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 February 2, 2012.

Case # 31721  Discharging a Firearm in Public
The respondent was suspended for five days from the Jacksonville Sheriff’s Office subsequent to an internal investigation that sustained the charges of Discharging Firearm in Public and Using a Firearm while Under the Influence. On December 25, 2010, Nassau County Sheriff's deputies responded to a call regarding shots being fired. Deputies responded to the area and made contact with the respondent and his girlfriend, who were pulled off on the side of the road. When questioned, the respondent admitted to shooting his firearm into the wooded area, but denied shooting his gun from inside the vehicle. The respondent's girlfriend stated that the respondent shot the firearm out of the passenger side window of his vehicle. She also advised that this occurred while she was sitting in the passenger seat of the vehicle. The respondent was arrested and transported to the Nassau County Jail. On March 3, 2011, the respondent entered into a Pre-Trial Intervention Program. The program required that the respondent refrain from the use of any substances, including alcoholic beverages, 50 hours of community service and the payment of courts costs and fines.

Penalty Guideline: Suspension.
The respondent agreed to a five day retroactive suspension, fifteen day prospective suspension, one year probation, and successful completion of Commission-approved remedial firearms training.

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

Case # 31849  Cruelty to Animals
The respondent received a reprimand from the Bay Correctional Facility following an internal investigation which sustained a charge for conduct which violated state statute after her arrest and criminal charges for cruelty to animals and worthless checks. On January 17, 2011, the respondent contacted the sheriff's office to report stolen property. When the deputy arrived, he ran a background check on the respondent and was advised that she had two outstanding warrants; one for passing a worthless check in 2006 (prior to certification), and one for cruelty to animals in 2007. The respondent was subsequently arrested for the outstanding warrants. In her sworn statement, the respondent advised that she was not aware of the outstanding warrants or she would have taken care of them. The respondent advised that in early 2006 she moved from her former address where she maintained a wildlife refuge and signed over the care of the animals to her partner. The property no longer had a working well or electricity, but she continued caring for the animals, including a pig, until she moved out of the county. Upon moving, she told her partner to come get the pig and arrange care for the other animals. On January 31, 2007, animal control was called by neighbors to check on the condition of a pig.
that appeared to have been left unattended on the respondent’s property. It was large and in extremely poor health. After the pig had been thoroughly evaluated, it had to be humanely destroyed. The respondent could not be contacted. On April 3, 2007, a Capias for Summons on the respondent for the charge of Cruelty to Animals was returned unexecuted. The court case summary indicates that the respondent may not have received notification of the charge. On January 19, 2011, the respondent pled No Contest and was adjudicated guilty of Cruelty to Animals. The respondent was ordered to pay a fine of $550 in addition to court costs and fines.

Penalty Guideline: Probation to Suspension.
Staff recommended a forty-five day prospective suspension and one year probation.

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

Case # 29012 Attempted First Degree Felony Murder; Burglary of Dwelling with Assault or Battery; Violation of Injunction; Criminal Mischief ($1000 or more)
The respondent was not employed at the time of his arrest for Attempted First Degree Felony Murder; Burglary of Dwelling with Assault or Battery; Violation of Injunction; Criminal Mischief ($1000 or more). On July 13, 2009, the Gadsden County Sheriff’s Office responded to a residence where the respondent intentionally crashed his vehicle into his estranged wife’s bedroom while she was sleeping. The respondent did not live in the residence and was court ordered to stay away. Also present while this happened were the couples’ two daughters. The victim stated that she was awakened by a loud noise and then observed that a vehicle had crashed into her bedroom. The vehicle came to a stop less than a foot away from the bed where she was sleeping. Furniture and glass were observed scattered throughout the bedroom and a dresser was on the bed. The respondent then backed the van from the bedroom and parked it a few feet from where it initially struck the exterior wall of the residence. The respondent entered the house, chasing his wife down and choking her by placing his hands around her neck and squeezing. The victim was briefly able to get away and fled to the garage where the respondent caught up to her again. The respondent followed her into the garage and fled the scene in the family’s other vehicle. The victim further stated that less than one hour prior to the incident, the respondent had talked to her on the phone and discussed an upcoming trip together so he knew she was home at the time. On July 14, 2009, the respondent was arrested and charged with Attempted First Degree Felony Murder, Burglary of Dwelling with Assault or Battery, Violation of Injunction and Criminal Mischief ($1000 or more). On November 11, 2010, a jury found the respondent not guilty by reason of insanity of attempted first degree murder, burglary of a dwelling with assault or battery, violation of an injunction and criminal mischief ($1000 or more). Case note: A finding of “not guilty by reason of insanity” was not considered an acquittal in this case. The Standard Jury Instructions for Criminal Cases states that a finding of “not guilty by reason of insanity” indicates that the jury found the defendant committed the crime but found clear and convincing evidence that the defendant was insane. Therefore, the finding by the jury in this case was an indication that the respondent did, in fact, commit the offenses.

Penalty Guideline: Suspension to Revocation; Suspension to Revocation; Probation to Suspension; Suspension to Revocation.
Staff recommended revocation of certification and to voluntarily dismiss the charge of Criminal Mischief.

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

Case # 31629 Aggravated Assault with Deadly Weapon Without Intent to Kill; Battery-Domestic Violence
The respondent received a 30-day suspension from the Department of Corrections subsequent to an internal investigation which sustained Aggravated Assault with Deadly Weapon Without Intent to Kill and
Battery – Domestic Violence. On December 9, 2010, a deputy was dispatched to the respondent’s residence regarding a physical disturbance. Upon arrival, the deputy made contact with the respondent’s former girlfriend (victim), who stated that she was in the process of moving out of the residence with the assistance of her son (witness 1) and a friend (witness 2). Upon arriving at the residence, the respondent began yelling for the victim to leave. The victim continued packing up for the move when the respondent began to strike the victim on the left side of the face with a closed fist. The victim grabbed the respondent’s arms to keep the respondent from striking her, at which time she began to kick the victim. After the victim called for law enforcement assistance, the respondent picked up a knife and began to approach the victim. Witness 1 was subsequently able to grab the respondent’s wrist and disarm her. The deputy observed redness on the right side of the victim’s face and red scratch marks on the left side of the victim’s neck. The victim refused medical attention. When questioned by the deputy, the respondent stated that she arrived at the residence to ensure the victim did not take any of her personal belongings. An argument ensued and subsequently became physical. The respondent and the victim then fell to the floor and the respondent stated that she kicked the victim in order to get the victim off of her. The respondent then stated that she grabbed a knife for protection from the victim. Both witnesses confirmed the victim’s version of the events. The respondent was then arrested and charged with Aggravated Assault with Deadly Weapon Without Intent to Kill and Battery – Domestic Violence. On February 21, 2011, the respondent entered into a Deferred Prosecution Agreement. On August 4, 2011, the State Attorney’s Office filed a No Information regarding the charges against the respondent in recognition of her successful completion of the agreement.

**Penalty Guideline:** Prospective suspension to revocation; prospective suspension to revocation.
Staff recommended a forty-five day prospective suspension, one year probation, and successful completion of a Commission-approved anger management course.

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

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

Commission staff frequently receives sustained internal investigations that do not contain charges considered a violation of the Commission’s moral character standard. Florida Administrative Code provides detailed information as to what constitutes a violation of the moral character standard as described in Section 943.13(7) F.S.

The first category of offenses are any acts that would constitute a felony offense, whether criminally prosecuted or not as outlined in Rule 11B-27.0011(4)(a), F.A.C. This also includes any principle, accessory, attempt, solicitation or conspiracy which had the crime been committed or completed would have been a felony offense. Additionally, an act in any other jurisdiction of other than the State of Florida that if committed in the State of Florida would constitute any offense described in this section.

The second are any of the 58 misdemeanor violations outlined in Rule 11B-27.0011(4)(b)(1), F.A.C. Additionally, an act in any other jurisdiction of other than the State of Florida that if committed in the State of Florida would constitute any offense described in this section.

The third category is any of the 13 non-criminal offenses outlined in Rule 11B-27.0011(4)(c), F.A.C.

The final category is testing positive for a controlled substance.

The following guide represents the misdemeanor and non-criminal offenses that are considered a violation of the Commission’s moral character standard. Please note, however, that these rules may change and should be reviewed on the Commission’s website prior to proceeding with the submission of an investigation.
Enumerated Misdemeanors

316.193 DUI
327.35 BOATING UNDER THE INFLUENCE
414.39 WELFARE FRAUD
741.31 VIOLATION OF INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE
784.011 ASSAULT
784.03 BATTERY
784.047 VIOLATION OF INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE
784.048 STALKING
784.05 CULPABLE NEGLIGENCE
784.046(15) VIOLATION OF INJUNCTION FOR PROTECTION AGAINST REPEAT DATING VIOLENCE
790.01 CARRYING A CONCEALED WEAPON
790.10 Improper Exhibition of Dangerous Weapon
790.15 DISCHARGING FIREARM IN PUBLIC
790.27 POSSESSION/SALE/DELIVERY OF FIREARM WITH SERIAL NUMBER ALTERED/REMOVED
794.027 FAILURE TO REPORT SEXUAL BATTERY
796.07 PROSTITUTION ESTABLISHMENT
800.02 UNNATURAL AND LASCIVIOUS ACT
800.03 EXPOSURE OF SEXUAL ORGANS
806.101 FALSE ALARM OF FIRE
806.13 CRIMINAL MISCHIEF LESS THAN $1000
810.08 TRESPASS IN STRUCTURE OR CONVEYANCE
810.145 VIDEO VOYEURISM
812.014 PETIT THEFT
812.015 RESISTING THEFT RECOVERY EFFORTS
812.14 TRESPASS & LARCENY WITH RELATION TO UTILITY FIXTURES
817.235 PERSONAL PROPERTY: REMOVE / ALTER ID MARKS
817.49 FALSE REPORT OF A CRIME
817.563 SALE IN LIEU OF A CONTROLLED SUBSTANCE
817.565 URINE TESTING, FRAUDULENT PRACTICES
817.567 FALSE CLAIMS OF ACADEMIC DEGREE OR TITLE
817.61 FRAUDULENT USE OF A CREDIT CARD
817.64 RECEIPT OF MONEY, ETC. FROM FRAUDULENT USE OF A CREDIT CARD
827.04 CONTRIBUTING TO THE DELINQUENCY OF A MINOR
828.12 CRUELTY TO ANIMALS
831.30 FORGED PRESCRIPTION
831.31(1)(b) COUNTERFEIT CONTROLLED SUBSTANCE
SALER/MAINTACTURE/DELIVERY/POSSESSION OR POSSESSION WITH INTENT
832.05 WORTHLESS CHECK
837.012 PERJURY NOT IN AN OFFICIAL PROCEEDING
837.05 FALSE REPORT TO LAW ENFORCEMENT
837.055 FALSE INFORMATION TO LAW ENFORCEMENT DURING INVESTIGATION
837.06 FALSE OFFICIAL STATEMENT
839.13 FALSIFYING RECORDS
839.20 REFUSAL TO EXECUTE CRIMINAL PROCESS
843.02 RESISTING OR OBSTRUCTING AN OFFICER WITHOUT VIOLENCE
843.03 OBSTRUCTION BY DISGUISED PERSON
843.06 NEGLECT OR REFUSAL TO AID PEACE OFFICERS
843.085 UNLAWFUL USE OF POLICE BADGE OR INDICIA
847.011 SALE OR POSSESSION OF OBSCENE MATERIAL/OBSCENE PERFORMANCE
856.021 LOITERING AND PROWLING
870.01 AFFRAY
893.13 CONTROLLED SUBSTANCES—SELL, MANUFACTURE, DELIVER AND/OR POSSESS WITH INTENT
893.147 USE OR POSSESSION OF DRUG PARAPHERNALIA
914.22 TAMPERING WITH A WITNESS, VICTIM, OR INFORMANT
934.03 INTERCEPTION AND DISCLOSURE OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS
944.35 MALICIOUS BATTERY
944.37 ACCEPTANCE OF UNAUTHORIZED COMPENSATION
944.39 INTERFERENCE WITH PRISONERS

Non-Criminal Offenses:

- EXCESSIVE USE OF FORCE
- MISUSE OF OFFICIAL POSITION
- UNPROFESSIONAL RELATIONSHIP
- SEXUAL HARASSMENT
- SEX ON DUTY
- FALSE STATEMENT DURING EMPLOYMENT APPLICATION PROCESS
- SUBVERTING OR ATTEMPTING TO SUBVERT THE STATE OFFICER CERTIFICATION EXAM PROCESS
- SUBVERTING THE EXAMINATION PROCESS FOR CJSTC TRAINING, TRAINING SCHOOL, OR AGENCY PROMOTIONAL EXAM PROCESS
- CONDUCT THAT SUBVERTS OR ATTEMPTS TO SUBVERT THE BASIC ABILITIES TEST PROCESS
- ANY OVERT, CONSPICUOUS, OR PUBLIC ACT OF A SEXUAL OR SIMULATED SEXUAL NATURE WHICH IS LIKELY TO BE OBSERVED BY OTHERS
- ANY WILLFUL AND OFFENSIVE EXPOSURE OR EXHIBITION OF HIS OR HER SEXUAL ORGS IN PUBLIC OR ON THE PRIVATE PREMISES OF ANOTHER OR SO NEAR THERETO AS TO LIKELY BE SEEN EXCEPT IN ANY PLACE PROVIDED OR SET APART FOR THAT PURPOSE.
- WILLFUL FAILURE OF THE AGENCY HEAD TO COMPLY WITH CHAPTER 943, AS IT PERTAINS TO THE CJSTC RULES
- INTENTIONAL ABUSE OF A T&E PURSUANT TO 943.131 (1)
- TESTING POSITIVE FOR CONTROLLED SUBSTANCES

If you have questions concerning the Officer Discipline process, or if you have any issues you would like to see 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.