

# Professional Compliance Bulletin

November 2022

Issue #85



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 November 3, 2022.

## **Case #48669-Falsifying Records**

The respondent resigned from the Venice Police Department subsequent to an internal investigation which sustained violation of agency policies and falsifying records. On August 10, 2021, a complaint was made in regards to the respondent falsifying his location in the agency CAD system. An internal investigation found that 14 times between December 2020 and November 2021, the respondent placed himself in the CAD system at a distinctly different location than where his GPS indicated he was located. During each incident, the respondent’s GPS indicated he was at the same apartment complex while the CAD system indicated he was elsewhere. The respondent declined to be interviewed or provide a statement. No criminal charges were filed.

### **Penalty Guideline:** Prospective Suspension to Revocation

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 requested penalty.

## **Case # 48759-False Official Statement**

The respondent is currently employed by Escambia County Corrections. She was suspended for 120 hours subsequent to an internal investigation which sustained the charge of falsifying records. On November 12, 2021, a review of video surveillance revealed that multiple visual checks were not conducted during the night shift on November 11, 2021, and the morning of November 12, 2021. The respondent was assigned as the module operator and was responsible for recording the completed visual checks in the electronic logbook. The respondent falsely recorded that nine

visual checks had been completed when in fact they were not conducted as recorded. No criminal charges were filed.

**Penalty Guideline:** Prospective 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 ethics training prior to the end of the probationary period.

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

**Case # 48657-False Report of Crime to Law Enforcement**

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The respondent was dismissed from the Ocala Police Department subsequent to an internal investigation which sustained untruthfulness and failure to notify his supervisor of an incident. On November 23, 2021, deputies responded to three separate domestic disturbance incidents involving the respondent and his spouse. During one of the incidents, the respondent made a 911 call. However, during the three-hour on-scene investigation, the respondent continually lied to officers, stating that he did not make a 911 call. 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 course prior to the end of the probationary period.

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

**Case # 42833-Battery**

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The respondent resigned from the Department of Corrections subsequent to an internal investigation which sustained the charge of failure to report, conduct unbecoming a public employee, and willfully or negligently treating an inmate in an inhumane manner. On March 29, 2017, an inmate submitted a complaint stating he was abused by several staff members while in the food service area. He alleged that on March 27, 2018, he was instructed to stand up and put his head against the wall. The respondent then grabbed him by the back of his head and slammed his head against the wall. A video recording showed that the respondent pushed the inmate's face into the wall with her hands. The respondent stated that the inmate was against the wall because he refused to work and was being very argumentative. When the inmate was against the wall, the respondent stated that she approached him to counsel him and placed her hand on his shoulder to get him to calm down but did not believe that she pushed the inmate's face into the wall. No criminal charges were filed.

**Penalty Guideline:** Suspension

FDLE Prosecution requested the respondent's voluntary relinquishment be accepted.

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

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

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Section 943.1395(7)(a)-(e), F.S., authorizes the Criminal Justice Standards and Training Commission to impose disciplinary action against an officer's certification ranging from the issuance of a reprimand to revocation of certification. The Commission has established general and specific penalty guidelines under Rule 11B-27.005(5), Florida Administrative Code, for felony offenses, specific enumerated misdemeanor offenses, non-criminal offenses, and violations involving the unlawful use of controlled substances. The Commission uses these penalty guidelines to determine appropriate disciplinary recommendations regarding the certification of sworn officers in the state of Florida. Additionally, Section 943.1395(8)(b)2 states:

On or before July 1 of each odd-numbered year, the Commission shall conduct a workshop to receive public comment and evaluate disciplinary guidelines and penalties. The commission chair shall appoint a 12-member advisory panel, composed of six officers and six representatives of criminal justice management positions, to make recommendations to the commission concerning disciplinary guidelines.

The Commission plans to conduct this workshop as a Penalty Guidelines Task Force meeting during the early part of 2023. If you have any issues that you would like to be considered by this group, 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](mailto:stacylehman@fdle.state.fl.us).

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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](mailto:stacylehman@fdle.state.fl.us).