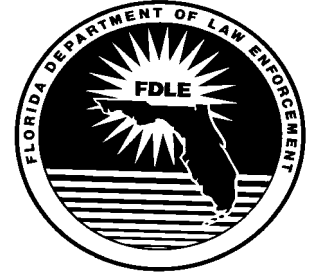




# Professional Compliance Bulletin



**Issue 25**  
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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 meeting held on February 9, 2006.

**Case # 21720** Tested Positive for Steroids

The respondent resigned as a result of an investigation that revealed a positive drug test for the steroid Methandienone. He indicated in the internal investigation that he did not feel that he was breaking the law when he purchased the substance from a company that he found on the internet.

**Penalty guideline:** Prospective suspension to revocation

Staff recommended revocation in this case based on the Commission's previous position concerning positive drug tests.

**Disciplinary Action by the Commission:** Certification revoked.

**Case # 22101** Excessive Use of Force by a Law Enforcement Officer

The respondent resigned from the law enforcement agency as a result of an investigation that sustained that he used excessive force on an arrestee. While attempting to book the individual at the jail, the arrestee began yelling obscenities at the officer. Several other officer witnesses stated that the arrestee was asking the officer about the arrest of his friend. The witnesses stated that the arrestee was cooperating with the officer, with the exception of the cursing. At one point during the incident, the officer held him backwards over a trash can, while holding him by the collar with both hands. The officer then proceeded to let go of him, and he fell to the floor. The officer then punched the arrestee in the face with his right hand. He then fell back to the floor and while attempting to get up, the officer grabbed him again and pushed him into the automated fingerprinting machine. Several officers stated that they attempted to calm the officer down, but were unable to do so because he was so angry.

**Penalty Guideline:** Suspension to revocation

The respondent elected to voluntarily relinquish his correctional and law enforcement certifications. Consequently, staff recommended the acceptance of his relinquishment.

**Disciplinary Action by the Commission:** Accepted voluntary relinquishment.

**Case # 22281** Driving Under the Influence of an Alcoholic Beverage

The respondent, a correctional officer, received a written reprimand from his employing agency as a result of his arrest for DUI. An officer initiated a traffic stop on the respondent's vehicle after he observed him going 85 mph in a 60 mph zone. The respondent submitted to two breath tests which registered .138 and .143. The respondent pled nolo contendere to the DUI charge, and was adjudicated guilty. He was placed on probation for one year, and was ordered to enter into a drug and alcohol evaluation program. His license was also suspended for six months, and was ordered to pay \$500 in court costs.

**Penalty Guideline:** Probation with substance abuse counseling

The respondent was issued a Letter of Guidance on May 2, 2002 for a previous DUI; therefore, staff recommended an upward departure from the penalty guideline based on the Commission's current practice of revoking certifications for a second DUI.

**Disciplinary action by the Commission:** Certification revoked.

**Case # 21300** Domestic Battery

The respondent was terminated from the law enforcement agency subsequent to his arrest for domestic battery. Local law enforcement responded to the respondent's residence after they received a report of a possible domestic battery. Once on scene, the officer met with the victim, who was the respondent's wife. She indicated that the respondent hit her during an argument, but left the scene prior to the officer's arrival. The victim stated that the respondent grabbed her during the argument and pulled her into a bedroom and closed the door. She further stated that he grabbed her around the throat and drew back with his other hand, in an attempt to punch her in the face. He called her a derogatory name, and did strike her in the face two or three times, at which time the victim fell to the floor. The victim's eleven-year old daughter confirmed a similar account of the incident, and also stated that the respondent knocked her down and took the telephone from her when she attempted to contact law enforcement. The deputy indicated that the victim had a large knot on her head and that her hand was swollen, apparently from trying to defend herself. The respondent gave a similar account of the events, but initially denied hitting her. He subsequently admitted that he did hit her because she hit him. The State Attorney's Office dropped the criminal charge at the victim's request.

**Penalty Guidelines:** Suspension

Staff recommended a seventeen-month period of retroactive suspension followed by a six-week prospective suspension.

**Disciplinary Action by the Commission:** The Commission accepted staff's recommendation of a seventeen-month retroactive suspension followed by a six-week period of prospective suspension.

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

### **Revocation of Instructor Certification**

The Criminal Justice Standards and Training Commission has recently received several disciplinary cases concerning incidents involving certified instructors who teach basic recruit, specialized, and advanced courses approved by the Commission. Several of these cases reviewed by Commission staff seem to be instances where instructors failed to ensure the accuracy of student attendance rosters or where they compromised the security of examinations. Rule 11B-20, F.A.C. governs the certification of criminal justice instructors in the state of Florida. Rule 11B-20.0012, F.A.C. sets forth enumerated offenses that, if violated by a certified instructor, might bring sanctions against an individual's instructor certification. The following administrative rule citation outlines those offenses:

The Criminal Justice Standards and Training Commission has the authority to revoke an instructor's certification if:

- (a) The instructor willfully compromises the security and confidentiality of examinations, grading keys, or CMS test specifications used in training courses, or engages in any other conduct that subverts or attempts to subvert the State Officer Certification Examination process; or
- (b) The instructor willfully compromises or circumvents the student attendance requirements set forth in subsection 11B-35.001(11), F.A.C.; or
- (c) The instructor willfully compromises or circumvents the trainee performance requirements pursuant to subsection 11B-35.001(7) and Rule 11B-35.0024, F.A.C.; or
- (d) The instructor intentionally and materially falsifies criminal justice documentation; or
- (e) The instructor commits an act or acts establishing gross incompetence as determined by the Commission. Gross incompetence is the lack of ability or fitness to perform as an instructor as a result of emotional instability, or physical incapacitation, or inadequate technical knowledge of subject matter, or reckless disregard for the safety of trainees or the public.
- (f) The instructor commits an act or acts establishing a "lack of good moral character," defined in subsection 11B-27.0011(4), F.A.C.

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