



# **Fraternal Order of Police Florida State Labor Council**

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## **LETTER OF OPPOSITION**

January 15, 2019

TO: Criminal Justice Standards and Training Commission  
Task Force Committee

RE: Proposed Rule Amendment 11B-27.004(10)(b)

Dear Task Force Committee,

In January 2015 the Task Force met and reviewed this very issue which turned out to be a very lengthy process.

The proposed amendment to Rule 11B-27.004(10)(b) violates the principle of double jeopardy, due process and basic fairness. The current rule precludes the Commission from disciplining an officer in the very limited and infrequent situation where a certified officer is subject to review by the commission but an administrative judge, jury, arbitrator, civil service or career service hearing officer has made a finding of fact and law which speaks to the very action which the officer is accused of and finds that there is insufficient evidence or that the officer is in fact not guilty of the alleged conduct. The amendment would allow a department to have an alternative avenue to discharge an officer if the legal ruling goes against them. They would merely send the issue to the Commission to have a "second bite at the apple" and have the Commission decertify an officer who an arbitrator put back to work. This action would effectively render the entire fair and impartial arbitration process ineffectual and moot.

It is patently unfair for a department to discipline an officer – have that officer challenge the discipline, be successful and prove that the allegations are unfounded and regain his job only

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to have the department then seek to have the Commission do what they could not. Decertify the officer to force their termination.

The Fraternal Order of Police urges the Commission to keep the rules as they are as we OPPOSE any such change(s). Justice demands that a finding of fact have some meaning and weight and that an officer's livelihood is not subjected to the whims and capricious acts of a department, but only effected by the established facts in evidence and rulings from a court of competent jurisdiction. To do otherwise is a travesty of justice.

Sincerely,

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