

**Issue #62**

**November 2015**

**Professional Compliance Bulletin**

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 November 5, 2015.

**Case #35937-Grand Theft**

The respondent was terminated from the Dixie County Sheriff’s Office subsequent to her arrest for Grand Theft. On June 18, 2013, the Dixie County Sheriff’s Office received a copy of a monthly gas invoice for the agency’s credit cards. The invoice indicated an excessive amount of purchases on the respondent’s card. The respondent had been on medical leave with the agency since November 2012 and should not have been making any purchases on the card. Upon reviewing the billing summary, it was determined that the respondent’s card was used to purchase $1,566.94 worth of fuel in April 2013, while still on medical leave. The next day, an activity report for the card indicated it had been used twice in June 2013 to purchase gas. The agency obtained video surveillance footage from a local gas station which revealed that on June 15, 2013, the respondent arrived at the gas station and fueled her daughter’s vehicle. A review of video footage from another local gas station revealed that on June 7, 2013, the respondent used the agency’s card to purchase gas for her personal vehicle. A warrant was issued and the respondent was subsequently arrested for the charge of Grand Theft. On August 29, 2013, the respondent entered into a one month Deferred Prosecution Agreement with the State Attorney’s Office for the charge of Petit Theft.

**Penalty Guideline**: Suspension to Revocation

Staff recommended revocation.

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

**Case # 37761-Petit Theft**

The respondent resigned from the Windermere Police Department subsequent to an internal investigation which sustained the allegation of theft of personal items from the department. On August 18, 2014, a clerk for the Windermere Police Department approached the deputy chief in reference to several items that were missing from the department. The clerk advised that the paper products were removed from the bathroom on at least two occasions. She further advised that she believed that this had been occurring over a period of several weeks. The deputy chief asked the clerk to establish an accountability system and let him know if items went missing again. On August 22, 2014, the clerk came to the deputy chief and advised him that she knew for certain that items were missing from the day before. With this knowledge, the deputy chief checked the department’s security camera system. Within minutes, the deputy chief and a sergeant identified the respondent exiting the restroom with three rolls of toilet paper and one roll of paper towels in her hands. The respondent walked out of sight of the security cameras and shortly thereafter was seen leaving the department with an oversized lunch cooler. The respondent entered her marked patrol vehicle, drove through the security gate, and stopped in front of her personal vehicle. The respondent exited her patrol vehicle and placed the oversized cooler into her personal vehicle. After seeing this incident, the sergeant reviewed video surveillance to determine whether similar incidents had occurred. He searched the previous thirty days of available video footage and located five dates that the respondent appeared to have stolen paper products from the department. The dates all corresponded to days that the respondent worked. On August 22, 2014, the deputy chief advised the chief of the occurrences and requested a meeting with the respondent. During the meeting, the chief advised the respondent that he would like to look in her vehicle for the items the department was missing. She walked the chief and deputy chief out to her personal vehicle and voluntarily opened the rear doors and trunk. It was determined that the cooler was not inside the vehicle. The respondent stated that she placed the cooler back into the patrol vehicle because the clerk told her they were searching for items that were missing from the department. The respondent admitted to taking the items and explained she did so because she was having financial difficulty. The respondent further advised that she was embarrassed and humiliated to have taken the items. No criminal charges were filed.

**Penalty Guideline**: Suspension to Revocation

Staff recommended a 30 day prospective suspension; 1 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 staff’s recommendation.

**Case # 37897-** **Battery**

The respondent resigned from the Department of Corrections subsequent to an internal investigation which sustained the charges of violence/fighting and conduct unbecoming. The respondent entered the officer’s station and sat down with two other officers.  Suddenly, the respondent stood up, approached the female officer and picked her up by the shirt collar.  According to the victim’s incident report, the respondent then pushed her back towards the bathroom, causing her head to strike a filing cabinet.  The respondent then proceeded to toss her around the area causing her body to repeatedly strike a refrigerator and filing cabinet.  The third officer in the room then intervened and pulled the respondent off of the victim.  The victim then ran out of the officer’s station and reported the incident to the officer in charge.  The victim was examined by a nurse and was observed to have bruising on the inside of her lip and redness on the right side of her neck.  The police arrived and took a report; however, the victim declined to file criminal charges.  The respondent declined to be interviewed as part of the internal investigation. No criminal charges were filed.

**Penalty Guideline**: Suspension

Staff recommended a 30 day prospective suspension; 1 year probation to begin at the conclusion of the suspension period; provide staff with proof of successful completion of Commission-approved anger management counseling prior to the end of the probationary period.

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

**Case # 36530-** **Knowingly, Willful Refusal to Make a Use of Force/Malicious Battery Report**

The respondent received a reprimand from the Department of Corrections subsequent to an internal investigation which sustained the charge of failure to report. On May 27, 2011, an inmate filed a grievance against a correctional officer alleging assault. According to the inmate, on May 27, 2011, while in the disciplinary confinement showers, he was having a conversation with the officer about football. Suddenly, the officer slapped the inmate in the face with an open hand. The inmate stated to the respondent that the slap did not hurt. The officer then grabbed the inmate by the throat with one hand. The inmate replied again that the officer’s actions did not hurt. A second correctional officer, later identified as the respondent, yelled at the officer to let go, and he complied. The inmate was escorted to his cell and the captain was notified. The inmate indicated that a third correctional officer and other inmates were present during the incident. During a sworn interview, the respondent stated that he was conducting confinement showers when he heard a commotion followed by cursing and loud commands. When he turned around, he observed the officer grab the inmate in an aggressive manner. When he approached the officer and inmate, the officer had the inmate by the arm. He separated the two men and escorted the inmate back to his cell. When the captain was making his rounds, the respondent informed him of the incident. When questioned why he did not complete an incident report, the respondent stated that the captain had intervened and stated that he would handle the situation from that point forward. No criminal charges were filed.

**Penalty Guideline**: Probation to Suspension

Staff recommended a 15 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 training prior to the end of the probationary period.

**Disciplinary Action by the Commission:** The Commission rejected staff’s recommendation and dismissed the case against the respondent. It was the Commission’s belief that once the captain informed the respondent that he was taking responsibility for the incident, the respondent was no longer required to submit a report.

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

The Professional Compliance Section within FDLE serves as staff for the Commission by reviewing and preparing discipline cases for review and possible action by the Commission. The section is frequently asked by officers, agencies, and the public if the section can accept and investigate complaints against officers. Section 943.1395(6)(a), F. S., states that the Commission may cause verifiable complaints to be investigated. A verifiable complaint received by Commission staff must identify the officer and allege that the officer committed a moral character violation as defined by Commission rule. (Complaints related to policy violations, such as discourtesy, rudeness, etc. are not considered moral character violations.) The complainant must also include their name and address in order for the complaint to be properly investigated. Complaints meeting the above criteria are recorded in the Commission’s Automated Training Management System (ATMS) for tracking purposes. Commission staff does not have the statutory authority to conduct an independent investigation into allegations of misconduct by an officer. Therefore, sufficient verifiable complaints are forwarded to the officer’s employing agency for investigation. The agency then provides Commission staff with the results of the investigation into the allegations. If a moral character violation is sustained, the case is prepared for presentation at a Probable Cause hearing. Investigations that fail to sustain a moral character violation are closed with no further action.

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 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.