**Professional Compliance Bulletin**

**Issue #69**

**November 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 November 9, 2017.

**Case # 41375- False Statement during the Employment Application Process**

The respondent was not employed by a criminal justice agency at the time he submitted false documentation during an employment application process. On October 23, 2016, the respondent submitted an online application with the Okaloosa County Sheriff’s Office. He submitted a DD form 214 as required for applicants with prior military service. On his application he claimed he received a general discharge from the army after he was charged with being absent without leave. He claimed the charge was dropped. Upon further investigation it was discovered that he was actually found guilty of being absent without leave and discharged. The agency compared the form obtained from the respondent with one obtained from the military and discovered multiple blocks on the form were altered. 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 rejected the requested penalty and revoked the respondent’s certification.

**Case # 39496- Excessive Force by a Law Enforcement Officer**

The respondent was terminated from the Zephyrhills Police Department subsequent to an internal investigation which sustained the charges of Untruthfulness and Conduct Unbecoming. On September 9, 2015, the respondent attempted to make contact with a suspect in a petit theft case. In his arrest and incident reports, the respondent stated that upon arriving at the residence, the alleged suspect opened the door, but only slightly. The respondent asked the alleged suspect to exit the residence, but he refused. According to the respondent, the alleged suspect refused to show his hands, so the respondent pulled the door open. The respondent continued to give the suspect verbal commands to exit the residence but he would not comply. The respondent then deployed his Taser which struck the suspect and caused him to fall to the ground. The suspect was arrested. Video captured on the respondent’s Taser camera showed the suspect offering no resistance, other than refusing to exit the home. The suspect’s hands were visible throughout the video. No criminal charges were filed against the respondent.

**Penalty Guideline:** Suspension to Revocation

FDLE Prosecution requested a 45-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 use-of-force training prior to the end of the probationary period.

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

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

The respondent resigned from the Pasco County Sheriff’s Office prior to the conclusion of an internal investigation which sustained conduct unbecoming. On January 26, 2017, a sergeant with the Pasco County Sheriff’s Office responded to a call for service at a gas station and made contact with the store manager. She wanted to report an incident from the night before involving a store clerk and a man who identified himself as a deputy. She stated that the man, later identified as the respondent, entered the store after 2:00 a.m., walked to the beer cooler, grabbed a case of beer, and began walking toward the counter in an attempt to purchase the beer. Prior to the respondent arriving at the counter, the clerk advised the respondent he could not purchase the beer. However, the respondent continued and sat the beer on the counter. The clerk told him it was after two o’clock in the morning, so she could not sell him alcohol. The respondent then begged her to sell him the beer. She told him selling the beer could result in her getting fined or arrested. The respondent then proceeded to open his wallet and show her his agency identification card and badge. He told her it was alright to sell him the beer because he was a deputy and he would not tell anyone. The clerk told him again that she could not sell him the beer, and that if he really was a deputy, he should not be driving while buzzed. As the respondent started walking out of the store, the clerk told him he should not be driving. He replied by using profanity. The clerk also indicated to the store manager that she was concerned for her safety and feared retaliation from the deputy. The respondent was then identified by reviewing the video surveillance recording. The video showed the respondent retrieving his wallet and showing the clerk its contents, but did not have a clear view of the contents of the wallet.

**Penalty Guideline**: Suspension to Revocation

FDLE Prosecution requested a 20-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 accepted the requested penalty.

**Case # 40565-Battery-Domestic Violence (slight to moderate physical injury)**

The respondent resigned from the Blackwater River Correctional Facility subsequent to an internal investigation which sustained the charges of conduct unbecoming and conduct which violates state statute. On July 31, 2016, an officer with the Milton Police Department was dispatched to a residence in reference to a domestic battery. Upon arrival, the officer made contact with a woman, the victim, who was visibly upset and crying. The officer observed a red mark under her left eye that had begun to bruise. The victim also had a bleeding scratch on the left side of her nose and a small contusion to her right eye. The victim stated that the respondent has been her boyfriend for two years and that they got into an argument that turned physical. Twice during the night she woke up the respondent because she did not feel well. When she woke up the respondent the second time, he became irate and yelled at her for waking him up. They began arguing and the respondent told her to sit on the bed and calm down. According to the victim, the respondent then grabbed her and pushed her onto the bed, holding her down. When she began to panic, he placed his hand over her mouth. The respondent then slapped her on her face, flipped her onto her stomach, and placed her in a choke hold, restricting her ability to breathe. After a short time, he let her go. The woman left and went into another bedroom. The respondent apologized the next morning and discussed what happened. The woman told the respondent that she would listen to him but not to touch her. The respondent placed his arm round the victim. When she removed his arm, the respondent forced her down on the bed and again placed her in a choke hold. At some point, while she was struggling, the respondent’s hand raked across her face, scratching her left cheek and poking her in the eye. The woman’s daughter entered the room and observed the respondent holding down the victim. Contact was made with the respondent and he admitted that he put his arms around the woman, but only in an effort to calm her down. On December 14, 2016, the respondent pled nolo contendere to two counts of battery – domestic violence. He was adjudicated guilty and sentenced to a total of 24 months probation. He was ordered to complete a Domestic Violence Intervention Program and a mental health evaluation and any recommended counseling. The respondent was also ordered to have no contact with the victim or her family.

**Penalty Guideline**: Prospective 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 anger management counseling prior to the end of the probationary period.

**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.**

Each year, the Commission conducts eight Probable Cause Hearings as part of the officer discipline process. Four of these hearings are held at facilities in conjunction with each quarterly Commission meeting, and four are regional hearings held at either Valencia College in Orlando or FDLE Headquarters in Tallahassee. Hearings are scheduled at training centers to provide an opportunity for basic recruit students and staff to attend. This not only allows them to observe the Commission’s discipline process, but also serves as a reminder of the types of behaviors and actions that could lead to discipline. In an effort to increase accessibility to these individuals, the 2018 Probable Cause Hearing schedule will include two new hearing locations. On March 6, 2018, the hearing will be conducted at the Polk State College-Kenneth Thompson Institute of Public Safety, and on June 5, 2018, the hearing will be conducted at the Tallahassee Community College-Florida Public Safety Institute. The full 2018 schedule is below. Future schedules will include the additional hearing locations to make them accessible to a larger audience.

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| January Commission MeetingWednesday, January 31, 2018 10:00 a.m.The Renaissance at World Golf Village500 South Legacy TrailSt. Augustine, FL 32092 |
| March Regional HearingTuesday, March 6, 2018 10:00 a.m.Polk State CollegeKenneth Thompson Institute of Public Safety1251 Jim Keene BoulevardWinter Haven, FL 33880 |
| May Commission MeetingWednesday, May 2, 2018 10:00 a.m.Wyndham Grand Jupiter122 Soundings AvenueJupiter, FL 33477 |
| June Regional Hearing Tuesday, June 5, 2018 10:00 a.m.Tallahassee Community CollegeFlorida Public Safety InstituteConference Center75 College DriveHavana, FL 32333 |
| August Commission MeetingWednesday, August 1, 2018 10:00 a.m.Sawgrass Marriott1000 PGA Tour BoulevardPonte Vedra Beach, FL 32082 |
| September Regional HearingTuesday, September 11, 2018 10:00 a.m.Valencia CollegeCriminal Justice Institute Auditorium Room 1008600 Valencia College LaneOrlando, FL 32825 |

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| November Commission MeetingWednesday, October 31, 2018 10:00 a.m.Hilton Sandestin4000 Sandestin Blvd SouthMiramar Beach, FL 32550 |
| December Regional HearingMonday, December 3, 2018 1:00 p.m.FDLE Headquarters2331 Phillips RoadTallahassee, FL 32308 |

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.