

**SARASOTA COUNTY SHERIFF'S OFFICE
MEMORANDUM**

TO: Captain Richard *RB*

FROM: Lt. John Jernigan *JJ 569*

DATE: 9.3.13

SUBJECT: Inquiry

On 8.21.13 Deputy Ellis requested to meet with me regarding an incident he was involved in the previous shift. I met with Deputy Ellis and he relayed to me he was requested to conduct a K-9 sniff of a vehicle Sgt. Tutko had stopped in Venice. Deputy Ellis stated he conducted the K-9 sniff with K-9 Sadie which resulted in a non-alert. Deputy Ellis advised after he placed K-9 Sadie back in his patrol vehicle, Sgt. Tutko engaged in a conversation with him. Deputy Ellis advised Sgt. Tutko made a statement of 'can't you sandbag this one and say Sadie alerted – I am pretty sure there is dope in this car'. Deputy Ellis stated he felt Sgt. Tutko was asking him to be deceptive by stating K-9 Sadie alerted in order to search the vehicle. Deputy Ellis further stated he was not comfortable working under Sgt. Tutko's supervision and requested a transfer, if possible.

I advised Deputy Ellis that I would investigate his complaint and would make the Captain aware of it as well. He was advised he would be contacted in the next couple of days with a status of my investigation.

On 8.23.13 I notified Captain Richard of this incident and agreed on how it would be handled.

During the evening hours on 8.23.13, I met with Sgt. Tutko and advised him of the complaint. Sgt. Tutko stated Deputy Ellis did arrive at the stop and he observed Deputy Ellis walk K-9 Sadie around the vehicle three or four times with no apparent alert. After the sniff, he engaged in a conversation with Deputy Ellis about concerns with K-9 Sadie and her recent string of non-alerts. This was based on comments Deputy Ellis has been making about K-9 Sadie being "old and lazy". Deputy Ellis has also recently relayed to Sgt. Tutko that he wants a bite dog and Sadie should be retired. Further comments have been made by Deputy Ellis on their recent training is absent certain drugs due to a change in supervision. Sgt. Tutko stated at no time did he ask Deputy Ellis to say K-9 Sadie alerted to the vehicle or any similar communication that may have been interpreted in that manner. The conversation consisted only on concerns of Sadie's performance, training and continued benefit to the agency.

I advised both Sgt. Tutko and Deputy Ellis that a meeting would take place on the next work day (8.27.13) to have a meeting on this discrepancy.

On 8.26.13 Deputy Ellis, while off duty, made contact with K-9 Sgt. Sasse and relayed the same information to him regarding Sgt. Tutko. Sgt. Sasse generated a memo and forwarded it via his chain of command.

On 8.27.13 I met with Sgt. Tutko and Deputy Ellis at the TAC office to discuss the complaint and attempt to identify where the communication failure took place. Deputy Ellis stated he heard Sgt. Tutko make the previously mentioned statement. Sgt. Tutko stated he did engage in a conversation with Deputy Ellis on the recent performance of K-9 Sadie based on concerns brought to his attention by Deputy Ellis. Sgt. Tutko stated at no time did he ask Deputy Ellis to say she alerted after he personally witnessed K-9 Sadie walk around the vehicle with no behavioral change.

Upon completion of this group meeting, I asked to speak with both individually. I first spoke to Deputy Ellis and asked him if he has ever been subjected to or heard of similar circumstances with Sgt. Tutko. He said he has not and this is the first time. Deputy Ellis requested a transfer from TAC and requested to return to evening shift patrol if possible. He stated he was not interested in retaining K-9 Sadie if she was to be retired from the agency.

I then spoke again to Sgt. Tutko and he again stated he would never ask anyone to be unethical and does not know how the communication between the two failed. Sgt. Tutko was reminded clear and concise communication is paramount as a supervisor, especially in a unit such as TAC.

On 8.28.13, Deputy Ellis was granted his request for transfer with an effective date of 8.29.13. Deputy Ellis was directed to place K-9 Sadie at Animal Services pending a decision on her future with the agency.

A PMP entry will be made into each involved employees evaluation file.

SARASOTA COUNTY SHERIFF'S OFFICE
MEMORANDUM

TO: Lt. Al Doane #517 (JA)

FROM: Sgt. Troy Sasse #2162

DATE: August 27, 2013

SUBJECT: Meeting with Deputy Dale Ellis #2696

On August 26th, 2013 at approximately 1700 hours I was in the K9 office working when Deputy Dale Ellis came in and asked to speak with me. He advised he wanted to inform me about a situation between him and Sergeant Dan Tutko that was K9 related. He advised that on the evening of August 20th he was requested by Sgt. Tutko to respond to a traffic stop to conduct a narcotics sniff of the vehicle he had stopped. After completing the sniff with K9 Sadie, Deputy Ellis advised he told Sgt. Tutko that there was no alert for the odor of narcotics. Deputy Ellis then informed me that Sgt. Tutko stated "Can't you just sandbag this and say she alerted? Because I'm pretty sure there is dope in the car". Deputy Ellis told me that he felt pressured to make his dog alert to the vehicle and that he did not believe Sgt. Tutko was joking. Deputy Ellis went on to inform me that he did not feel comfortable working for Sgt. Tutko in the future and had informed Lt. Jemigan of the matter last week and was scheduled to meet with both Lt. Jemigan and Sgt. Tutko on 8/27 to discuss the incident. This was the end of our conversation regarding this matter.