




## **Criminal Justice Standards and Training Commission**

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August 26, 2015

### **CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION TECHNICAL MEMORANDUM 2015-04**

**TO:** Criminal Justice Agency Administrators  
Criminal Justice Training Center Directors  
Criminal Justice Selection Center Directors

**FROM:** Director Dean Register   
Criminal Justice Professionalism Division

**SUBJECT:** **Discontinued Issuance of Certain Letters of Acknowledgement (LOAs)  
Related to Disciplinary Cases**

Section 943.1395(8)(d), F. S., requires Commission staff to review cases in which an employing agency has disciplined an officer and the officer's employment is continued or reinstated by the employing agency. Staff is required to determine whether the employing agency's sustained disciplinary charges and disciplinary penalty conforms to the disciplinary penalties prescribed by Commission rule. If staff determines that the employing agency's penalty conforms to the Commission's disciplinary penalty, staff is required to issue an LOA to the employing agency. No further action is authorized on such cases.

In compliance with the statutorily-mandated rulemaking requirement, Subsection (7) of Rule 11B-27.004, F.A.C., addresses cases in which an officer has been disciplined by an employing agency and retained (employment continued or reinstated) by the employing agency. However, Subsection (8) of the rule goes further and requires staff to issue LOAs in instances in which an officer has been terminated by the employing agency if that penalty conforms to the disciplinary penalties prescribed by Commission rule. The statute directing the Commission to adopt rules concerning LOAs does not include any reference to instances in which an officer has been terminated by the employing agency. When the statute was changed in 2004 to its current form, Commission rule was amended to reflect the change of responsibility to staff for issuance of LOAs. Possibly as a result of an oversight, the rule provisions for LOAs in instances in which an officer had been terminated were erroneously retained in the rule.

At the August 6, 2015, business meeting, the Commission directed staff to discontinue issuance of Letters of Acknowledgement in instances where an officer has been terminated by the employing agency, based on a lack of statutory authority for the cited rule provision. Additionally, the Commission directed staff to present such cases that would be otherwise eligible for a Letter of Acknowledgement under the cited rule, to the Probable Cause Panel with a recommendation for the issuance of a Letter of Guidance, pending promulgation of corrective rule amendments.

If you have any questions regarding these rule changes, please contact Training and Research Manager Stacy Lehman, Bureau of Standards, at (850) 410-8645.

DR/si

cc: Criminal Justice Standards and Training Commission