

# PALM BEACH GARDENS POLICE DEPARTMENT

## INTEROFFICE MEMORANDUM

**TO:** OFC. RICHARD PEARCE  
**FROM:** CHIEF STEPHEN J. STEPP *SJS*  
**SUBJECT:** WRITTEN REPRIMAND  
**DATE:** OCTOBER 22, 2007

On October 3, 2007, I received a Disciplinary Action Form recommending that you receive a Written Reprimand after you failed to properly secure weapons and equipment while you were out on personal leave for three weeks.

After reviewing the facts in this case, I am upholding the recommended discipline. Therefore, this memo will serve as a Written Reprimand in accordance with Department policy.

SJS/amm

Attachment: Disciplinary Action Form

cc: Major Robert Artola  
Major Rick Facchine  
Major Ernie Carr  
Personnel File



- DELIVERED AND REVIEWED w/ OFC PEARCE 10/30/07. SJS

Human Resources  
Professional Standards  
Personnel File

**PALM BEACH GARDENS POLICE DEPARTMENT  
DISCIPLINARY ACTION FORM**

Officer Name: Officer R. Pearce

ID#: 325

Date: 08/23/2007

**Violation Rules/Regulations:**

- Written memo dated 11/09/2002 from Captain A. Wesenick and Sergeant G. Wright; signed by Officer Pearce on 11/14/2005. (Attached)
- Policy and Procedure 4.3.9.1 (4) Department Owned Property (Attached)

**Summary of Violations:** On August 9, 2007 Officer Pearce's assigned marked police car was delivered to Public Works for the installation of a laptop computer stand by another member of the Police Department. The unattended vehicle was discovered to contain several firearms including six .38 cal revolvers with ammunition on the front passenger floorboard inside a plastic bag. The firearms were for a recent police explorer academy which were loaned out of the armory. Inside the trunk, the following items were discovered unattended: M4 A2 submachine gun loaded, Department issued loaded Glock holstered in Officer Pearce's duty belt which also contained a Taser. Also inside the trunk was a noise flash distraction device. These items are Department owned and issued property which were not properly secured pursuant to a SWAT memo written by Captain A. Wesenick and Sergeant G. Wright dated November 9, 2002. The memo states in section 2: "When off duty the weapon system will be removed from your vehicle and secured in your residence." In section 3: "If you take an extended leave (sick, light duty, vac) the weapon system will be placed in the SWAT armory." Officer Pearce signed for this memo on 11/14/2005.

Officer Pearce was amidst a three week vacation when the aforementioned was discovered.

Officer Pearce failed to adhere to the written memo regarding the proper securing of weapons and firearms, as well as failing to adhere to the policy addressing accountability of Department owned property when he failed to return the six revolvers to the proper location.

The fact the firearms were not properly secured in accordance with the attached policy and memo exposed civilian employees of Palm Beach Gardens to the dangers of unsecured firearms and displayed an unacceptable action by Officer Pearce.

Officer Pearce accepted full responsibility for the above actions and expressed disappointment in himself for not taking the appropriate actions.

**Recommendations:**

Written reprimand for actions and a weekly inspection of Officer Pearce's assigned vehicle for two months. Officer Pearce is not in the "take home vehicle" program or this benefit would have been suspended for a period of time.


*[Handwritten initials]* 325

*[Handwritten Signature]* 102  
Supervisor's Signature

8/23/07  
Date


Recommendations:

Concur  
 Do Not Concur

  
Lieutenant  
Date: 10/3/07


Recommendations:

Concur  
 Do Not Concur

  
Captain  
Date:

Recommendations:

Concur  
 Do Not Concur

  
Major  
Date: 10-3-07

Recommendations: RCV'd 10-3-07

Concur  
 Do Not Concur

  
Chief of Police  
Date: 10-15-07



**CITY OF PALM BEACH GARDENS POLICE DEPARTMENT**  
**Policy and Procedure**

Subject <b>DEPARTMENT-OWNED PROPERTY</b>		Effective Date <b>7-22-94</b>	Number <b>4.3.9.1</b>
<input checked="" type="checkbox"/> New	<input type="checkbox"/> Revised	<input type="checkbox"/> Rescinds	Re-evaluation <input type="checkbox"/> 3 Mo. <input type="checkbox"/> 6 Mo. <input checked="" type="checkbox"/> 12 Mo.
Accreditation Standards <b>17.5.1 - 17.5.3</b>	Authorized by: <i>James O. Fitzgerald</i> Chief of Police <b>James O. Fitzgerald</b>		Pages <b>1 of 2</b>

**INTENT:** To establish responsibility for procurement, issuance, accountability, and maintenance of department-owned property.

**ASSIGNED TO:** Department Quartermaster

**POLICY:** This department's-owned items, which includes equipment, personal-wear, or otherwise, shall be maintained and controlled to insure their functional readiness.

**PROPERTY PROCUREMENT, ISSUANCE AND ACCOUNTABILITY:**

1. Each division shall be responsible for the procurement or requisitioning and accountability of department-owned property. This includes all office supplies, installed and un-installed property, equipment, vehicles, ammunition and uniform equipment. The Chief of Police designates all division/bureau commanders and supervisory personnel to include the quartermaster, armory officer, and training officer to monitor/control those items/equipment issued or assigned.

**PROPERTY MAINTENANCE:**

1. The maintenance, distribution and issuance of department-owned property to authorized personnel shall be in the responsibility of the quartermaster and certain other personnel unless otherwise directed by the Chief of Police.
2. The quartermaster shall be accountable for department-owned property and shall maintain stored items in a state of operational readiness.
3. All stored items or special equipment assigned to divisions/sections shall be maintained and regularly inspected for operational readiness by the appropriate division/section supervisor who shall benefit from its use, or by a formal staff inspections, if so directed by the Chief of Police.
4. All employees shall be held accountable for property issued/issued to them.
5. All employees shall maintain issued/assigned equipment and supplies and make timely notification to the appropriate supervisor for necessary repairs or replacements, or effect direct notification to the quartermaster/designee.
6. First-line supervisors and other appropriate supervisors shall have the responsibility of checking the condition of department-owned property issued to personnel under his/her supervision as part of routine line inspectional duties.
7. All department-owned items and property will undergo a formal inspection in a timely manner as determined by the Chief of Police through a staff inspections process.

**PROPERTY/EQUIPMENT REPLACEMENT:**

1. Any department-owned property or equipment (or supplies) that is lost or damaged through officer/member negligence and replacement is determined by the Chief of Police to be in order, the officer/member shall replace such property or equipment as specified.
2. Any personally owned property or equipment (i.e., eyeglasses, wrist watch, etc.) lost or damaged by an officer/member while engaged in the performance of his/her duty, and such lost or damage is found to be not a fault of his/her own, will be replaced by the department (if civilian) or as prescribed by PBA contract, if sworn.

3. Employees of civilian status (or non-bargaining unit employees) warranting replacement of property or equipment as prescribed in the aforementioned provision, will receive placement of such personally owned property or equipment at a price determined by management and the employee, with regard to fair market value.
4. Notification of any lost or damaged property or equipment, department-owned or personally-owned, will be documented on a miscellaneous report form and forwarded to the officer/member's supervisor whenever replacement/reimbursement is the consideration.

**ISSUING/RE-ISSUING PROPERTY:**

1. Employees or members who are authorized by the Chief of Police to be issued clothing, equipment, supplies or other items shall include sworn (full-time and reserve) police officers, dispatchers, police aides, support service personnel, and other appropriate positions.
2. Authorized users will be issued all necessary items and equipment by the department quartermaster upon completing necessary paperwork.
3. The re-issuing of items or equipment will be for loss, damage or replacement items determined to be caused by the nature of the assignment/position or causes due to performing duties. Any loss or damaged property that is found to be negligent on the part of the employee/member, replacement by the department will be as prescribed by the PBA contract if sworn or the department if civilian.
4. The department quartermaster shall receive all equipment and items issued to an employee upon their leaving the department. The department quartermaster shall inspect all items and equipment and will determine re-issuing of such items and equipment to new personnel if condition is in good order.

**MAINTENANCE OF DEPARTMENT STORED PROPERTY:**

1. Maintaining stored department property in a state of operational readiness is the responsibility of the person or unit to which the property is assigned.
2. Property shall be inspected monthly to insure operational readiness and documented monthly on the appropriate form and forwarded via chain of command to the Chief of Police.

**INVENTORY OF DEPARTMENT PROPERTY:**

1. During each fiscal year, this department receives a comprehensive print-out listing all department owned or assigned property items.
2. The department's quartermaster shall receive such print-out and:
  - A. Initiate by item the actual custody, condition, location and status of such item(s).
  - B. Note (i.e., verify) the inventory, Palm Beach Gardens asset number, serial or ID number, description, whether trade of item is requested or other status recommendation.
  - C. Recommend disposition, if warranted and include cost at acquisition, department value, and a selling price.
3. A request for disposal (status of item/equipment) form must be submitted to finance with all attached documentation/notations indicating inventory completion by the quartermaster, who shall provide inventory for the Chief of Police review.

**Palm Beach Gardens Police Department  
SWAT Team**

RICH PEARCE  
325

L274543

**To: All SWAT Personnel**

**From: Capt. Wesenick / Sgt. Wright**

**Date: November 9, 2002**

**Ref: Assigned Weapons**

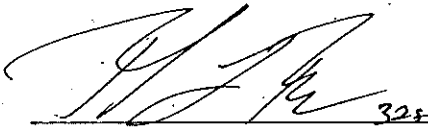
---

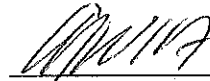
SWAT Command has made the decision to issue submachine guns and tactical shotguns to those SWAT Team Members who are off probation and are certified to operate the above weapon systems. The primary reason is to have the weapon systems available to the SWAT Team Members during the performance of their regular duties, which involve high risk situations. This simple step will also help to improve call-out response time dramatically. The program is voluntary. If you decide to accept the responsibility, the following rules will have to be adhered to:

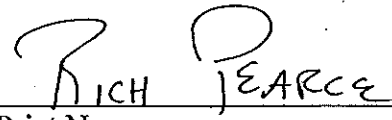
1. When on duty the weapon system will be with you in your assigned vehicle.
2. When off duty the weapon system will be removed from your vehicle and secured in your residence.
3. If you take an extended leave (sick, light duty, vac) the weapon system will be placed in the SWAT Armory.
4. Any modifications to the weapon system must be approved prior to installation.
5. You are responsible for every aspect of the weapon system, including maintenance and cleaning.
6. Any violation will result in the loss of privileges and/or disciplinary action.
7. If no SWAT Command Personnel are on scene, you are ultimately responsible for the use and deployment of the weapon system.

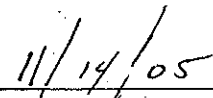
# Palm Beach Gardens Police Department SWAT Team

By signing this form I agree to accept all responsibility associated with the acceptance of this weapon system.

  
Team Member Signature

  
SWAT Supervisor

  
Print Name

  
Date