**Professional Compliance Bulletin**

**Issue #68**

**May & August 2017**

The Criminal Justice Standards and Training Commission has as its mission “to ensure that the citizens of the State of Florida are served by the most qualified, well trained, competent and ethical criminal justice officers in the nation”. The Commission meets quarterly in an open forum to address issues relating to criminal justice. As a part of these quarterly meetings, cases regarding officer misconduct are reviewed and action is taken against the officer’s criminal justice certification. Disciplinary action is based on the facts of each case and is guided by both Florida Statute and Florida Administrative Code. The following is a sample of the cases the Commission heard at meetings held on May 11th and August 10th, 2017.

**May 11, 2017 Disciplinary Hearing**

**Case # 38095-** **Sex on Duty**

The respondent resigned from the Boynton Beach Police Department (BBPD) while the subject of an internal investigation. On October 15, 2014, BBPD officers were conducting a traffic enforcement detail. During the detail, a vehicle was stopped and the driver was arrested. The passenger (victim) was not arrested, but had no form of transportation home. She telephoned a relative to come and get her, but was told it would take an hour. Arrangements were made for the respondent to transport the victim to the BBPD. Per department policy, the respondent notified dispatch at 6:37 p.m. that the transport was beginning and provided his starting mileage. At approximately 7:24 p.m., dispatch made four attempts to contact the respondent, but he did not respond. Dispatch then transmitted an alert on all police channels. The respondent eventually responded that he was at the BBPD and was driving the victim around to the front of the building. The respondent advised dispatch that he was back in service for calls at approximately 7:36 p.m. At approximately 9:00 p.m., the victim’s mother called BBPD management and alleged that the respondent had sexually battered the victim while she was in his custody. The respondent was arrested and charged with Armed Sexual Battery (2 Counts), Armed Kidnapping, and Unlawful Compensation for Official Behavior. On October 6, 2015, the respondent was acquitted of all criminal charges. While in jail, the respondent made phone calls admitting that he engaged in sex while on duty. At the conclusion of the criminal case, the BBPD, conducted the administrative investigation. Based on the admission during the recorded calls, the BBPD sustained the charges of Conduct Unbecoming and Sex on Duty.

**Penalty Guideline**: Suspension to Revocation

FDLE Prosecution requested that the Commission accept the respondent’s voluntary relinquishment.

**Disciplinary Action by the Commission:** The Commission accepted the requested penalty.

**Case # 40195- False Statement During the Employment Application Process**

The respondent was terminated from the Brevard County Sheriff’s Office (BCSO) subsequent to an internal investigation that sustained the charge of False Statement During the Employment Application Process. On February 15, 2016, the respondent was hired as a correctional officer with the Brevard County Jail. At the time he was hired, the BCSO had not received confirmation of the repsondent’s military status. On his application for employment, the respondent indicated that he never served in the armed forces. On April 12, 2016, the BCSO received notification that the respondent entered the United States Army on July 22, 2003. He was listed as absent without leave (AWOL) on August 2, 2003 and was arrested on a military warrant February 26, 2004. The respondent was discharged from the military on March 17, 2004, which was classified as “Other Than Honorable Discharge In Lieu of Court Martial”. During the BSCO investigation, it was discovered that the respondent made numerous false statements on his application to conceal his prior military history. In addition, the respondent failed to disclose that he used a different variation of his name during his prior employment. The respondent intentionally omitted information from both the prior work history questions and the questions related to his time in the United States Army. No criminal charges were filed.

**Penalty Guideline:** Suspension to Revocation

FDLE Prosecution requested a 30-day prospective suspension; 1-year probation to begin at the conclusion of the suspension period; provide staff with proof of successful completion of Commission-approved ethics training prior to the end of the probationary period.

**Disciplinary Action by the Commission:** The Commission accepted the requested penalty.

**Case # 40274-Misuse of Official Position**

The respondent resigned from the Pinellas County Sheriff’s Office subsequent to an internal investigation which sustained a charge of misuse of public position. On January 21, 2016, a deputy became suspicious that a recruit might have a copy of the written test and oral board for the first phase of field training. The recruit performed very well and recited test information verbatim. Upon questioning, the recruit admitted that she received copies of the written test and oral board questions. The recruit admitted to receiving the material from another recruit two weeks earlier during a study group and provided the names of the other recruits that had access to the tests. During interviews with the recruits, the deputy was able to determine that the respondent, a field training officer, provided the tests. Through a series of text messages, the respondent offered the tests to a recruit he knew and asked the recruit not to share the information with anyone. The respondent admitted to providing the information to the recruit and to sending it from his personal e-mail. After speaking to all 16 recruits in the group, it was determined that seven of them received a copy of the written test and oral board questions prior to the first phase of testing. Out of those seven, one recruit admitted to also receiving the written test and oral board questions for the second phase of training. No criminal charges were filed.

**Penalty Guideline**: Suspension to Revocation

FDLE Prosecution requested a 60-day prospective suspension; 1 year probation to begin at the conclusion of the suspension period; provide staff with proof of successful completion of Commission-approved ethics training prior to the end of the probationary period.

**Disciplinary Action by the Commission:** The Commission accepted the settlement agreement.

**August 10, 2017 Disciplinary Hearing**

**Case # 38515-Driving Under the Influence-Personal Injury**

The respondent resigned from the State Attorney’s Office, 20th Judicial Circuit, following his arrest for Driving Under the Influence (DUI), DUI with Property Damage, and DUI with Serious Bodily Injury. An internal investigation sustained the same charges. On March 7, 2015, officers responded to a traffic crash. Upon arriving at the scene, they made contact with the respondent. They reported that the respondent had bloodshot and watery eyes, emitted a strong odor of an alcoholic beverage, had slurred speech, and had trouble maintaining his balance. He refused to perform field sobriety exercises. He also refused to provide a breath sample. A legal blood sample was taken and the respondent’s blood alcohol level was 0.263 g/dL. He was subsequently arrested for the aforementioned charges. The respondent caused an estimated $20,000.00 worth of damage to the victim’s vehicle. The victim sustained a femoral fracture, three to five fractured ribs, a dislocated right hip, a possible nasal fracture, a tongue laceration, and facial lacerations. On May 3, 2016, the respondent pled no contest to DUI with Property Damage and Wanton Reckless Driving. He was adjudicated guilty. He was sentenced to 31 days in the county jail with 2 days credit for time served, followed by a 90-day stay at a residential treatment facility, and a one-year period of probation. He was ordered to attend DUI school, participate in a victim impact panel, attend Alcoholics Anonymous, perform 50 hours of community service, submit to substance testing, and pay fines and court costs. His driver’s license was suspended for a period of six months, and his vehicle was ordered impounded until his statutory obligations were completed.

**Penalty Guideline**: Prospective Suspension to Revocation

FDLE Prosecution requested a 60-day prospective suspension; 1 year probation to begin at the conclusion of the suspension period; provide staff with proof of successful completion of Commission-approved substance abuse counseling prior to the end of the probationary period.

**Disciplinary Action by the Commission:** The Commission placed the respondent’s certification on 24-months prospective suspension; 24-months probation to begin at the conclusion of the suspension period; provide staff with proof of successful completion of Commission-approved substance abuse counseling prior to the end of the probationary period.

**Case # 38494-Solicitation of Prostitution**

The respondent was terminated from the Miami Gardens Police Department subsequent to his arrest for solicitation of prostitution. On February 27, 2015, the Broward County Sheriff’s Office-Crime Suppression Team, was conducting an undercover operation targeting prostitution at a local hotel. Two female detectives operating in an undercover capacity posted an advertisement on the escort page of a social media website and provided a telephone number and price list for their services. A man called the telephone number and requested a thirty minute session and the detective disclosed that the price would be $80. The detective informed the man that for $100 he could have two girls. The detective provided the male with the location of the hotel and room number. The man stated that he would call her back once he arrived at the hotel. The man, later identified as the respondent, arrived at the hotel room. The detective opened the door and allowed the respondent to enter. The respondent and the two female detectives had a conversation as the respondent handed one of the detectives $100 as agreed upon during the telephone conversation. The respondent was detained and arrested for solicitation of prostitution. A male detective confirmed that the respondent was the caller by verifying that the respondent’s cellphone number had called the female detective. The respondent was identified via his agency issued identification. It was also discovered that the respondent drove to the hotel in an unmarked police vehicle. The respondent was transported to the local jail. On December 22, 2015, the respondent pled nolo contendere to solicitation of prostitution. The adjudication of guilt was withheld and he was placed on probation for six months, ordered to refrain from the use of intoxicants to excess, not possess or use any drugs or controlled substance unless prescribed by a physician, not possess, carry, or own a weapon or firearm, and pay court costs and fines.

**Penalty Guideline**: Prospective Suspension and Probation with Counseling to Revocation

FDLE Prosecution requested a 30-day prospective suspension; 1 year probation to begin at the conclusion of the suspension period; provide staff with proof of successful completion of Commission-approved AIDS awareness counseling prior to the end of the probationary period.

**Disciplinary Action by the Commission:** The Commission revoked the respondent’s certification.

**Case # 40031-Stalking**

The respondent was terminated from the Florida Highway Patrol subsequent to an internal investigation which sustained the charge of principle to stalking in the first degree. On February 8, 2016, an arrest warrant was issued alleging the respondent committed the crime of Follow, Harass and Cyberstalk Another. On or between November 2015 and February 2016, the respondent exchanged numerous text messages with a friend offering strategies to arrest the victim, the former girlfriend of the respondent’s friend. The arrest was an attempt for the friend to gain custody of his child. The text messages revealed plans to arrest the victim for DUI and included discussion of disabling her brake lights, giving an officer probable cause to conduct a traffic stop. On February 4, 2016, the respondent drove his friend to the victim’s residence to install a GPS tracker on her vehicle, without her consent. On February 23, 2016, during an interview, the respondent admitted to driving his friend to the victim’s residence to place the GPS tracker on her vehicle. On August 23, 2016, the respondent pled nolo contendere and was adjudicated guilty for the charge of Stalking. The respondent was placed on probation for 12 months, was ordered to pay court costs and fines, and to have no contact with the victim or the co-defendant.

**Penalty Guideline**: Prospective Suspension to Revocation

FDLE Prosecution requested revocation.

**Disciplinary Action by the Commission:** The Commission accepted the requested penalty.

**The following information is provided to facilitate an understanding of the Professional Compliance process.**

An effective officer discipline process requires a credible investigation conducted without bias and in accordance with professional practices, agency policy, and current laws. To assist agencies with the discipline process, the FDLE-Bureau of Professional Development offers the course, *Officer Discipline****.*** The course is designed to provide participants with a comprehensive understanding of the various aspects of management issues relating to officer misconduct, internal affairs investigations, and the discipline process. Using a combination of lecture and case studies, *Officer Discipline* delivers useful information for evaluating agency policies and procedures, as well as defining the role of the agency chief executive, the internal affairs investigator, police unions, and the Criminal Justice Standards and Training Commission (CJSTC) in the discipline process.

Concepts such as: officer misconduct, administration of positive (corrective rather than punitive) discipline, the impact of labor laws, the role of police unions, the impact of recent court decisions, the Attorney General’s opinions on the discipline process, management of internal affairs investigations, reporting requirements of the CJSTC, and management of revocation proceedings are discussed.

**Instructors:**

**Jay Romine** began his career with the Holmes Beach Police Department as a part-time patrol officer in 1979.  Since that time, he served as a patrol officer, patrol sergeant, detective sergeant, lieutenant, assistant chief of police, and served as the chief of police from July 1993 until his retirement in January of 2013.  In May of 2013, Director Romine was appointed as the Director of the Law Enforcement Academy at Manatee Technical College in Bradenton, FL, where he continues to serve.

**Richard Lober** received his Juris Doctorate in 1983 from Western New England School of Law. He retired from law enforcement as the Inspector General for Florida’s Department of Environmental Protection. Mr. Lober specializes in training for law enforcement officers, correctional officers and investigators for government agencies.  Over more than twenty years, he has taught thousands of officers, investigators, supervisors and police managers across the country.

For a schedule of classes, please visit: <http://www.fdle.state.fl.us/cms/FCJEI/Schedule.aspx>.

If you have any other questions, please contactRaven Davis at (850) 410-8793 or RavenDavis@fdle.state.fl.us.

If you have any issues that you would like to be addressed in the Professional Compliance Bulletin, please forward them to R. Stacy Lehman, Professional Compliance Section Manager in the Bureau of Standards, at the Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, Florida 32302 or via e-mail at: stacylehman@fdle.state.fl.us.