Professional Standards Unit

2013 Annual Report

Special Agent Supervisor
Scott McInerney
The Office of Executive Investigations, Professional Standards Unit, is responsible for receiving, processing, and investigating all complaints of alleged administrative and criminal misconduct by members of the Florida Department of Law Enforcement (FDLE).

The Professional Standards Unit, located at FDLE Headquarters, is supervised by a Special Agent Supervisor and staffed by four Inspectors and one Senior Crime Intelligence Analyst.

Per FDLE Policy 3.5, FDLE will review or investigate all complaints received by any means that allege a member has violated law, policy, procedures, or otherwise failed to conduct himself or herself in the manner expected of an FDLE member. Any resulting disciplinary actions will be applied fairly and consistently.

As of December 2013, FDLE employed 1,669 members statewide, including 425 sworn members. The Miami Regional Operations Center (MROC) has the greatest number of sworn members (67), and the Florida Capitol Police has the second greatest number of sworn members (64). The Criminal Justice Information Services Program (CJIS) has the greatest number of non-sworn members (278). The Orlando Regional Operations Center (OROC) has the second greatest number of non-sworn members (120), followed by the Tampa Bay Regional Operations Center (TBROC) (112).

This report provides an analysis of Professional Standards cases for calendar year (CY) 2013.

- The Professional Standards Unit completed 63 “full” Internal Investigations and 50 Inquiries, totaling 113 cases for CY 2013. This compares with 60 “full” Internal Investigations and 54 Inquiries, totaling 114 cases in CY 2012.

- The number of cases involving members located at OROC and the Pensacola Regional Operations Center (PROC) during CY 2013 showed the largest increase as compared to CY 2012 (from 4 cases to 11 cases in OROC and from 1 case to 6 cases in PROC). The Jacksonville Regional Operations Center (JROC) and Capitol Police saw a slight increase in cases, while the Tallahassee Regional Operations Center (TROC) remained the same. TBROC and the Fort Myers Regional Operations Center (FMROC) had a slight decrease in cases, each decreasing by 2 cases. The regions having the most substantial decrease in cases during CY 2013, as compared to CY 2012, were MROC (8 cases to 3 cases) and Headquarters (23 cases to 18 cases).
During CY 2013, At-Fault Vehicle Accidents were the most common type of incident / violation (24), followed by Standards of Member Conduct (11). The third most common types of incidents / violations related to FDLE Policy 1.4 (Use of FDLE Resources) and FDLE Policy 4.4 (Evidence Handling), with 8 violations each.

There was a slight change in “full” Internal Investigations case findings during CY 2013 as compared to CY 2012. Sustained case findings increased 8% (46 to 50), and one investigation resulted in a finding of Exonerated. When compared to CY 2012, Not Sustained case findings in CY 2013 remained the same at 5. Further, Unfounded case findings decreased from 1 to 0.

During CY 2013, 49% (32) of all disciplinary actions imposed involved Oral Counseling. When compared to CY 2012, the issuance of Oral Counseling increased by 12 in CY 2013. From CY 2012 to CY 2013, the following case dispositions decreased in usage: Written Reprimand, Suspension, and Oral Reprimand.

During CY 2013, changes were noted in the total number of Preliminary Reviews in 4 of the 5 categories as compared to CY 2012. The number of Use of Force cases increased from 4 to 7. The number of Not-At-Fault Accident reviews decreased from 24 to 23, and Vehicle Pursuit reviews decreased from 2 to 0 incidents. The number of Citizen Complaints decreased from 13 to 9. The number of Preliminary Inquiries remained the same at 11.

During CY 2013 the Professional Standards Unit reviewed and processed 42 Performance Issues submitted by the regions and program areas. Of these, CJIS submitted 11 issues, followed by OROC with 7, and TBROC with 6. The remaining program areas submitted fewer than five performance issues each. Overall, Performance Issues submitted decreased from 52 in CY 2012 to 42 in CY 2013. This represents a nineteen percent (19%) decrease.

Criminal allegations reviewed during CY 2013 included theft and driving under the influence.

From CY 2004 through CY 2013, 67 Early Intervention System (EIS) alerts were caused by FDLE members who met established risk indicator thresholds. In CY 2013, there were a total of 2 FDLE members identified by the EIS, both of whom met the threshold of having 2 risk indicators within a six month period. From CY 2004 through CY 2013, there were 11 members who met the threshold of 3 risk indicators within a one-year period and 2 members who met the threshold of 4 risk indicators within a two-year period.

Over the preceding 8 years, the number of Professional Standards cases involving non-sworn members was highest in CY 2007, with 64 cases, and lowest in CY 2011, with 23. The number of Professional Standards cases involving sworn members was highest during CY 2006, with 61, and lowest during CY 2011 with 27.
Total Members per Region / Division for Calendar Year 2013

*Total Members: 1,669
(Sworn = 425; Non-Sworn=1244)
*As of December 31, 2013

- **CJIS**: 281 members
- **OROC**: 169 members
- **TBROC**: 165 members
- **TROC**: 137 members
- **JROC**: 121 members
- **IRM**: 108 members
- **I&FS**: 107 members
- **FMROC**: 94 members
- **Capitol Police/Protective Operations**: 85 members
- **Business Support**: 85 members
- **PROC**: 84 members
- **Office of the Executive Director**: 55 members

*Total Members: 1,669 (*Sworn = 425; Non-Sworn=1244) As of December 31, 2013*
Cases Involving Sworn & Non-Sworn Members for Calendar Year’s 2012 & 2013

- **2012**
  - Sworn: 29
  - Non-Sworn: 31
  - 6.7% of Sworn Members
  - 2.5% of Non-Sworn Members

- **2013**
  - Sworn: 35
  - Non-Sworn: 28
  - 8.2% of Sworn Members
  - 2.3% of Non-Sworn Members
Comparison of Cases by Regions for Calendar Year's 2012 & 2013

**Comparison of Cases by Regions for Calendar Year's 2012 & 2013**

<table>
<thead>
<tr>
<th>Region/Program Area</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>HQ (*740)</td>
<td>23</td>
<td>18</td>
</tr>
<tr>
<td>OROC (*169)</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>TBROC (*165)</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>TROC (*137)</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>JROC (*121)</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>MROC (*94)</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Capitol Police (*85)</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>FMROC (*74)</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>PROC (*84)</td>
<td>1</td>
<td>6</td>
</tr>
</tbody>
</table>

* Total Number of Members Per Region/Program Area
<table>
<thead>
<tr>
<th>Violation</th>
<th>Frequency</th>
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<tbody>
<tr>
<td>Safety (At-Fault Vehicle Accidents)</td>
<td>24</td>
</tr>
<tr>
<td>Standards of Member Conduct</td>
<td>11</td>
</tr>
<tr>
<td>FDLE Policy 1.4 (Use of FDLE Resources)</td>
<td>8</td>
</tr>
<tr>
<td>FDLE Policy 4.4 (Evidence Handling)</td>
<td>8</td>
</tr>
<tr>
<td>Failure to Secure/ Care for Property</td>
<td>6</td>
</tr>
<tr>
<td>Negligence</td>
<td>5</td>
</tr>
<tr>
<td>Unbecoming Conduct</td>
<td>2</td>
</tr>
<tr>
<td>Insubordination</td>
<td>2</td>
</tr>
<tr>
<td>Falsification of Records</td>
<td>2</td>
</tr>
<tr>
<td>Dual Employment</td>
<td>2</td>
</tr>
<tr>
<td>DUI</td>
<td>1</td>
</tr>
</tbody>
</table>
Case Findings for CY 2012 & 2013

- Sustained: 46 (2012), 50 (2013)
- Currently Open: 8 (2012), 7 (2013)
- Exonerated: 0 (2012), 1 (2013)
- Unfounded: 1 (2012), 0 (2013)
<table>
<thead>
<tr>
<th>Discipline Imposed for Sustained Cases CY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling</td>
</tr>
<tr>
<td>------------</td>
</tr>
<tr>
<td>32</td>
</tr>
</tbody>
</table>
Comparison of Preliminary Reviews Completed (Calendar Years 2012 & 2013)

- **Complaints Ref: FDLE Members**
  - 2012: 13
  - 2013: 9

- **Not-At-Fault Accidents**
  - 2012: 24
  - 2013: 23

- **Use of Force**
  - 2012: 4
  - 2013: 7

- **Vehicle Pursuits**
  - 2012: 2
  - 2013: 0

- **Preliminary Inquiry**
  - 2012: 11
  - 2013: 11
Total Number of Performance Issues Incidents Reviewed by the Professional Standards Unit
(By Region / Division)
Total for Calendar Year 2013: 42

- CJIS: 11
- OROC: 7
- TBROC: 6
- MROC: 5
- I&FS (HQ): 3
- JROC: 3
- Capitol Police/Protective Operations: 2
- FMROC: 2
- Business Support: 1
- Info Resource Mgmt: 1
- TROC: 1
- Office of the Executive Director: 0
- PROC: 0
- Professionalism: 0