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 November 1, 2012.

Case #33316 Misuse of Official Position (D.A.V.I.D.) – 20 counts

The respondent is currently employed with the Gainesville Police Department. He was suspended for five days without pay for a sustained charge of Misuse of Public Position. On May 25, 2011, the Internal Affairs division of Gainesville Police Department received notice from state government agency that on May 17, 2011, the respondent accessed a government official’s driver’s license record through D.A.V.I.D. A database check was conducted to see if the respondent had a legitimate purpose for running the official's record. No legitimate purpose was found. DHSMV was contacted to retrieve a listing of all inquiries made by the respondent on his digital certificate between April 1, 2011 and May 31, 2011. The respondent’s certificate revealed numerous drivers' license records totaling ninety-eight pages during this time period. Most of the inquiries were of females. No records from GPD validated that the queries were used for law enforcement purposes. During an initial interview, the respondent admitted running all of the females in D.A.V.I.D. to look at their pictures. He also admitted he saved twenty to thirty pictures on his computer to view. He stated that this was for mere curiosity purposes only. In a second interview, the respondent stated that he deleted the photos once he learned that saving the pictures was an issue. He denied that the use of these pictures were for sexual gratification. He stated the only reason he looked at the pictures a couple times was because the females were good looking women. No criminal charges were filed in this case.

Penalty Guideline: Suspension (all counts)
Staff recommended a 40 hour retroactive suspension; 80 hour 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 the settlement agreement.
Case # 33010 Unprofessional Relationship with an Inmate - Written Communication

The respondent resigned from the Department of Corrections subsequent to an internal investigation that sustained the charges of Violation of State Statute and Unprofessional Staff/Offender Relationship. On April 21, 2011, a sergeant recovered a letter from an inmate’s property that was sexually explicit in nature. When questioned, the inmate admitted that she was holding the letter for another inmate, and that the inmate she was holding the letter for was involved with the respondent. The letter details how much fun the inmate and the respondent had, and details a sexual act the respondent performed on the inmate. The letter also describes sexual acts that the inmate would like to do with the respondent in the future. During a sworn statement provided by the inmate, she admitted to writing to the respondent approximately seven times. The inmate was also shown two envelopes and one letter that was confiscated out of her personal belongings. She admitted that the items came from the respondent. The inmate stated that the respondent made up a fictitious name and obtained a post office box in that name. During the investigation, inspectors discovered that the respondent had rented a post office box using the same name provided by the inmate. The inmate stated that she began writing the respondent so that he would deposit money into her account. She also explained that she did not intend on having further contact with the respondent upon her release. No criminal charges were filed.

Penalty Guideline: Revocation
Staff recommended the acceptance of the respondent’s voluntary relinquishment.

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

Case # 32115 Criminal Mischief More than $1000

The respondent resigned from the Apopka Police Department in lieu of termination while under investigation for a criminal violation. The internal investigation sustained charges for Criminal Violations, Conduct Unbecoming, and Misconduct Known to Department Personnel. On January 8, 2011, another officer observed a vehicle driving recklessly and attempted a traffic stop by activating the emergency lights and sirens of his marked patrol vehicle. Instead of stopping, the vehicle accelerated, turned off its headlights, and began passing cars by traveling in the wrong lane. The officer terminated the traffic stop per agency pursuit policy. The vehicle was located abandoned a few minutes later by the respondent. The respondent and first officer seized the vehicle, entered it into Apopka Police Department inventory, and had it towed. On January 11, 2011, when the owner of the vehicle responded to the tow company to pick up the vehicle, she discovered damage to the vehicle that had not previously existed. After discussing this with the tow company, she reported the damage to the Apopka Police Department. A supervisory inquiry determined the damage may have been caused by the responding officers. During the internal investigation the respondent and the other officer admitted that after they located the vehicle, they were frustrated at not locating the driver or deploying the K-9 unit to conduct the search. The respondent stated he entered the vehicle through the driver’s door and could not get the radio to turn off. He got caught up in the moment and struck the radio with his flashlight. The respondent then pulled the radio and wires out and left them on the floor board. The other officer then struck the vehicle instruments and gauges with his flashlight. These were the only damages the officers admitted to causing. However, the owner of the vehicle reported additional damage, stating that transmission fluid and oil was poured into the cabin of the
vehicle, the audio speakers were punctured, the vehicle emblem was missing, and the oil pressure gauge was damaged causing oil to leak onto the floor of the vehicle. She stated the estimate to replace or repair the damages was approximately $1500. The victim stated that she did not wish to pursue criminal charges against the person(s) responsible. She only wanted compensation for the damages. The City of Apopka paid her $1750 and she signed a Declination of Intent to Prosecute. Because of the victim’s desire not to prosecute, no criminal charges were filed.

Penalty Guideline: Suspension to Revocation
Staff recommended a 6-month retroactive suspension; 60-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.

Case #33100 Battery
The respondent is currently employed with the Florida Department of Corrections. He received a written reprimand for a sustained charge of violation of State Statute and Conduct Unbecoming. On October 5, 2011, a deputy with the Washington County Sheriff’s Office was dispatched to a local convenience store in reference to a physical altercation. Upon arrival, the deputy made contact with numerous witnesses who stated that the individual who started the fight, later identified as the respondent, was passed out in a vehicle in the parking lot. When the respondent approached the vehicle, the respondent’s wife cautioned him that the respondent was extremely intoxicated and violent. The deputy was able to wake the respondent at which point he was placed in handcuffs. Once the respondent was placed in the patrol vehicle he began cursing and screaming and started banging his head and feet on the vehicle’s window. The deputy then took a statement from the respondent’s wife who stated that she took the respondent to the convenience store after he insisted on purchasing more beer. Once at the store, a man (victim) walked by him at which time the respondent began to make racist remarks to the victim and then attacked him for no apparent reason. Several of the witnesses, including his wife, pulled the respondent off the victim. All the witnesses the deputy spoke to advised him of the same scenario. The respondent was arrested for battery while making racist/hate remarks and disorderly intoxication. On February 15, 2012, the battery charge was amended to affray and the respondent pled nolo contendere and adjudication was withheld. He was ordered to pay court costs and fines.

Penalty Guideline: Suspension.
Staff recommended a 15-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 substance abuse counseling and an anger management course prior to the end of the probationary period.

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.

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 Commission plans to hold this workshop at 8:30 a.m. on Thursday, January 17, 2013 at Seminole State College, Center for Public Safety, 100 Weldon Boulevard, Sanford, Florida 32773-6199. 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.