

# Professional Compliance Bulletin

May 2021  
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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 the hearings held on May 6, 2021.

## **Case #38629 - Perjury by Contradictory Statements, Unlawful Compensation**

The respondent was terminated from the Broward County Sheriff’s Office (BCSO) subsequent to an internal investigation which sustained failure to conform with laws, unlawful compensation, official misconduct, untruthfulness, violation of off-duty employment, and conduct unbecoming. On July 24, 2014, an investigation was conducted following allegations that the respondent received unlawful compensation while working off-duty in his uniform at an adult club establishment. According to the previous supervisor of the BCSO special detail office (SDO), a special detail request had not been approved for the off-duty assignment and the current supervisor supported her statement. The respondent never submitted any vouchers or cash from the establishment. An employee of the establishment testified that the respondent worked a special detail for them for approximately four weeks and she paid him approximately \$500 each time that he worked. During his sworn Garrity statement, the respondent said he began going to the establishment in his uniform hoping to receive the special assignment once it was approved. The respondent initially said he was not compensated for being at the establishment. During a sworn interview with the State Attorney’s Office (SAO), the respondent admitted he was paid \$250 for his first day working at the establishment. He said it was a regular occurrence for him to work at the establishment every Tuesday and get paid in cash. He said he worked at the establishment a total of five or six times. He admitted to having not turned in any payment slips because he was not approved to work the detail. On April 1, 2015, the respondent was arrested for unlawful compensation, tampering with a witness, official misconduct, and unlawful use of a two-way communication device. On April 7, 2015, the SAO filed an Information for unlawful compensation, tampering with a witness (two counts), official misconduct, and unlawful use of a two-way communication device (two counts). On July 23, 2019, the SAO dismissed all the charges because the respondent’s Garrity Rights were violated. The respondent also served as a witness for the state’s case against two co-defendants.

**Penalty Guideline:** Prospective Suspension to Revocation; Revocation  
FDLE Prosecution requested revocation.

**Disciplinary Action by the Commission:** The Commission accepted the requested penalty.

#### **Case # 45425 – Battery**

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The respondent resigned from the Jackson County Sheriff's Office prior to the conclusion of an internal investigation which sustained conduct unbecoming. On August 4, 2019, a deputy with the Jackson County Sheriff's Office responded to a complaint for a missing person. Upon arrival, the deputy observed a subject (victim) having a seizure and contacted emergency medical services to render aid. The victim was transported to the hospital. Another subject advised that he and a group of friends, including the respondent, had been drinking alcohol and riding the dirt roads in their ATVs. During the night, it was determined that the respondent and his wife would need assistance returning home due to their level of intoxication. The victim volunteered to drive them home. During the ride home, it was determined that the respondent's wife was missing, and had possibly fallen out of the ATV. The group stopped and began searching for her. While the group was searching the area, the respondent attempted to start the ATV. The victim grabbed the key from the respondent to stop him from driving while intoxicated. During this confrontation, the respondent slapped the victim on the left side of his face and jaw. The victim had a seizure shortly after the battery. Three subjects in the group advised the deputy they had witnessed the respondent strike the victim in the head. The investigation further revealed that the respondent's wife had not fallen from the ATV, but had wandered off and was located later that night. On August 26, 2019, during the respondent's sworn interview, he admitted that he was drinking the night of the incident and had little recollection of what happened. He denied hitting the victim. On November 20, 2020, the State Attorney's Office closed the case with no information due to the respondent's successful completion of terms and conditions of an administrative pre-trial intervention agreement.

**Penalty Guideline:** Suspension

FDLE Prosecution requested a 60-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 substance abuse and anger management counseling prior to the end of the probationary period.

**Disciplinary Action by the Commission:** The Commission accepted the requested penalty.

#### **Case # 44858 – Battery**

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The respondent resigned from the Manatee County Sheriff's Office prior to the conclusion of an internal investigation which sustained unlawful conduct and conduct unbecoming. On April 22, 2019, the respondent and several other correctional deputies entered the cell of a disruptive inmate to place him in a restraint chair. A struggle between the inmate and the deputies began and the inmate grabbed the respondent and scratched his head. When the inmate was finally secured in handcuffs and lying on the floor, the respondent stood up and kicked the inmate in the mouth. The inmate was bleeding from the mouth after the kick. During an interview, the respondent acknowledged that he kicked the inmate after handcuffs had been applied. On March 3, 2020, the respondent entered into a pre-trial diversion program that ordered him to pay court

fees and serve 25 hours of community service. He successfully completed the program on June 3, 2020.

**Penalty Guideline:** Suspension

FDLE Prosecution requested a 45-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 rejected the requested penalty and revoked the respondent's certification.

**Case # 45889 – False Official Statement**

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The respondent resigned from the Orange County Corrections Department subsequent to an investigation which sustained the charges of fraud or dishonesty, code of conduct, and visual and security checks. On June 27, 2019, an inmate was found hanging in an isolation cell and was later pronounced deceased. While investigating the circumstances of the death, it was discovered that the respondent failed to perform required safety and security checks. Investigators reviewed security video and saw the respondent check the cells at 3:39 a.m. He was not seen again until 5:15 a.m. delivering meals. The respondent made entries in the electronic officer log report stating he performed checks at thirty-minute intervals between 3:30 a.m. and 5:50 a.m. He also made a manual entry on the daily record of confinement form stating he checked on the inmate at 6:30 a.m. and that the inmate was on the bed awake and that he spoke with him. Video shows that the inmate began preparations at 5:41 a.m. and hung himself at 6:00 a.m. During a sworn interview, the respondent admitted that he failed to make the required checks because he was busy assisting other officers with inmate court transports. He also stated that he used the video monitor in the control room for the checks. He admitted that he made the entry on the record of confinement, but that the time should have been 6:30 p.m. However, that was several hours after the inmate was pronounced deceased. No criminal charges were filed.

**Penalty Guideline:** Prospective Suspension to Revocation

FDLE Prosecution requested revocation.

**Disciplinary Action by the Commission:** The Commission accepted the requested penalty.

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

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Since 2001, the International Association of Directors of Law Enforcement Standards and Training (IADLEST) has maintained the National Decertification Index (NDI). The NDI is a national registry of certification or license revocation actions relating to officer misconduct and serves as a valuable tool when assessing the suitability of criminal justice applicants. Agency administrators may be alerted to previous disciplinary issues prior to making a hiring decision, or learn an applicant does not meet the Commission's minimum qualifications for certification. FDLE has served as Florida's NDI representative since 2001 and adds each instance of the Commission revoking an officer's certification or accepting an officer's relinquished certification. Information concerning the circumstances for decertification must be obtained from the state where the officer was previously certified. It is important to note that an officer's inclusion in the NDI does not necessarily preclude them from appointment as an officer in Florida.

The records contained in the NDI are provided by participating agencies and include the name of the subject officer, action against the certification, and contact information related to the certifying organization. The NDI currently contains over 30,000 actions reported by 45 certifying organizations. Florida's large officer population, coupled with the Commission's progressive disciplinary process, have led to over 10,000 Florida revocations and relinquishments being added to the NDI during its 19-year history. Currently there are over 600 Florida agency users.

Access to the database is available at no charge to vetted law enforcement officers, background investigators, and support staff. Agencies interested in access must submit a request through the NDI website at <https://www.iadlest.org/our-services/ndi/about-ndi>. Once on the website, select "Request Access to the NDI" button and provide the requested information. FDLE will be notified automatically to review and approve the request. Please note: approval of the agency administrator must be obtained by the individual making the request for access.

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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](mailto:stacylehman@fdle.state.fl.us).