



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 August 12, 2010.

Case # 29309 Driving Under the Influence with Property Damage

The respondent was terminated from the Largo Police Department subsequent to an investigation which sustained the charge of driving while under the influence with property damage. On August 20, 2009, a truck pulling a trailer and jet ski rear ended a 2004 Toyota and fled the scene. A short time later, a vehicle matching the description of the truck sideswiped a 1996 Nissan and fled the scene again. The driver of the Nissan followed the truck and called it in to the police department. A BOLO was broadcast over the Pinellas Park Police Department’s radio for a large, dark truck pulling a trailer with a jet ski. A Pinellas Park police officer observed a vehicle matching the description stopped in the right lane causing a back-up. The officer noticed that the driver’s hands were off the steering wheel, his head was hanging forward, and his eyes were closed. Once the officer parked behind the vehicle, the truck lurched forward several feet and then stopped again. The officer activated his lights and sirens and the driver raised his head. The officer approached the vehicle and the driver pulled his truck up to the traffic light. The officer ran to the driver’s side of the truck and told the driver to stop and turn off the truck. The driver stated “No, no, no this can’t be right. No, no.” The driver’s breath had a strong odor of an alcoholic beverage. The driver told the officer that he was a Largo police officer and that everything was alright. The driver got out of the truck and stumbled catching himself on the bed of the truck. The officer had to assist the driver to the edge of the road so he could sit down. The officer decided to transport the respondent to the police station to perform the sobriety test for safety reasons. The respondent failed the sobriety test and his breath test registered a .234 and .232. While in the police station a trooper from the Florida Highway Patrol arrived due to an earlier crash involving the respondent. The respondent was arrested for driving under the influence and leaving the scene of an accident by the Pinellas Park Police Department. In addition, Florida Highway Patrol cited the Respondent for DUI and leaving the scene of an accident. On October 8, 2009, the respondent pled no contest and was adjudicated guilty of driving under the influence. Adjudication was withheld for the charge of leaving the scene of an accident. The charges from the Florida Highway Patrol were nolle prossed. The respondent was sentenced to one year probation, attend DUI School, 50 hours of community service, revocation of his driver’s license for six months, and to pay court costs and fines.

Penalty Guideline: Probation with Substance Abuse Counseling.

Staff recommended one year probation to begin fifteen days following the filing of the Final Order; provide staff with proof of successful completion of substance abuse course prior to the end of the probationary period.

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

Case # 30116 Any Overt, Conspicuous, or Public Act of a Sexual or Simulated Sexual Nature which is likely to be observed by others

The respondent resigned from the Levy County Sheriff's Office subsequent to an internal investigation, which sustained a charge of exposure of sexual organs in public. On October 21, 2009, the Levy County Sheriff's Office received a complaint against the respondent for violating an agency policy. Investigators questioned a female friend of the respondent who was at the center of the complaint. During a sworn statement, the female stated that on July 3, 2009, she went to the respondent's residence to watch a movie. After the movie, he walked the female out to the driveway where her vehicle was parked. While in the driveway, the respondent attempted to engage in sexual intercourse with her. She stated that when she refused his advances, he exposed his penis and started to masturbate in front of her while in the driveway. On February 2, 2010, during a sworn interview, the respondent was questioned about the allegation. The respondent stated that when she told him that she was not going to have sex with him he exposed himself. The respondent then stated that while he was standing in the driveway in front of the female, he did masturbate for about 30 seconds to one minute. When investigators asked if he thought that this behavior portrays professionalism and good judgment, the respondent admitted it was bad judgment. No criminal charges were filed.

Penalty Guideline: Suspension to Revocation.

Staff recommended six months retroactive suspension; fifteen days prospective suspension beginning fifteen days following the filing of the Final Order, one year probation to begin at the end of the suspension, provide staff with successful completion of approved ethics course prior to the end of probation.

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

Case # 29152 Aggravated Domestic Battery upon A Pregnant Person

The respondent resigned from the Marion County Sheriff's Office subsequent to his arrest for aggravated battery upon a pregnant person. An internal investigation sustained the charge of aggravated battery upon a pregnant person and code of conduct. On August 9, 2009, deputies with the Marion County Sheriff's Office responded to the respondent's residence in reference to a domestic disturbance call. Upon arrival, the deputies made contact with the respondent's wife, who was four months pregnant. She stated that she and the respondent had gotten into a verbal argument. During the argument, the respondent left the house with his daughter but for some reason, he decided to come back into the house, put his daughter in her bedroom, and started arguing with her again. She stated that during the argument, she went into the bedroom and attempted to call her mother on her cellular phone. While attempting to call her mother, the respondent kicked the door open and forcibly took the cellular phone from her by grabbing her wrist and twisting it until she released the phone. She received a bruise on her wrist and upper arm because of the incident. Deputies then spoke with the daughter about the incident. She advised that she did not see the altercation, but only heard yelling and at one point, she heard the victim yell, "Get off of me". Deputies then made contact with the respondent who stated that he had been sleeping in the bedroom when his wife woke him up and started yelling at him. The respondent stated his wife was upset and started acting "crazy", and began throwing things. The deputy then asked the respondent if he grabbed his wife's arms and he stated yes, and said that he did not intend to hurt her and that the bruises that his wife displayed occurred while she was at the hospital. He advised that he only grabbed her arm to calm her down and admitted that he should have left the residence to quell the argument. Deputies documented that the respondent was aware his wife was four months pregnant at the time of incident. On January 13, 2010, as part of a plea, the State Attorney reduced the charge of

aggravated battery on a pregnant female person to a battery. The respondent pled nolo contendere and adjudication was withheld. He was placed on one-year probation, required to perform 50 hours of community service, required to enroll in a batterer's intervention program and pay court cost and fines.

Penalty Guideline: Prospective Suspension to Revocation.

Staff recommended eleven months retroactive suspension; sixty days prospective suspension beginning 15 days following the filing of the Final Order; one year probation to begin at the conclusion of the suspension period; provide Staff with proof of successful completion of approved anger management course prior to the end of the probationary period

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

Case # 28325 Perjury in an Official Proceeding

The respondent resigned from the Department of Corrections which sustained charges of conduct unbecoming and failure to report. During August 25, 2008 through September 15, 2008, the respondent dialed a telephone sex line and when the recording came on, the respondent transferred the calls to other officers throughout the facility. Three officers provided sworn testimony and incident reports that the respondent made the calls and transferred them. On November 8, 2008, during sworn testimony the respondent denied placing the calls to the sex line and transferring them to other officers. No criminal charges were filed.

Penalty Guideline: Prospective Suspension to Revocation.

Staff recommended five days prospective suspension beginning fifteen days following the filing of the Final Order; one year probation to begin at the conclusion of the suspension period; and the requirement to provide staff with proof of successful completion of an approved ethics course prior to the end of the probationary period.

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

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

The Criminal Justice Standards and Training Commission has established general and specific penalty guidelines under Rule 11B-27.005(5), Florida Administrative Code for felony offenses, specific enumerated misdemeanor offenses, non-criminal offenses, and violations involving the unlawful use of controlled substances. The Commission uses these penalty guidelines in determining appropriate disciplinary recommendations regarding the certification of sworn officers in the state of Florida. Section 943.1395(7)(a)-(e), Florida Statutes authorizes the Commission to impose disciplinary action ranging from the issuance of a reprimand to revocation.

In order to ensure consistency by the Commission when determining penalties for various offenses, legislation was passed requiring the Commission to evaluate these disciplinary guidelines. Section 943.1395(8)(b)2, Florida Statutes requires the Criminal Justice Standards and Training Commission to conduct a workshop on or before July 1 of each odd-numbered year to receive public comment and to evaluate disciplinary guidelines and penalties concerning certified officers and/or certified instructors. The Commission plans to conduct this workshop as a Penalty Guidelines Task Force meeting during the first quarter of calendar year 2011.

If you have any issues that you would like to be considered by this group, please forward them to R. Stacy Lehman, Professional Compliance Section Manager in the Bureau of Standards, at the Florida

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