

Professional Compliance Bulletin

February 2024

Issue #87



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 February 15, 2024.

Case #45744-Adjudicated Guilty of DUI with Property Damage; Neglect of Child

The respondent is currently employed by the Miami-Dade Police Department. The respondent was suspended for 15 days subsequent to an internal investigation which sustained the charge of conduct unbecoming. On November 15, 2019, the Florida Highway Patrol responded to a roadside in reference to a single vehicle crash. A witness stated that the vehicle had been failing to maintain one lane and then crashed into a curb and several trees. The respondent and a child who was a passenger in the vehicle were transported to a hospital. Troopers discovered the same vehicle had been involved in an earlier crash with another vehicle, and made contact with the other driver, who had been transported to the same hospital. The other driver stated his vehicle was rear-ended by the respondent's vehicle. He showed troopers a photograph of the respondent's Miami-Dade Police identification card and stated he was allowed to take the photograph while exchanging information with the respondent prior to the respondent leaving the area by driving the vehicle that had been involved in the crash. The other driver stated he was concerned for the welfare of the child in the respondent's vehicle. Troopers conducted crash and DUI investigations which led to the respondent's arrest for driving under the influence involving property damage and child endangerment. The respondent admitted to being the driver involved in both crashes and confirmed the witnesses' descriptions of the crashes. The State Attorney's Office filed a No Information for one charge of child neglect. On January 9, 2020, the respondent pled no contest to DUI with property damage/ personal injury, and was adjudicated guilty. The respondent was sentenced to 1 day in jail less credit for 1 day time served, and 12 months of probation.

Penalty Guideline: Prospective Suspension with Substance Abuse Counseling to Revocation; Suspension to Revocation

FDLE Prosecution requested a 21-month retroactive suspension; 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 substance abuse counseling and a Commission-approved parenting class prior to the end of the probationary period.

Disciplinary Action by the Commission: The Commission rejected the requested penalty and imposed a 75-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 and a Commission-approved parenting class prior to the end of the probationary period.

Case # 50716-Sex on Duty

The respondent resigned from the Monroe County Sheriff's Office subsequent to an internal investigation that sustained the agency policy violations of neglect of duty (5 counts), improper conduct offenses (4 counts), and unlawful conduct offenses (3 counts). On December 29, 2022, a case was opened regarding a report of a hostile working environment. The complainant's sworn statement cited professional difficulties with the respondent, her assigned field training officer. The victim's statement included references to sexually explicit comments about the respondent's sexual encounters with members of other agencies, an unclothed photograph of the respondent wearing her agency issued duty belt, and actions made by the respondent at a local fire station that made the victim feel uncomfortable. The respondent admitted in her sworn statement to participating in a "speed dressing contest" at a Monroe County Fire Station. In attendance were four firefighters and the victim. During the "contest", the respondent demonstrated how fast she could disrobe by removing her belt keepers, duty belt, and uniform pants nearly to the floor to reveal her spandex shorts, and continued to redress into her uniform pants, duty belt, and belt keepers. This action made the victim uncomfortable as there were no other attendees that participated in the contest. During the investigation it was discovered that the respondent had logged 13 percent of her working on-duty time, 202 hours total, at Monroe County Fire Stations, demonstrating disregard for responsibility, duty, and safety to the public and her agency. During the investigation, as additional sworn statements were collected, an off-duty officer from a different agency admitted to engaging in sexual activity with the respondent while the respondent was on-duty. His statement described the respondent arriving to his residence in the respondent's marked agency vehicle on April 20, 2022, in uniform at approximately 8:00 am. He described hearing the respondent's agency radio traffic while the respondent was inside his house. The two engaged in sexual intercourse, and the respondent departed his residence at approximately 8:49 am. CAD information and the duty roster from the date of April 20, 2022, confirmed the respondent's on-duty status, in addition to the sworn statement where the respondent admitted to having engaged in sexual intercourse at the residence, while on duty. No criminal charges were filed.

Penalty Guideline: Suspension to Revocation

FDLE Prosecution requested that the respondent's certification be revoked.

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

Case # 49839-Battery-Domestic Violence

The respondent was not employed by a criminal justice agency at the time of his arrest for battery. On October 28, 2022, officers from the Ocala Police Department responded to a residence in reference to a battery. The victim, the respondent's spouse, stated they were having a verbal argument when the respondent bit the victim on the face and struck the top of the victim's head

with a closed fist. The respondent pulled on the victim's sweater causing it to tighten on the neck area and restricted the ability to breathe. Officers observed injuries on the victim which were consistent with the victim's account. The respondent admitted to being involved in a physical altercation with the victim. The respondent admitted to trying to restrict the victim from leaving the vehicle and had pulled on the victim's sweater. When the victim stated she could not breathe, the respondent stopped. On February 27, 2023, the respondent entered into a pre-trial intervention contract with the State Attorney's Office. As part of the agreement, the respondent must complete 40 hours of community service, seek substance abuse evaluation and/or treatment, complete an anger management course, and pay court fees and fines.

Penalty Guideline: Prospective suspension to Revocation

FDLE Prosecution requested a 90-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.

Case # 49072-False Official Statement

The respondent received a demotion from the Department of Corrections (DOC) subsequent to an internal investigation which sustained improper conduct and falsification of forms or records. On February 15, 2021, DOC management received an allegation that on February 7, 2021, the respondent clocked out two correctional sergeants at 10:00 p.m., although the respondent was aware that they went off-duty at approximately 6:10 p.m. On February 12, 2021, the respondent submitted an incident report which stated that the respondent clocked out the sergeants at 10:00 p.m. on the date in question. On May 17, 2021, in a sworn interview, the respondent admitted to being aware that the sergeants were not present and had not worked until 10:00 p.m., and changing their departure time to show a certain amount of staff working until 10:00 p.m. in order to get the roster approved. No criminal charges were filed.

Penalty Guideline: Revocation

FDLE Prosecution requested a 180-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.

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

Since 2001, the International Association of Directors of Law Enforcement Standards and Training (IADLEST) has maintained the National Decertification Index (NDI). The NDI is a national registry of certification or license revocation actions relating to officer misconduct and serves as a valuable tool when assessing the suitability of criminal justice applicants. Agency administrators may be alerted to previous disciplinary issues prior to making a hiring decision, or learn an applicant does not meet the Commission's minimum qualifications for certification. FDLE has served as Florida's NDI representative since 2001 and adds each instance of the Commission revoking an officer's certification or accepting an officer's relinquished certification. Information concerning the circumstances for decertification must be obtained from the state where the officer was previously certified. It is important to note that an officer's inclusion in the NDI does not necessarily preclude them from appointment as an officer in Florida.

The records contained in the NDI are provided by participating agencies and include the name of the subject officer, action against the certification, and contact information related to the certifying organization. The NDI currently contains over 50,000 actions reported by 49 certifying organizations. Florida's large officer population, coupled with the Commission's progressive disciplinary process, have led to over 11,000 Florida revocations and relinquishments being added to the NDI during its 19-year history. Currently there are over 800 Florida agency users.

Access to the database is available at no charge to vetted law enforcement officers, background investigators, and support staff. Agencies interested in access must submit a request through the NDI website at <https://www.iadlest.org/our-services/ndi/about-ndi>. Once on the website, select "Request Access to the NDI" button and provide the requested information. FDLE will be notified automatically to review and approve the request. Please note: approval of the agency administrator must be obtained by the individual making the request for access.

If you have any issues that you would like to be addressed in the Professional Compliance Bulletin, please forward them to Erica Gaines, 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: EricaGaines@fdle.state.fl.us.