

MEMORANDUM:

OFFICE OF THE SHERIFF

2012-087

TO: Sergeant Kristen Bates
FROM: Sheriff Donald F. Eslinger
DATE: March 2, 2012
SUBJECT: Notice of Final Discipline

I have reviewed Administrative Review PC-11-0052 conducted by the Professional Conduct Review Section. I find "SUSTAINED" violations of both General Orders as alleged:

General Order # 1, II. Standards of Conduct, to wit: employees should properly perform their duties and assume the responsibilities of their positions and will not engage in any conduct that constitutes neglect of duty, conduct unbecoming or any act likely to adversely affect the discipline, good order or reputation of the Sheriff's office. On November 1, 2011, Deputy Rios met with you to advise you of an incident that occurred while she was assisting the Lake Mary Police Department at the Bermuda Bar. Deputy Rios told you that she believed the Lake Mary officer used excessive force and did not have probable cause to arrest a subject. Deputy Rios wrote a lengthy statement detailing various actions by the Lake Mary officer which she deemed inappropriate. Deputy Rios also indicated to you her belief that the officer did not have probable cause for the arrest. You initiated contact with the Lake Mary Police Sergeant to advise him of your belief that Deputy Rios' statement was too detailed. You then directed Deputy Rios to rewrite a shorter statement that contained probable cause for the arrest. Deputy Rios told you that she did not know how to write such a statement because she did not believe the Lake Mary officer had probable cause for the arrest. You ordered her to write the statement. This subordinate Deputy came to you for counsel and you ordered the Deputy to author a statement with a conclusion you knew she did not believe. This order was improper. Deputy Rios' initial truthful and detailed statement was subsequently deleted from CAFÉ leading to an investigation by Lake Mary Police Department and the Florida Department of Law Enforcement. Your actions adversely affected the good order and discipline of the agencies involved as well as their personnel.

General Order #1, XII.A.2.k. Conduct Unbecoming, to wit: altering, tampering or attempting to cause any change with any potential or real evidence, records or witnesses, whether it be criminal or of an internal Sheriff's Office matter. Deputy Rios wrote a lengthy statement detailing various actions by a Lake Mary officer which she deemed inappropriate in conjunction with an investigation at the Bermuda Bar on November 1, 2011. Deputy Rios also indicated to you her belief that the officer did not have probable cause for the arrest. You initiated contact with the Lake Mary Police Sergeant to advise him of your belief that Deputy Rios' statement was too detailed. You then directed Deputy Rios to rewrite a shorter statement that contained probable cause for the arrest. Deputy Rios told you that she did not know how to write such a statement because she did not believe the Lake Mary officer had probable cause for the arrest. You ordered her to write the statement. This subordinate Deputy came to you for counsel and you ordered the Deputy to author a statement with a conclusion you knew she did not believe. Your order to the Deputy to change her statement by significantly reducing its original content

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