



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 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 that were heard by the Commission at its meetings held on November 8, 2007.

Case # 23861 Aggravated Battery

The respondent was dismissed by the Department of Corrections pursuant to her arrest for Aggravated Battery, as well as sustained agency policy violations. On June 28, 2006, deputies responded to a domestic disturbance at the respondent's home. Upon arrival, the victim, a former inmate at Lowell Correctional Institution, stated that she and the respondent were live-in companions, and that the disturbance began when she informed the respondent that she intended to move out of the residence. According to the victim, the respondent attacked her, and bit her numerous times. The deputy noted that he observed bite marks on the victim's neck, chest and both biceps. The victim further stated that the respondent then pulled out a silver colored handgun and struck her twice in the forehead with the barrel of the weapon. The deputy also noted that he observed two red swollen areas on the victim's forehead which were consistent with the size of a handgun barrel. The victim stated that she was able to get away from the respondent, at which time she took her daughter in her personal vehicle and fled the scene. The respondent told the deputies that she and the victim got into a verbal altercation, but denied any physical altercation took place. She also denied having a gun during the incident, but did admit that she had a gun in her car. A Taurus 9mm, model PT92AF semi-automatic handgun was recovered from the respondent's personal vehicle. The respondent was placed under arrest for Aggravated Battery, and on December 11, 2006, she pled guilty to lesser charges of simple battery, three counts. She was adjudicated guilty and was sentenced to one year probation, to attend batterer's intervention, and was ordered to not possess or consume alcohol.

Penalty Guideline: Prospective suspension to revocation

Staff recommended a two-year prospective suspension to be followed by a two-year probationary period with an anger management course to be completed prior to the expiration of the probationary period.

Disciplinary Action by the Commission: The Commission accepted staff's recommendation.

Case # 23697 Retail Theft

The respondent resigned from the Putnam County Sheriffs Office pursuant to a sustained charge of theft. On April 20, 2006, an internal affairs investigator received a complaint from the head of loss prevention of a private corporation stating that the respondent, who worked part time for the corporation, had admitted to stealing shoes from the store in which he worked. The loss prevention manager had conducted an investigation into the matter and, during the course of the investigation, the respondent admitted to stealing several pairs of shoes. On May 4, 2006, during a sworn interview, the respondent at first only admitted to taking some socks and a t-shirt from the store, but later admitted that he had taken shoes as well. He stated that he knew that what he did was wrong, and asked that he be allowed to resign rather than being terminated. Criminal charges were not filed in this case.

Penalty Guideline: Suspension to revocation

Staff recommended that the Commission impose a thirty-day prospective suspension, an eighteen month retroactive suspension, followed by a one-year period of probation. Additionally, staff recommended that the respondent complete an ethics training course prior to the end of the probationary period.

Disciplinary Action by the Commission: The Commission accepted the staff recommendation.

Case # 21329 Falsely Impersonating an Officer, Misuse of Position, and Perjury in an Official Proceeding

The respondent was suspended for six months without pay and entered a "Last Chance Agreement" with the Plantation Police Department subsequent to sustained allegations of Conduct Unbecoming, Misuse of Position, and Untruthfulness. On June 7, 2004, the respondent flashed a badge to a security officer in order to gain access into a gated community, and stated that he was there on official business. The security officer became suspicious of the respondent and called his supervisor for guidance. The respondent told the supervisor that he was another officer, and worked for the Coconut Creek Police Department. The respondent was then allowed entrance to the community. The day after the incident, the supervisor contacted Coconut Grove Police Department and was told they did not have an officer by the name given by the respondent. On June 28, 2004, the respondent gave a sworn statement advising that he had previously gone to the gated community several times to look at a piece of property, and had always been allowed to enter after showing the security guard his police identification. He stated that on June 7, 2004, the security officer asked him if he was there on official business, and he told him no, I'm not on official business, I'm here checking something out, and I'm an undercover police officer. The respondent stated that he told the supervisor that he was another officer because he did not want the security officer to know his real name. He stated that it was for fear that he might have arrested him at some time, and he did not want to jeopardize the safety of himself or his family. The respondent's statement is contradictory to a video/audio CD of the encounter that reflects he repeatedly stated he was there on official business.

Penalty Guideline: Suspension to revocation, Suspension, and Prospective suspension to revocation
Staff recommended a two-year prospective suspension and one-year period of probation and provide Commission staff with proof of successful completion of an ethics course prior to the completion of the probationary period.

Disciplinary action by the Commission: The Commission accepted staff recommendation.

Case # 23723 Child Abuse

The respondent was issued a written reprimand from the Florida Department of Corrections subsequent to his arrest for child abuse. On August 22, 2003, deputies from the Hernando County Sheriff's Office responded to an elementary school after receiving a call from the principal concerned for one of his students. Upon arrival, the principal explained to deputies that the respondent's 5 year old son was sent to the nurse's office by his teacher due to her concern of visible bruises on the child. The nurse confirmed that the bruising appeared to resemble a belt buckle. Bruising was also found on the child's neck, back, and leg. When asked what happened, the child advised that his father hit him with a belt because he was not good. The child described a black belt his father used to hit him and stated that his father had also hit him on the "butt". Deputies confirmed the child's buttocks had heavy bruising with some skin breakage. When asked a second time what happened, the child stated his father instructed him to lie on his bed face down with his pants down and his father spanked him many times with a black belt. The child stated he received the injuries to his arm while he was trying to cover himself from the strikes of the belt. The child also stated his father gave him a bath afterwards and tried three times to push his head under water. The respondent was interviewed and admitted to striking his son four or five times with a belt. He stated his son was squirming around and it is possible that he hit him on the arm with the belt. The respondent advised that his son cried a little bit and when he instructed his son to go take a bath, he struck his son once more on the buttocks to move him along. The respondent denies trying to push the child's head under water. The Child Protection Team nurse was interviewed and concluded that the injuries were excessive and were from the use of a belt. The nurse also stated that the two marks on the child's neck appeared to be finger marks, which would have been consistent with the child's head being pushed down. The respondent was arrested for child abuse. On February 5, 2004, the respondent pled guilty to a lesser charge of Contributing/Dependency of a Minor and adjudication was withheld. The respondent was ordered to pay court fines, complete a case plan, parenting class, and anger management, and one year probation to be supervised by the Salvation Army. On June 15, 2004, the respondent completed all requirements and the case was closed.

Penalty Guideline: Suspension to revocation
Staff recommended revocation of respondent's correctional certification.

Disciplinary Action by the Commission: The Commission rejected staff's recommendation and imposed a two-year probationary period.

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

Section 943.1395(9)(a), Florida Statutes gives the Criminal Justice Standards and Training Commission the authority to discipline an officer who is employed on a Temporary Employment Authorization under Section 943.131, Florida Statutes.

Agencies that have employed officers on a TEA and have not yet applied for an officer's certification must be aware that the Commission does have the authority to discipline the officer for any sustained violations of the moral character standard.

Rule 11B-27.005(10)(a-c), Florida Administrative Code states the following: Individuals employed on a TEA, pursuant to Section 943.131, F.S., are subject to the following discipline by the Commission:

(a) If the Commission issues a probationary period to an individual employed on a TEA, such individual shall be eligible for certification pending successful completion of the terms and conditions of the probationary period.

(b) If the Commission issues a suspension period to an individual employed on a TEA, such individual shall not be eligible for certification until the completion of the suspension period.

(c) If an individual commits a revocable offense the Commission shall deny the individual's request for certification.

If you have any issues that you would like to see addressed in upcoming bulletins, please forward them to Glen W. Hopkins, 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 glenhopkins@fdle.state.fl.us.

Questions and comments can be directed to: glenhopkins@fdle.state.fl.us