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 6, 2014.

Case #35487 Misuse of Official Position-DAVID (4 counts)
The respondent is currently employed by the Miami-Dade Police Department. He was suspended for five days subsequent to an internal investigation which sustained departmental misconduct/improper procedure. On April 25, 2012, the Miami-Dade Police Department (MDPD) received information from the Department of Highway Safety and Motor Vehicles that a records check revealed that the respondent conducted an unauthorized DAVID query. As a result, an internal investigation was initiated. During the internal investigation, a review of the respondent’s DAVID history from January 1, 2012 to March 1, 2012, revealed that the respondent conducted several unauthorized DAVID queries while on and off duty. During his interview, the respondent stated that to avoid an individual with whom he was involved in civil litigation, he conducted a query to determine if she was residing in his patrol area. During the investigation, it was found that this individual was involved in civil litigation wherein the respondent was named in the case. The respondent also stated that he conducted a query on an individual who was renting a property from his wife and had an upcoming court date for eviction process. The respondent obtained the individual’s address in order to have him served for her wife. He also conducted two other queries on individuals related to this man. No criminal charges were filed.

Penalty Guideline: Suspension (each count)
Staff recommended a 5-day retroactive suspension; six month 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.
Case # 33721 Unemployment Compensation Fraud

The respondent was terminated from the Florida Department of Corrections subsequent to an internal investigation, which sustained a charge of unemployment compensation fraud. On May 10, 2011, a representative with the Florida Agency for Workforce Innovation (AWI) filed a complaint against the respondent for fraud. According to the representative, the respondent claimed unemployment between September 5, 2009 and September 25, 2010. During this time he was employed with the Florida Department of Corrections. The respondent received $15,606 in unemployment while also receiving a paycheck from the Department of Corrections. During his employment, the respondent continued to provide weekly updates with AWI claiming that he was still unemployed. On February 3, 2012, a capias was issued for failure to appear for a pre-trial conference. On February 22, 2012, the respondent was arrested for the outstanding warrant and transported to the county jail. On February 23, 2012, the respondent was accepted into a Pretrial Intervention Program for a term of eighteen months.

Penalty Guideline: Suspension to Revocation
Staff recommended revocation.

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


The respondent resigned from the Santa Rosa County Sheriff’s Office subsequent to an internal investigation that sustained charges of Association with Criminals, Misuse of Official Position (2 counts), and Willful Neglect of Job Duties. On March 25, 2013, a deputy sheriff with the Santa Rosa County Sheriff’s Office spoke to a lieutenant in reference to an incident that occurred with his ex-girlfriend. The incident revealed that the respondent was dating the deputy’s ex-girlfriend and was providing information about the deputy to her. During the internal investigation, an officer from the Milton Police Department was interviewed. The officer stated that he conducted a traffic stop on the respondent’s girlfriend on March 27, 2013. The officer initiated the traffic stop because her driver’s license was suspended. As he approached the vehicle, the officer stated that the girlfriend said she knew her license was suspended because she was on the phone with her boyfriend, who was a deputy. The officer then noticed the respondent arrive on the scene in his patrol vehicle. The respondent asked the officer to give his girlfriend a “break.” The officer agreed and gave the girlfriend a citation instead of taking her to jail. The officer also indicated that the respondent called him the next day asking for his girlfriend’s license back so she could report to her probation officer. The officer stated he did not give the respondent the license and told him the license had already been submitted to the office. According to the probation officer, the respondent came to her office on April 17, 2013, requesting information about his girlfriend’s case. He begged her not to violate his girlfriend’s probation for driving with a suspended license. The probation officer also indicated that the respondent came to her office in uniform and tried to convince her not to arrest his girlfriend. She stated that after the conversation was over, the respondent stood in her office for a few minutes stating what good friends they were. She also recalled a previous conversation with the girlfriend in which the girlfriend said the respondent told her about her suspended license. In the girlfriend’s interview, she admitted that she called the respondent the day of the traffic stop and he told her about her license being suspended. She also confirmed that the respondent arrived at the scene of the traffic stop and talked to the officer. In the respondent’s sworn interview, he admitted that he found out his girlfriend’s license was suspended through FCIC. He also stated that he queried the information because the probation officer informed him that his girlfriend’s license was not valid and that he told his girlfriend about her license over the phone. He also admitted that he
responded to the traffic stop in uniform, while on-duty. The respondent stated that he wanted to make sure she did not get arrested. The respondent also admitted that he visited the probation officer, while on duty and in uniform, to inquire about his girlfriend’s case. No criminal charges were filed in this case.

Penalty Guideline: Suspension (each count)
Staff recommended a 90-day prospective suspension; 1-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.

Case # 34846 Possession of Contraband at a State Correctional Institution (4 counts); Possession of Controlled Substances (4 counts)

The respondent resigned from the Florida Department of Corrections subsequent to an internal investigation which sustained charges of Introduction of Contraband onto Property of State Correctional Institution and Possession of Controlled Substance. On September 9, 2012, a contraband interdiction operation was performed at the Suwannee Correctional Institution. While visually searching vehicles in the facility’s parking lot, an inspector observed two containers of alcoholic beverages inside a vehicle. The inspector determined that the vehicle was registered to the respondent and she was on duty at the facility. The respondent was summoned to her vehicle and provided written consent to search her vehicle. In the inspector’s written statement, he stated that while searching the respondent’s vehicle, he located a purse belonging to the respondent. He searched the purse and found three packets of stain remover and two packets of potpourri. The items were confiscated due to suspicions that the packets contained controlled substances. In her sworn statement, the respondent admitted to ownership of the packets found in her purse. She stated that she was using the stain remover as an appetite suppressant by mixing it with water and ingesting it orally. She also stated that she was aware that the packets were marked “Not for Human Consumption” but chose to ingest it anyway. She denied introducing any substances into the facility. Further examination of the packets revealed that one packet of stain remover contained 21 plastic baggies of white powder and another packet of stain remover contained six plastic baggies of white powder. On September 18, 2012, all the packets were submitted for testing for controlled substances. The results from the laboratory indicated that one packet of the stain remover contained PVP and the packets of potpourri contained AM-2201, JWH-122, and JWH-210, which are all Schedule 1 controlled substances. The respondent was subsequently arrested on February 8, 2013, for the charges of Introduction of Contraband onto the Grounds of a State Correctional Institution and Possession of Controlled Substance. On March 11, 2013, the respondent entered into a deferred prosecution agreement with the State Attorney’s Office for twelve months.

Penalty Guideline: Revocation (each count)
Staff recommended revocation.

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.

Officers certified by the Criminal Justice Standards and Training Commission (Commission) must comply with Florida Statute and Commission rules related to criminal arrests and “good moral character”. Additionally, individuals seeking initial certification must also comply with these statutes and rules.

Section 943.13, Florida Statute, states that officers must:

(4) Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subsection, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer.

Rule 11B-27.0011 (4)(b)(3), Florida Administrative Code, states

(3) The perpetration of an act in any jurisdiction other than the State of Florida, which if committed in the State of Florida would constitute any offense listed in this rule section.

An agency with an arrested officer, and those seeking to hire an individual, must take into consideration arrests from other jurisdictions. It should be noted that just because an offense committed outside of Florida may not be classified as a disqualifier in the other state, it may be in Florida. For example, some jurisdictions have different thresholds to designate worthless check charges as a misdemeanor or felony. Additionally, some states classify certain drug possession charges as misdemeanors, while Florida classifies them as felonies.

If there is ever a doubt as to the impact an arrest in another jurisdiction has on an officer’s certification, or an individual’s ability to become certified in Florida, agencies may contact the Professional Compliance Section, Officer Records, or their Field Services representative for assistance.

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.