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 9, 2012.

**Case #33186 Excessive Use of Force – 2 counts**

The respondent was terminated from the Putnam County Sheriff’s Office (PCSO) subsequent to an internal investigation which sustained an Unjust Use of Lethal Force violation as well as several other agency policy violations. On September 3, 2011, the respondent, assisted other PCSO deputies in a vehicle pursuit and fired his agency issued firearm at the fleeing truck. The investigation determined that during the pursuit, the respondent directed his trainee deputy, who was driving at the time, to pass the truck in an attempt to identify the driver. The trainee deputy stated that the truck was travelling at approximately 15-20 miles per hour at the time they passed it. Once they passed the truck, they stopped their patrol vehicle about one quarter of a mile ahead of the pursuit in the southbound lane of the roadway. The trainee remained in the patrol vehicle with the emergency lights activated as the respondent exited the vehicle. The respondent ran down the middle of the southbound lane approximately 10 to 15 feet behind the patrol vehicle. The respondent stated to investigators that he observed the truck coming directly at him in the southbound lane from approximately 50 feet away. Believing he was at risk of being run over by the truck, the respondent stated he fired approximately four (4) rounds at the front driver’s side of the truck just before the truck reached his location and swerved past him. However, four witnesses – two of which are sworn law enforcement officers – stated to investigators that the truck made considerable efforts to go around the respondent well before reaching his location. FDLE crime scene technicians also documented that tire impressions at the scene indicated the truck left the roadway to avoid the respondent. One of the witnesses stated that he observed the respondent fire his weapon at the truck as it passed by his patrol vehicle. Investigators also found that 2 of the 5 rounds fired by the respondent were fired as the truck was passing or had already passed the respondent. One round impacted the passenger side of the truck only inches from where a passenger was seated. Investigators determined that this round was clearly fired after the truck had passed the respondent. No criminal charges were filed.
**Penalty Guideline:** Suspension to Revocation (both counts)
Staff recommended revocation.

**Disciplinary Action by the Commission:** The Commission rejected Staff’s recommendation and placed the respondent’s certification on two years prospective suspension; one year probation to begin at the conclusion of the suspension period; provide staff with proof of successful completion of Commission-approved use of force training prior to the end of the probationary period.

**Case #32357 False Report to Law Enforcement; Misuse of Official Position**

The respondent resigned from the Escambia County Sheriff’s Office (ECSO) while the subject of an internal investigation which sustained untruthfulness and several other agency policy violations. On April 12, 2011, the respondent reported to both the ECSO and an FHP crash investigator that he was involved in a traffic crash while driving his patrol vehicle. The respondent reported that while driving his patrol vehicle home from the gym, his floor mat stuck to the accelerator pedal and caused his patrol vehicle to crash into his personal vehicle, which was parked in a driveway. A review of the respondent’s in-car video revealed that the crash did not take place as described and an internal affairs investigation was initiated. The investigation revealed that prior to the crash, the respondent permitted his girlfriend to drive his personal vehicle even though she had a suspended driver’s license. When she stopped short at an intersection, the respondent rear-ended the vehicle being driven by his girlfriend. The respondent exited his patrol vehicle to inspect the damage. He and his girlfriend then left the scene and traveled to the driveway in question in order to stage the vehicles to resemble the crash. The respondent was cited for permitting an unauthorized person to drive, leaving the scene of an accident without giving information - more than $50.00 damage, and giving false information at an accident. In a sworn interview with investigators, the respondent admitted to giving false information to the FHP crash investigator and to his supervisor during the crash investigation. The respondent also admitted to falsifying the incident report he submitted to the ECSO. Additionally, the respondent admitted to running his girlfriend in DAVID for no legitimate law enforcement purpose. On August 30, 2011, the respondent pled nolo contendere to the charges of permitting an unauthorized person to drive and leaving the scene of an accident without giving information - more than $50.00 damage. Adjudication was withheld and the respondent was put on probation for 6 months. He was also ordered to pay $1,106.00 in court costs. For the charge of giving false information at an accident, the respondent was placed in a Pretrial Diversion Program on September 15, 2011 consisting of the performance of 100 community service hours and the payment of a $150.00 fee.

**Penalty Guideline:** Prospective Suspension to Revocation; Suspension
Staff recommended a 45 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 ethics training prior to the end of the probationary period.

**Disciplinary Action by the Commission:** The Commission accepted Staff’s recommendation.
Case # 32555  Introduction of Contraband at a State Correctional Institution

The respondent received a three-day suspension from the South Bay Correctional Facility subsequent to an internal investigation which sustained a charge of Introduction of Contraband onto the Grounds of the Facility. On November 30, 2009, during a post search, a cell phone and two cell phone chargers were located hidden in the lunch bag of an officer. The officer stated that the cell phone belonged to the respondent. The vehicle assigned to the respondent was also searched, but no additional contraband was located. The respondent admitted that the cell phone and one of the chargers were hers. She stated that she gave the other officer a ride to work that morning. When they arrived at work, the respondent stated that she placed the phone and charger in the other officer’s lunch bag and left them in the car. Later, she went to retrieve the lunch bag because her sister needed to use the vehicle, forgetting that the cell phone and charger were in the bag. No criminal charges were filed.

Penalty Guideline: Suspension to Revocation
Staff recommended a 60-day prospective suspension; one year probation.

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

Case #33322  False Official Statement

The respondent was terminated by the Department of Corrections subsequent to an internal investigation that sustained the charges of Refusal to Submit to a Search or Inspection, Knowingly Submit Inaccurate or Untruthful Information, and Conduct Unbecoming. On July 9, 2011, a correctional officer reported that he was positioned at the front entrance of the institution annex, conducting searches of employees entering the building. The correctional officer reported that the respondent entered the building and failed to clear a metal detector. The correctional officer advised the respondent that he would have to clear the metal detector and consent to a search of his belongings before proceeding into the building. The respondent refused to clear the metal detector and denied consent to a search, using derogatory language, and proceeded to enter the institution. The respondent submitted an incident report stating that no officer was present at the metal detector when he entered the institution. Sworn statements submitted by two other correctional officers indicate that at least one officer was present at the metal detector when the respondent entered the building. No criminal charges were filed.

Penalty Guideline: Prospective Suspension to 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 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.

Section 943.1395(7)(a)-(e), Florida Statutes authorizes the Criminal Justice Standards and Training Commission to impose disciplinary action against an officer's certification ranging from the issuance of a reprimand to revocation of certification. The 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. Additionally, Section 943.1395(8)(b)2 states:

On or before July 1 of each odd-numbered year, the commission shall conduct a workshop to receive public comment and evaluate disciplinary guidelines and penalties. The commission chair shall appoint a 12-member advisory panel, composed of six officers and six representatives of criminal justice management positions, to make recommendations to the commission concerning disciplinary guidelines.

The Commission plans to conduct this workshop as a Penalty Guidelines Task Force meeting during the first quarter of calendar year 2013. 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 Department of Law Enforcement, P.O. Box 1489, Tallahassee, Florida 32302 or via e-mail at: stacylehman@fdle.state.fl.us.