIGNATURE

JT:SMM:kmm

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

DATE: NOVEMBER 4, 2013

TO: DEPUTY PAUL MARTIN, #52948

FROM: SHERIFF BOB GUALTIERI

A complaint filed against you involving an incident on July 11, 2013, concerning violations of General Order 3-1.3, Rule and Regulation 3.39 Conduct Towards the Public and Rule and Regulation, 3.31(e), Inappropriate Conduct of Members, Failure to Submit Properly Written, Required Reports as Prescribed, was handled in Administrative Investigation case number AI-13-037 and has been thoroughly reviewed by Sheriff Gualtieri. It has been determined that the complaint is sustained and the disciplinary action will be:

1. Termination

Due to the nature of the above listed disciplinary action, you may obtain a hearing before the Civil Service Board by filing a written Notice of Appeal with the Sheriff. Your filing must be completed by delivery in person to one of the Sheriff's designees: a member of the General Counsel's Office, or a member of the Administrative Investigative Division, or by U.S. Mail to either, registered, return receipt requested. Such notice must be received by 5:00 p.m. on the fifth calendar day after receipt of the notice of the discipline. The day upon which notice of discipline is received shall not be counted in computing the five days, and the five day period shall begin on the first day after receipt of the notice, regardless of whether that day is a weekend day or holiday. Failure to file written notice requesting the appeal hearing as required by Section 9 of the Civil Service Act shall constitute a voluntary waiver of all rights to appeal under the act.



EMPLOYEE'S SIGNATURE

11-4-13

DATE/TIME



MAJOR JOHN TILLIA
INSPECTIONS BUREAU
FOR BOB GUALTIERI, SHERIFF