

Professional Compliance Bulletin

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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 hearings, 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 the hearing held on August 18, 2022.

Case #47654 Interception of Oral Communication – 2 counts

The respondent was terminated by the Florida Highway Patrol (FHP) subsequent to an investigation which sustained the charges of mobile/audio recording devices and body worn cameras. On August 26, 2020, a supervisory counseling session was held with three supervisors and the respondent regarding her poor performance. During the session it was discovered that the respondent concealed a voice recording device on her person. She stated that she intended to record the session and that she had recorded another meeting earlier in the day. On August 28, 2020, investigators requested that the respondent sign a written consent to search the contents of the recorder, but she refused. After securing a warrant, investigators found seven digital audio files on the device. On August 13, 2020, the respondent recorded two telephone calls she made to an FHP sergeant; both calls went to voicemail. On August 23, 2020, she recorded a conversation with an unidentified individual. On August 26, 2020, she recorded sworn testimony conducted over the phone from two unidentified individuals. The other recordings were not part of the investigation. A sergeant later confirmed the recording from August 23, 2020, was of him conducting the respondent’s monthly inspection and annual inventory check. On October 9, 2020, a hearing officer from the Bureau of Administrative Reviews confirmed that the first recording on August 26, 2020, was a portion of a hearing in which he presided and the respondent participated by telephone. He stated that the hearings were recorded and public record; however, the respondent did not request to record it nor did she disclose that she was recording. During the respondent’s interview, she denied that she initially admitted her intent to record the supervisory counseling session. She stated that she unintentionally activated the recording device and did not intend to record the session. She had the device in her shirt pocket because she used it to take notes for her reports. She also stated she was not aware of an FHP policy which prohibited recording oral communication of department personnel during routine, non-law enforcement activities. It was noted that she had been previously advised that she was not to record communications without the person’s knowledge. No criminal charges were filed.

Penalty Guideline: Probation to Suspension

FDLE Prosecution requested a 1-year 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 course prior to the end of the probationary period.

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

Case # 47930-False Official Statement

The respondent was terminated from the Hollywood Police Department following an internal investigation which sustained falsifying an official document, instructing a victim to lie, and agency policy violations. On May 18, 2021, the respondent and other officers responded to a gas station to investigate a battery on a store employee. The respondent was in his final phase of training and was tasked with handling the call. The respondent interviewed the victim at the scene and both the respondent and the victim viewed camera footage of the incident. The victim identified the subject and the subject was seen throwing a bottle at the victim. The subject was detained at another location so the respondent went back and forth between the two locations to conduct the investigation. At the end of the investigation, the respondent issued the subject a Notice to Appear (NTA) which an officer notarized. In the NTA, the respondent wrote "the victim did a show up and positively identified" the subject. According to the field training officer, he examined the NTA that the respondent authored and noted that the narrative lacked information on how officers were able to positively identify the subject. The training officer then asked the respondent if he had completed a "show-up" or a "bring back" with the victim. According to the training officer, the respondent hesitated, but then stated that he did a "show up" and that he drove the victim to the location where the suspect was being detained and the victim identified the subject. According to the field officer, he contacted the victim at the gas station where she was asked if she was taken to the subject to identify him. She appeared nervous and indicated that the respondent told her to lie. She stated that the respondent made her promise to say that she positively identified the subject and that she did not go anywhere. She stated she identified the subject by pointing him out to the officers on the store video. The agency's review of the video revealed that the respondent returned to the gas station to speak with the victim. The conversation in the video was very faint and there was significant background noise, but the respondent was heard saying "I'm gonna write it in here that you were taken to him and positively identified. I'm just gonna write it that you visually identified him." The respondent then said, "Victim did a show up." While leaving, the respondent was heard saying, "Like I said, if anyone asks, I did a show up and positively identified him." No criminal charges were filed.

Penalty Guideline: Prospective Suspension to Revocation

FDLE Prosecution requested a 120-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 # 48566- Cocaine-Positive Test; Unprofessional Relationship-Romantic Association

The respondent resigned from the Palm Beach County Sheriff's Office in lieu of termination subsequent to an internal investigation which sustained agency policy violation and a positive drug test. On June 25, 2021, a deputy conducted a traffic stop on a reckless driver. The driver advised the deputy that the vehicle belonged to the respondent who was his live-in girlfriend and a corrections deputy. He stated that she allowed him to use her vehicle. The deputy observed a crack pipe in the vehicle and during the subsequent search, the respondent's debit card was discovered in a black bag along with what appeared to be crack cocaine. Two glass pipes with black residue and suspected fentanyl powder were also discovered in the vehicle. Due to the presence of drugs and paraphernalia in the respondent's vehicle and her apparent association with a drug offender, she was ordered to submit to a drug test the same day. The test results were positive for cocaine metabolites. During the investigation, the respondent's phone number was used to search the inmate phone monitoring system. The felon called her number frequently during his 2020 incarceration. Approximately eight hours of conversation was captured during the telephone calls. The conversation included expressions of love for each other, plans for their future together, and the respondent depositing money into his commissary account through a third party. On September 10, 2021, during the respondent's sworn interview, she admitted to having an inappropriate relationship with the inmate while he was incarcerated. She admitted that she knew he was a convicted felon and admitted to giving him her personal cell phone number. She provided him financial support by depositing money into his commissary account. Upon the inmate's release, the respondent allowed him to move into her residence and she stated that the relationship quickly deteriorated. On June 24, 2021, the two were involved in a physical altercation in which he punched and choked her. During the altercation, he grabbed her jaw, placed his lips to hers and blew crack cocaine smoke into her mouth and lungs two to three times and compressed her chest to force her to inhale. She stated that she never used cocaine before or after that incident. The respondent did not report her victimization or forced cocaine use because she did not know where to turn. When she was ordered to submit to a drug test, she did not disclose her victimization or forced drug use, as she was unfamiliar how long drugs would stay in her system. Despite the respondent's assertion that she did not associate with the felon following his June 25, 2021 arrest, an investigator documented the respondent picking him up in her car, where he subsequently smoked crack cocaine in her presence. No criminal charges were filed.

Penalty Guideline: Prospective suspension to Revocation; Revocation
FDLE Prosecution requested revocation.

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

Case # 47231-Excessive Use of Force

The respondent was suspended for 48 hours by the Department of Corrections subsequent to an investigation which sustained the charge of excessive force. On October 15, 2019, the respondent reported applying physical force on the inmate/victim to defend against the inmate's attack. In this first report, the respondent stated that the inmate became resistant and attempted to strike him. He struck the inmate, forced him against a wall, and then to the floor because he continued to resist. On October 23, 2019, a major with the Department of Corrections reviewed video footage. The recording showed the respondent grasping the back of the inmate's shirt at the collar, rather than a custodial hold of his arm. The respondent pressed the inmate against the exterior wall/window of the dormitory and then pushed him into the dormitory once the entrance door was opened. The inmate was not seen resisting. The respondent omitted this initial application of force when reporting this incident to management. On October 23, 2019, the respondent was confronted by administrators and reviewed the recording. The respondent

submitted a second incident report that included the initial omitted application of force. The respondent claimed that he was unaware he had initially used force on the victim outside of the dormitory until he reviewed the recording. He admitted in his second report that his chosen method of escorting the inmate was improper. Three other officers told investigators that the respondent escorted the unrestrained inmate by the back of his shirt through the vestibule and forcibly pressed the inmate up against the exterior window. No criminal charges were filed. (On January 22, 2019, the respondent received a Letter of Acknowledgement from the Commission for the charge of Excessive Use of Force, for a different case).

Penalty Guideline: Suspension to Revocation

FDLE Prosecution requested a 5-day prospective suspension; 6-month 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 rejected the requested penalty and dismissed the charge against the respondent.

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

To improve access to CJSTC discipline data, staff developed a database of disciplinary actions, which became available on the FDLE website June 1, 2022. The database provides the same information printed in the CJSTC Quarterly Update, but allows the user to select specific timeframes, agencies, respondent names, disciplinary actions, or offenses. Additionally, data can be sorted on various categories contained in the report. The database contains information from 2012 and will accumulate results from each subsequent Commission meeting. To access the database, visit:

<https://atms.fdle.state.fl.us/atms/od/searchOD.jsf>

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.