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 January 31, 2013.

Case #33448 Aggravated Assault with a Deadly Weapon
The respondent was terminated from the South Bay Correctional Facility subsequent to an internal investigation which sustained the charges of Violation of Statute and Improper Conduct Unbecoming. On November 20, 2011, deputies with the Lee County Sheriff’s Office were dispatched in reference to a disturbance in which two women had been cut and/or stabbed. Upon arrival at the residence, deputies observed one female by the road covered in blood and the other female in front of the residence also covered in blood. Deputies learned that the two females lived together as a couple and an argument started over indiscretions in their relationship. The argument became physical when both females punched and slapped each other. At some point, both females reached for box cutters then swung the box cutters towards each other resulting in the respondent sustaining a nick on her shoulder. In response to the nick, the respondent became furious and started flailing her arms about which resulted in the box cutter striking the other female in the face. Both females were transported to a medical facility for treatment where it was discovered that the respondent sustained stab wounds mainly on the arm and shoulder, and the other female sustained wounds on the lip, cheek, arm, and wrist which required surgical treatment. Deputies came to the conclusion that the two females were involved in mutual combat and charged both females with Aggravated Battery with a Deadly Weapon. On April 3, 2012, the State Attorney filed a Nolle Prosequi for the charge of Aggravated Battery with a Deadly Weapon.

Penalty Guideline: Prospective Suspension to Revocation
Staff recommended revocation.

Disciplinary Action by the Commission: The Commission accepted staff's recommendation.
**Case # 33975 Grand Theft-Failure to Report Found Property**

The respondent was terminated from the Citrus County Detention Facility subsequent to an internal investigation, which sustained the charge that he failed to report to law enforcement $1250 in gift cards he found and spent. The agency determined that his actions violated Florida Statute 705.102, which constitutes a violation of Florida Statute 812.014. On November 15, 2011, the Citrus County Detention Facility noticed that two gift cards used for employee functions worth $1250 were missing from the facility. The gift cards are stored in the warden’s office and the card numbers kept on file. The Citrus County Sheriff’s Office was notified of the theft. During the course of the investigation, the Citrus County Sheriff’s Office was able to review and compare a receipt from a local retail store for a purchase made with one of the stolen gift cards. Upon review of the receipt, it was found to have the name and bank account information of the person who used the stolen gift card because the person also used his debit card to complete the transaction. The respondent was identified as the person making the transaction. On March 27, 2012, the respondent was questioned in regards to the stolen gift cards. During the interview, he stated that sometime in the first or second week of March 2011, he found four gift cards in the facility’s parking lot near where car washes are conducted. He assumed they belonged to another deputy or a visitor. He stated he found three, $50 gift cards in gift card envelopes and one, $1000 gift card without an envelope, wrapped in a rubber band. He did not tell anyone he found the gift cards due to his financial hardships and because he never heard anything about them being missing. Per the investigator of the Citrus County Detention Facility, the State Attorney’s Office declined to file charges due to the investigation being inconclusive.

**Penalty Guideline:** Revocation

Staff recommended a 30-day prospective suspension; one year probation to begin at the conclusion of the suspension period; provide staff with proof of successful completion of a Commission-approved ethics course prior to the end of the probationary period.

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

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**Case # 32332 Battery-Domestic Violence**

The respondent resigned from the Cocoa Police Department subsequent to an internal investigation which sustained the charge of Battery – Dating Violence. On December 18, 2010, an officer with the Melbourne Police Department was on patrol when a male transient advised that he witnessed a situation that needed to be investigated. When the officer proceeded to investigate, she observed a female (victim) exit and run from a vehicle, yelling and crying. As the officer approached the vehicle, she observed a male exit the vehicle. The officer made contact with the male at which time he introduced himself. The respondent stated that he had a verbal argument with the victim, his girlfriend. The respondent advised that the victim was intoxicated and that he was worried about her driving. The officer advised the respondent she would find a way to take the victim home and the respondent left. The officer then made contact with the victim. The respondent stated that he met the respondent and his brother at a bar, and later they rode with the respondent to another bar. Upon leaving the second bar for the evening, the victim suggested they wait for his brother. The respondent became upset and jealous, so he grabbed her, threw her against his car, and then put her in the passenger seat of the car. The victim stated that the respondent drove her back to her vehicle, and when they arrived, he threw her against her car, punched her in the chest, and punched her in the neck area. The victim stated that a transient heard the altercation and started to yell at the respondent to leave her
alone. The officer observed that the victim's neck was red, but there were no apparent scratch marks or bruising. The officer smelled an odor of alcoholic beverage on the victim's breath; however, her speech was not slurred, did not have bloodshot eyes, and did not sway. No statement was taken from the witness at this time due to his uncooperative nature. Later that day at the Melbourne Police Department, the victim advised that she had bruising on both her arms as a result of the respondent grabbing her. Photographs of the injuries were taken. Also later that day, an officer met with the witness and was able to obtain a statement. The witness stated that he heard the victim screaming "stop" and "let me go". The witness further stated he observed the respondent grab the victim by the hair and attempt to put her in the vehicle. The witness yelled at the respondent to stop, and the respondent threatened to hit and kill him. The witness then fled and flagged down the patrol car to report the incident. On December 30, 2010, the respondent's brother gave a sworn statement in which he indicated he was present throughout the incident that occurred on December 18, 2010. He confirmed they met at a bar, and left together to go to another bar. He stated that the female drank heavily and that it was obvious that the female was not able to drive herself home. As they were preparing to leave for the night, the respondent had the female's keys and explained to her he was going to drive her home, and his brother would follow in her vehicle. The female refused and argued with the respondent. The respondent finally convinced her to get in his car and while in the car she became belligerent, angry, and hostile. She screamed and demanded her keys. She punched and hit the front console of his vehicle. At one point, while the car was moving the female opened the passenger door and threatened to jump out, but the respondent grabbed her. When the respondent arrived at the female's vehicle, she began screaming and yelling at the respondent, and tried to forcibly remove her keys from the respondent's hands. Soon after, a man approached them and the respondent asked him to leave. The officer showed up shortly after. At the conclusion of the statement, the respondent's brother stated that at no point did the respondent hit or strike the female, nor did the respondent act in a violent, threatening, or aggressive manner toward the female. On April 2, 2012, the respondent agreed to a Pretrial Diversion. Prosecution was deferred for a period of six months. The respondent was ordered to complete fifty hours of community service, attend a ten week anger management class, and pay court cost and fees.

**Penalty Guideline:** Suspension
Staff recommended a 20-day prospective suspension; one year probation to begin at the conclusion of the suspension period; provide staff with proof of successful completion of Commission-approved anger management course prior to the end of the probationary period.

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

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**Case #34362 Disclosure of Confidential Criminal Justice Information**

The respondent resigned from the Plantation Police Department subsequent to an internal investigation which sustained the charges of Disclosure or Use of Confidential Information/Conformance to Laws, Insubordination, and Moral Character. On August 17, 2011, at 9:30 a.m. the respondent was part of the SWAT team assembled at the Plantation Police Department in preparation to serve an arrest warrant at a residence. The suspect was believed to be involved in kidnapping, sexual battery, battery, and prostitution. During the course of the investigation against the suspect, it was discovered that two members of the Plantation Police Department had a relationship with the suspect. One of those officers was identified as the
respondent. Once the SWAT team was assembled at the department, they were advised not to use their phones. At this point, the respondent and the other officer involved in a personal relationship with the suspect were sequestered to the media room. The respondent was informed that due to his personal relationship with the suspect he was not going to be part of the mission to serve the warrant. Soon after, the SWAT team received notice from the surveillance team that the suspect left his residence. The surveillance team attempted to follow the suspect but lost him. As a result, the surveillance was aborted at 3:00 p.m. Later that day, the department received a call from an FBI agent indicating that the suspect wanted to turn himself in. The FBI agent who contacted the department had been working with the suspect on unrelated cases. Shortly after, a female at the suspect’s residence informed the officers that the suspect knew of his pending arrest because he received a call from his law enforcement friends. A new investigation was initiated to identify the person responsible for notifying the suspect of the mission. On November 15, 2011, the suspect’s phone records were reviewed and it was discovered that the respondent texted and talked to the suspect several times while he was sequestered in the media room from 10:02 a.m. to 12:47 p.m. On February 14, 2012, the FBI agent gave a sworn statement in which he advised he spoke to the suspect after he was released from jail. The suspect informed the FBI agent that he received a call from a friend at the Plantation Police Department to ask him if he was ok and if he was keeping his nose clean. The suspect also indicated that he felt badly that “Coach” was suspended from the police department. It was later discovered that the suspect calls the respondent “Coach” when training at the gym. In his sworn statement with the state attorney, the suspect denied making this comment. On April 3, 2012, the state attorney obtained a sworn statement from the respondent. He stated that on the day of the mission, he was informed they were going to arrest a 300-pound suspect and that undercover officers were following the suspect at that time. The respondent stated he was curious to know if the suspect was his friend, so he sent a text to see if he was home. The suspect texted him back and indicated that he was at home. The respondent concluded that the subject of the arrest warrant was not his friend, so he continued to text and call the suspect in reference to future training sessions. The respondent was then escorted to the media room and briefed. At this point, the respondent was advised of the identity of the target and the associated charges. After hearing this, he realized that the suspect is a legitimate criminal and he panicked. He admitted he texted “delete me from your phone, you know, erase my messages, don’t call me”. The respondent then received a text back from the suspect asking him “what is going on?” The respondent responded back “I can’t talk to you, don’t call me, erase my number, erase my messages”. The respondent denied asking the suspect if he was keeping his nose clean. The respondent admitted to texting the suspect while in the media room after he found out his name, but not long after he found out the suspect’s name. The respondent stated that he does not remember making calls or talking to the suspect once he found out his name. However, the suspect’s phone records indicate that the respondent called the suspect at 11:54 am, and the call lasted 33 seconds; the respondent received a call from the suspect at 11:57 a.m., and the call lasted 1 minute and 27 seconds; the respondent received a call from the suspect again at 12:47 p.m., and the call lasted 6 seconds; the respondent received a call seconds later at 12:47 p.m., and the call lasted 14 seconds. At the conclusion of the interview, the respondent indicated that he did not intend to compromise the integrity of the investigation and did not intend to compromise the safety of any officers.
involved. On May 1, 2012, the State Attorney’s Office declined to file charges due to insufficient evidence for the charge of disclosure or use of confidential criminal justice information.

**Penalty Guideline:** Suspension to Revocation. Staff recommended a 6 month retroactive suspension; 1 year prospective suspension; one year probation to begin at the conclusion of the suspension period; provide staff with proof of successful completion of a Commission-approved ethics course prior to the end of the probationary period.

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

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

The Criminal Justice Standards and Training Commission is required by Section 943.1395(8)(b)2 to conduct a workshop to receive public comment and evaluate disciplinary guidelines and penalties. The workshop was held on Thursday, January 17, 2013 at Seminole State College, Center for Public Safety. The results of the meeting will be reported in the Professional Compliance Bulletin after being presented to the Commission. The following items were discussed by the task force:

**ISSUE NUMBER 1:** Amend current rule language to create a new charge and penalty guideline for cases involving misuse of electronic databases.

**Amended Rule 11B-27.0011(4) Moral Character**

(c) The perpetration by an officer of acts or conduct that constitute the following offenses:

(14) Misuse of Electronic Database-Willfully and knowingly accessing an electronic database within the trust of a public officer, by using said database for a non-legitimate law enforcement-related purpose or personal use.

**Amend Rule 11B-27.005(5)(c)**

(13) Misuse of Electronic Database-Probation to suspension.

Issue #1 was tabled for further clarification of rule language. The task force will reconvene on May 8, 2013, at the Hyatt Grand Regency-Sarasota, to review and vote on additional language.
ISSUE NUMBER 2:
Amend current rule language to modify the penalty guideline for the existing charge of Misuse of Official Position. With the creation of a charge associated with Misuse of Electronic Databases, this charge will be utilized for more serious offenses.

Amend Rule 11B-27.005(5)(c)

(3) Misuse of Official Position- Suspension to revocation.

ISSUE NUMBER 3:
Processing of complaints against Deputy Chiefs, Undersheriffs, and internal affairs investigators.

ISSUE NUMBER 4:
Amend current rule language to require certain materials be required for consideration when an individual appears before the Commission requesting reinstatement of a previously revoked certification.

Amended Rule 11B-27.0011-Moral Character

(3) Upon written request and submission of materials, the Commission shall evaluate the qualification of an applicant to determine compliance with “good moral character” pursuant to this rule section. Written materials submitted to the Commission upon request for reinstatement of certification shall include, but not be limited to, all prior Commission disciplinary records, agency disciplinary records, victim statement(s), and citizen input. The Notice of Petition for reinstatement shall be published in the Florida Administrative Weekly or in the jurisdiction of the petitioning agency.

ISSUE NUMBER 5:
Amend rule language to state that a respondent is not eligible to receive a Letter of Acknowledgement in cases where an agency terminates the respondent for a moral character violation and the penalty guideline includes revocation.
Amended Rule 11B-27.004- Probable Cause Determination
(9) Commission staff:
(a) Shall not issue a Letter of Acknowledgement to a respondent who has been issued a Letter of Acknowledgement within three years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.
(b) Shall not issue a Letter of Acknowledgement to a respondent who has been issued a Letter of Guidance within five years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.
(c) Shall not issue a Letter of Acknowledgement to a respondent who has been disciplined by the Commission within eight years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.
(d) Shall not issue a Letter of Acknowledgement to a respondent if the penalty guidelines of subsection 11B-27.005(5), F.A.C., specify prospective suspension to revocation as the guideline penalty for the offense.
(e) Shall not issue a Letter of Acknowledgement to a respondent if the penalty guidelines of subsection 11B-27.005(5), F.A.C., specify suspension to revocation and the respondent was terminated from the employing agency.

ISSUE NUMBER 6:
Amend rule language to alleviate a conflict between Rule 11B-27.004(7) F.A.C., and 11B-27.005 (1)(a)(b) F.A.C., concerning the issuance of a Letter of Acknowledgement.

Current Rule 11B-27.004(7) F.A.C
(7) When Commission staff determines that the respondent has been retained by the employing agency, Commission staff shall issue a Letter of Acknowledgment of agency action in these cases, provided the employing agency shall have taken significant agency action as defined in subsections 11B-27.005(1)-(2), F.A.C.

Amends Rule 11B-27.005 Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) For the purpose of implementing the provisions of Rule 11B-27.004, F.A.C., “significant agency action” is defined as follows:

(a) For an offense that would be sanctioned by suspension of certification under these guidelines herein: Suspension from duty without pay for at least one day, or any change in assignment or duties that results in reduction in compensation, or termination from employment.

(b) For an offense that would be sanctioned by probation of certification under these guidelines herein: Any documented or written formal action, or any change in assignment or duties that results in reduction in compensation, or termination from employment.
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 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.