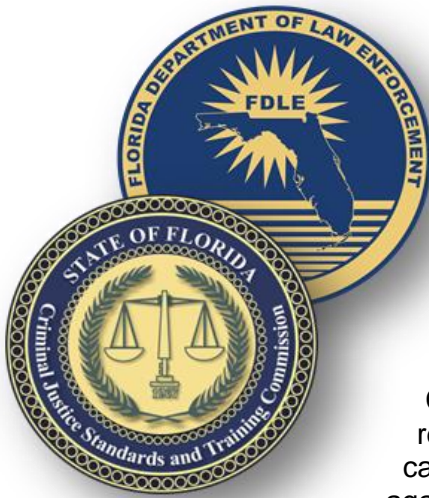


Professional Compliance Bulletin

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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 for cases from the rescheduled May 14, 2020, hearing and cases from August 13, 2020.

Case #41882 False Official Statement

The respondent received a 12 hour suspension from the Department of Corrections subsequent to an internal investigation which sustained knowingly submitting inaccurate or untruthful information and failure to follow verbal or written orders. On December 25, 2017, an inmate was found deceased in his dormitory room. A review of the video for December 24, 2017, and the housing log for the same date, which was signed by the respondent as being accurate, revealed that proper counts and security checks were not being completed. Specifically, the log stated that there was an informal count conducted at 12:00 a.m., and cleared at 12:30 a.m. However, a review of the fixed wing video revealed that the count did not occur. In a sworn interview with investigators on July 26, 2018, the respondent stated that there was a possibility that he had conducted a paper count rather than an actual count. No criminal charges were filed.

Penalty Guideline: Prospective Suspension to Revocation

FDLE Prosecution requested a 10-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 approved the settlement agreement.

Case #45040 - Excessive Use of Force

Case #45752 - Excessive Use of Force

Case #45040- The respondent resigned from the Kissimmee Police Department prior to the conclusion of an internal investigation which sustained untruthfulness under oath and use of excessive force during an arrest. On March 18, 2018, the respondent and several officers with

the Kissimmee Police Department were involved in an unauthorized vehicle pursuit of a stolen vehicle containing four occupants. At the conclusion of the internal investigation, a second internal investigation was initiated against the respondent. A review of aerial footage revealed that when the stolen vehicle came to a stop, the four occupants fled on foot. One of the occupants was a juvenile who briefly ran but took a position of surrender by going to his knees and putting his hands up. The respondent exited his vehicle, ran toward the juvenile, straightened his leg, and appeared to kick the juvenile in the upper body area. The respondent also appeared to move to the juvenile's left side and apply another kick, and then bent over to apply a knee strike. During his arrest, the juvenile reported to another officer that he was beaten by a police officer. The juvenile was later transported to the hospital for a cut over his left eye. During a sworn interview on May 2, 2019, the respondent denied using force on the juvenile and stated he slipped and stumbled and that he only stood with the juvenile. He stated that he did not kick the juvenile. No criminal charges were filed.

Case #45752- The respondent resigned from the Kissimmee Police Department prior to the conclusion of an internal investigation which sustained using higher degree of force necessary to affect an arrest. On March 3, 2019, the respondent and other officers responded to a residence to apprehend a grand theft auto suspect. During the apprehension, the suspect fled to the roof of the residence. The respondent positioned himself on the ground below the suspect. The respondent told the suspect to jump off the roof or he would be tased and fall. The suspect refused. When the respondent saw an officer on the roof with the suspect, the respondent instructed the officer to push the suspect off the roof. The officer complied and pushed the suspect off the roof. The suspect landed on his feet and fell forward, face down on his side. The respondent deployed his taser, striking the suspect with one prong. The respondent then moved in closer and applied a drive stun to the suspect. No criminal charges were filed.

Penalty Guideline: Suspension to Revocation (both cases)

FDLE Prosecution requested a 90-day suspension for case 45040, followed by a 1-year suspension for case 45752; 1-year probation following the suspension periods, provide staff with proof of successful completion of Commission-approved use of force training prior to the end of the probationary period.

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

**Case # 43712 – Misuse of Official Position – 2 Counts;
Misuse of Electronic Database (DAVID) – 2 Counts**

The respondent was terminated from the Florida Highway Patrol subsequent to an internal investigation, which sustained the charges of conduct unbecoming a public employee, poor performance, and violation of law or agency rules. On September 19, 2016, a woman said that she was stopped by the respondent on September 2, 2016. After he asked for her driver's license, registration and proof of insurance, the respondent told her she was "really beautiful." The respondent asked if anyone had ever told her that and asked how she felt about him saying it. The woman said she was shocked and did not know what to do so she thanked the respondent. He then asked for her telephone number which she gave him out of fear of getting a citation. She said the respondent then asked when she was available to "hang out" and inquired about her schedule. During the conversation the woman said that she did not reciprocate the respondent's comments or show interest. The woman said that after she had driven about one mile from the traffic stop she received a text from the respondent. The text message stated it was from the

respondent. During an interview the woman provided a copy of text message conversations between her and the respondent following her traffic stop. She said that the text messages from the respondent were unwanted. While cooperating with investigators, the woman continued to exchange texts with the respondent. She set up a meeting with him but did not show up. After that, she declined to cooperate any further in the investigation. The respondent agreed that pulling the woman over was indeed a traffic stop and admitted to telling the woman that she was beautiful. He also admitted to contacting her after the traffic stop through text messaging for the purpose of setting up a time and location to meet her while he was on duty. On October 4, 2016, a different woman stated that the respondent stopped her on September 13, 2016. The woman said she did not think she had done anything wrong. She stated that when the respondent reached her vehicle he immediately said "you are the most beautiful girl I have ever seen." She said the respondent repeated this several times during the ensuing conversation. The woman was in a hurry to get to work and was upset about the traffic stop and asked why she had been stopped. The respondent told her she went past an "invisible line." She asked the respondent to clarify but he went on to talk to her beauty. The respondent told her he was giving her a warning and that he would love to go out on a date with her. The respondent then asked for her telephone number. The woman said she felt obligated to give her telephone number to the respondent because she was afraid of what he would do if she declined. The woman said that within five minutes of the traffic stop the respondent began texting her. She said that eventually the texts got to be too much for her to handle and she blocked his number. The woman explained that she had a three-year old child and was terrified to give a recorded statement due to possible retaliation by the respondent. In an interview the respondent agreed that pulling the woman over was indeed a traffic stop and that he asked her for her telephone number. He admitted to telling her she was beautiful. The respondent said he queried the Driver and Vehicle Information Database (DAVID) as he pulled in behind her vehicle and again as he drove away after the stop. He ran the registered owner and viewed her photo array. He admitted to having no reason to query her after the traffic stop. The respondent also admitted to contacting the woman after the stop. A review of the respondent's use of DAVID revealed that he queried 48 driving records during August and September 2016. Forty-two of the 48 were females and six were males. None of the 48 individuals had any other documentation to indicate they were stopped or were part of a crash investigation. On one occasion the respondent queried a woman through DAVID and viewed her photo array two days after a stop. The respondent said he was curious and agreed it was inappropriate and in violation of the DAVID agreement. No criminal charges were filed.

Penalty Guideline: Suspension to Revocation, Probation to Suspension

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 a Commission-approved ethics course prior to the end of the probationary period.

Disciplinary Action by the Commission: The Commission rejected the requested discipline and revoked the respondent's certification.

Case # 42944– False Official Statement

The respondent resigned from the Lauderhill Police Department (LPD) prior to a pre-determination hearing that was to recommend termination for untruthfulness and several agency policy violations. On March 27, 2017, LPD management received an anonymous internal complaint alleging that the respondent was not working the hours for which he was being paid. During the ensuing investigation, an audit was conducted comparing the respondent's electronically-entered payroll data to the location history of the GPS system in his department-

issued vehicle for the period of October 30, 2016 through September 16, 2017. The audit revealed that the respondent submitted timesheets for regular hours and overtime hours that he did not work for a combined total of \$33,264.00 in pay to which he was not entitled. The State Attorney's Office agreed to not file criminal charges in exchange for the respondent's immediate resignation from the LPD and payment to the City of Lauderhill of restitution in the amount of \$33,264.00.

Penalty Guideline: Prospective suspension to Revocation

FDLE Prosecution requested a 6-month 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 settlement agreement.

Case # 45308– Knowing, Willful Refusal to Make or Prevention of Another from Making a Use of Force Report

The respondent was terminated from the Lake City Correctional Facility prior to the conclusion of an internal investigation which sustained physical abuse and failure to report use of force. On August 18, 2018, an inmate at the Lake City Correctional Facility reported that the respondent sprayed him with chemical agents the day before. During his interview, the inmate further stated that while in his cell he accidentally touched the respondent with a cup on the shoulder. As a result, the respondent took him to the sally port area and made him do pushups, then escorted him back to his cell. About 10 minutes later, the respondent returned to the cell and sprayed him in his eyes and left. The inmate tried to notify security with no response. The next morning, he reported the incident to a captain. According to the captain, she removed the bedsheets and towels from the cell that had chemical agents present, based on the color and odor of the agent. The inmate's cell mate was also interviewed. He stated that when the respondent returned to the cell, the respondent sprayed the inmate in the face and quickly left. An inspection of the chemical agent issued to the respondent revealed that the seal of the chemical agent pouch was intact but the thumb seal on the canister was punctured. During his interview, the respondent stated that he did not remember much about the incident. He did recall the inmate striking him in the head with a cup and felt it was an intentional act. He then ordered the inmate to do push-ups as a form of training. After the inmate reluctantly completed the push-ups, he escorted the inmate back to his cell. While placing the inmate back in his cell, he felt threatened by the inmate's movements. He stated he administered chemical agents inside the cell by spraying the wall to stop the inmate's movements directed towards him. Since no agent got on the inmate, he did not complete an incident report, or use of force report and just walked away. He stated the inmate was also wearing his glasses so the spray did not get in his eyes. The internal investigation report noted that the respondent was unable to provide specific details as to what movements constituted a threat. No criminal charges were filed.

Penalty Guideline: Probation to Suspension

FDLE Prosecution requested a 20-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 use-of-force training prior to the end of the probationary period.

Disciplinary Action by the Commission: The Commission voted for a 20-day retroactive suspension, 1-year probation to begin at the conclusion of the suspension period; provide staff with proof of successful completion of Commission-approved use-of-force training prior to the end of the probationary period.

Case # 44868– False Statement During the Employment Application Process

The respondent was terminated from the Department of Corrections subsequent to an internal investigation which sustained submitting untruthful information and other agency policies. On October 24, 2018, the Department of Corrections received a complaint from a warden alleging that the respondent, who worked at the same prison, was possibly sending money to numerous inmates using the JPay money system. During the investigation, it was found that the respondent was communicating with, and sending money to, inmates incarcerated at different institutions between 2016 and 2018 while employed by the department. It was also found that the respondent made a false statement on her application for employment at the Department of Corrections which she submitted on January 7, 2018. On the application she indicated that she did not have any business or personal relationships with anyone presently incarcerated or under the supervision of the Department of Corrections. On a CJSTC form submitted to the department dated June 28, 2018, the respondent indicated that the employment application and all other information submitted with her application was true and correct. On July 11, 2016, the respondent submitted an incident report informing the department that her husband was incarcerated at the Central Florida Reception Center. On her application, the respondent indicated that she had an uncle who was incarcerated and she was on his visitor's list. No other correspondence were submitted for approval for any other inmate. During her interview, she stated she had the JPay because of her uncle and she corresponded with him. She stated that her son's father was also in prison and she corresponded with him. She also admitted to communicating with several inmates who were not related to her and sending them money since becoming employed by the department. She stated her sister also used her JPay account to communicate with her boyfriend who was also an inmate. She admitted she did not add the inmates that she was communicating with on her application. No criminal charges were filed.

Penalty Guideline: Probation to Suspension

FDLE Prosecution requested 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 requested discipline.

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

Section 943.1395(7)(a)-(e), F.S., authorizes the Criminal Justice Standards and Training Commission to impose disciplinary action against an officer's certification ranging from the issuance of a reprimand to revocation of certification. The Commission has established general and specific penalty guidelines under Rule 11B-27.005(5), Florida Administrative Code, for felony offenses, specific enumerated misdemeanor offenses, non-criminal offenses, and violations involving the unlawful use of controlled substances. The Commission uses these penalty guidelines to determine appropriate disciplinary recommendations regarding the certification of sworn officers in the state of Florida. Additionally, Section 943.1395(8)(b)2 states:

On or before July 1 of each odd-numbered year, the Commission shall conduct a workshop to receive public comment and evaluate disciplinary guidelines and penalties. The commission chair shall appoint a 12-member advisory panel, composed of six officers and six representatives of

criminal justice management positions, to make recommendations to the commission concerning disciplinary guidelines.

The Commission plans to conduct this workshop as a Penalty Guidelines Task Force meeting during the early part of 2021. 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.

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.