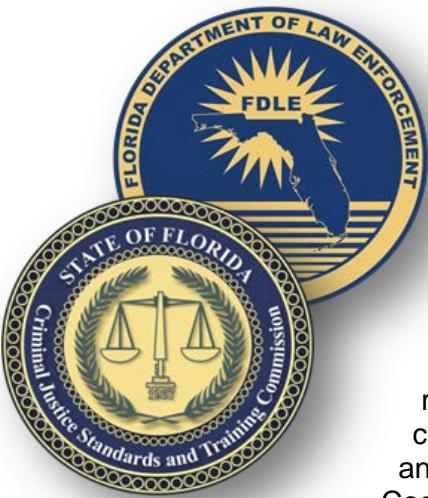


Professional Compliance Bulletin

October 2019 – Issue #75



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 hearings, 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 the Commission heard at hearings held on October 31, 2019.

Case # 43371 - Perjury in an Official Proceeding

The respondent resigned from the Alachua County Sheriff’s Office in lieu of termination subsequent to an internal investigation which sustained the charges of criminal conduct, untruthfulness, and unfavorable conduct. On April 9, 2018, a lieutenant from the Ocala Police Department notified the Alachua County Sheriff’s Office of an incident involving the respondent. On April 7, 2018, the respondent attended a “2nd Amendment Open Carry Rally” in Ocala. He was observed by the lieutenant carrying a handgun and an AR-15 style rifle. The respondent was in plain clothes and was wearing a badge on his belt. The lieutenant could see that the badge included the sheriff’s star and the Seal of the State of Florida, but could not read the writing or determine if the badge was altered. The respondent, when asked, told the lieutenant he was employed by the Alachua County Sheriff’s Office. About fifteen minutes later he asked why the lieutenant wanted to know where he worked and agreed that it was probably not a good idea to wear the badge at the event. In a sworn statement on May 8, 2018, the respondent admitted to wearing a badge while attending the rally. He produced the badge, which was a five-point star displaying the Seal of the State of Florida. The top two scrolls and a portion of the bottom scroll were ground off. The respondent admitted to grinding off the wording. He stated it read “family badge” or “father badge” with “Smallville” at the bottom. He stated he ordered the badge online and the inscription was one he chose at the time of the order. He originally stated he purchased the badge for his father, but later stated he purchased it for the purpose of the rally. After the interview, the owner of the website provided a copy of the respondent’s order summary. The custom inscriptions ordered were: Line 1- Detention Officer; Line 2 – Sheriff; Line 3 – Alachua County. No criminal charges were filed.

Penalty Guideline: Prospective suspension to Revocation

FDLE Prosecution requested 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 training prior to the end of the probationary period.

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

Case #42827 - Misuse of Official Position

The respondent received a record of counseling from the Miami Dade Police Department subsequent to an internal investigation which sustained the charge of improper procedure. On November 22, 2016, a complaint was received by the Miami Dade Police Department alleging that the respondent used law enforcement databases to access personal information and the criminal history of his ex-wife's boyfriend. An investigation was initiated and it was discovered that two department employees searched the complainant in DAVID and NCIC. During his sworn, internal affairs interview, the respondent admitted that he initiated a criminal investigation and asked the two employees to conduct the searches after receiving information that the complainant was possibly impersonating an FBI agent. He did not inform the employees of a reason for the search and did not disclose his relationship to the complainant. The respondent admitted that he did not ask for permission to initiate a criminal investigation. No criminal charges were filed.

Penalty Guideline: Suspension to Revocation

FDLE Prosecution requested 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 training prior to the end of the probationary period.

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

Case # 38615 - Introduction of Contraband at a County Detention Facility

The respondent was terminated from the Broward County Sheriff's Office (BCSO) subsequent to an internal investigation which sustained conduct unbecoming, falsification of records, introduction of contraband, and several agency policy violations. On December 30, 2013, BCSO management received a complaint alleging that the respondent introduced unauthorized items for inmates. It was alleged that between December 23, 2013, and December 25, 2013, the respondent introduced food, coffee, and DVDs, which were shared with inmates. On April 19, 2018, in a sworn interview with investigators, the respondent admitted to introducing DVDs during the holidays for the inmates to view. The respondent stated that she brought coffee and pastry items in for staff, and allowed the inmates to consume the leftovers. No criminal charges were filed.

Penalty Guideline: Prospective Suspension to Revocation

FDLE Prosecution requested a 10 month retroactive suspension; 1 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 approved the settlement agreement.

Case # 43964 - Sex on Duty

The respondent was terminated from the Chattahoochee Police Department (CPD) subsequent to an internal investigation which sustained sex while on duty. CPD management received a complaint from a woman alleging that the respondent had sexually battered her on October 20, 2018. Subsequent to a criminal investigation, the State Attorney's Office did not file criminal charges due to a lack of probable cause. During the agency's administrative investigation, the respondent stated that he had consensual sexual intercourse with the victim on October 20, 2018, while on duty. He also stated that he was wrong in doing so, apologized for violating policy, and that he would not lie about the incident. No criminal charges were filed.

Penalty Guideline: Suspension to Revocation

FDLE Prosecution requested a 180 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 training prior to the end of the probationary period.

Disciplinary Action by the Commission: The Commission accepted the requested discipline.

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

Each year, the Commission conducts eight Probable Cause Hearings as part of the officer discipline process. Four of these hearings are held at facilities in conjunction with each quarterly Commission meeting, and four are regional hearings held at Commission certified training centers. Hearings are scheduled at training centers to provide an opportunity for basic recruit students and training center staff to attend. This not only allows them to observe the Commission's discipline process, but also serves as a reminder of the types of behaviors and actions that could lead to discipline. All Commission hearings are open to the public so agencies and others also may attend to observe the proceedings. New hearing locations for 2020 include the Miami-Dade College School of Justice and the Southwest Florida Public Service Academy. The 2020 schedule is below:

Hearing Location and Dates
January Commission Meeting Wednesday, January 29, 2020 10:00 a.m. Orlando Marriott-Lake Mary 1501 International Parkway Lake Mary, FL 32746
March Regional Hearing Tuesday, March 10, 2020 10:00 a.m. Florida Department of Law Enforcement Headquarters 2331 Phillips Road Tallahassee, FL 32302

<p>May Commission Meeting Wednesday, May 6, 2020 10:00 a.m. Wyndham Grand Jupiter 122 Soundings Avenue Jupiter, FL 33477</p>
<p>June Regional Hearing Tuesday, June 16, 2020 10:00 a.m. Miami-Dade College School of Justice 11380 NW 27th Avenue, #8310 Miami, FL 33167</p>
<p>August Commission Meeting Wednesday, August 12, 2020 10:00 a.m. Sawgrass Marriott 1000 PGA Tour Boulevard Ponte Vedra Beach, FL 32082</p>
<p>September Regional Hearing Tuesday, September 15, 2020 10:00 a.m. Polk State College Kenneth Thompson Institute of Public Safety 1251 Jim Keene Boulevard Winter Haven, FL 33880</p>
<p>November Commission Meeting Wednesday, November 4, 2020 10:00 a.m. Renaissance-World Golf Village 500 South Legacy Trail St. Augustine, FL 32092</p>
<p>December Regional Hearing Tuesday, December 8, 2020 10:00 a.m. Southwest Florida Public Service Academy 4312 Michigan Avenue Fort Myers, FL 33905</p>

If you have any issues that you would like to be addressed in this 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.