

# Professional Compliance Bulletin

August 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 August 12, 2021.

## **Case #47005-Unlawful Computer Access**

The respondent was terminated by the Wildwood Police Department prior to the conclusion of an internal investigation which sustained unlawful computer access. On May 7, 2020, an officer with the Wildwood Police Department reported that the respondent’s husband sent him pictures via text message, which he did not immediately view. Later in the day, the officer arrived at the station and observed the respondent utilizing the computer in the supervisor’s office. The officer observed that the computer screen displayed a lieutenant’s email. The lieutenant was the respondent’s supervisor. The officer then viewed his text messages and realized that the pictures he received were of the lieutenant’s emails. The respondent’s husband called him and asked him to delete the text messages. He did not delete the messages and reported his observations. During an investigation, it was found that the respondent accessed the lieutenant’s emails on a shared computer where the lieutenant’s passwords were inadvertently saved. The respondent deliberately chose to utilize the lieutenant’s saved account information in lieu of her own. The respondent accessed the lieutenant’s email multiple times from March 19, 2020 to May 19, 2020. She viewed, downloaded, and printed documents without authorization. It was also found that during this time, the respondent was on a performance improvement plan and was subsequently demoted on May 11, 2020. The last known date of improper computer access was May 19, 2020. At the conclusion of the investigation, the respondent was charged with unlawful computer access. On November 5, 2020, she entered a pretrial intervention agreement which required her to pay court costs and fees.

### **Penalty Guideline: Suspension to Revocation**

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 ethics training prior to the end of the probationary period.

**Disciplinary Action by the Commission:** The Commission accepted the settlement agreement.

**Case # 46832 – Culpable Negligence-Exposure to Personal Injury**

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The respondent was terminated from the Osceola County Corrections Department subsequent to an internal investigation which sustained conduct unbecoming and neglect of duty. On January 2, 2020, an inmate reported allegations of misconduct by the respondent. The inmate advised that the respondent pulled him from his assigned cell after lockdown and handcuffed him. The respondent then placed him in a cell occupied by another inmate and closed the door. The inmate stated he was punched in the face multiple times while he was inside the cell. Approximately five minutes later, the respondent removed him from the cell and returned him to his assigned cell. The inmate later requested pain medication from the nurse and advised the nurse of the incident. The nurse submitted a report and photographed injuries to the inmate's face, neck, hands and mouth. The inmate's statement was corroborated by video footage. The respondent was seen on the video opening the inmate's cell and escorting him downstairs to another cell. After placing the inmate in the cell, the respondent pulled the door partially closed, causing the view inside of the cell to be limited. Shortly after, the respondent locked the door and began walking away, but was within a reasonable distance to hear the skirmish. The respondent then returned to the cell and escorted the inmate back to his assigned cell. Video footage showed the inmate stumbling as he returned to his cell, and the left side of his face was noticeably flushed. The respondent did not report the incident. The inmate who committed the battery was questioned regarding the incident, and he admitted to his actions. An interview with the respondent was not conducted due to the investigative conclusions. 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 Commission-approved ethics course 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 # 46900– Overt or Public Act of Sexual or Simulated Sexual Nature Likely to be Observed by Others**

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The respondent was terminated from the Bay Correctional Facility subsequent to an internal investigation which sustained violation of standards of conduct-inappropriate supervisor/subordinate relationship. The agency suspected inappropriate behavior had been ongoing for several months between two employees. A covert video camera was placed in a conference room. On July 11, 2020, video footage was recovered from the conference room which depicted the respondent and another officer engaged in physical intimacy. The video captured the two hugging, kissing, and touching each other. The activities continued intermittently throughout the day. Near the end of the day, a co-worker opened the door of the conference room and began to walk into the room. The respondent and the other officer were alone in the room, and the respondent had begun to remove her pants. The respondent later admitted that they were preparing to have a sexual encounter. Additionally, on at least three occasions, the respondent could be seen on video initiating contact with the other officer by touching his back, neck, and legs. On August 12, 2020, the respondent was questioned and initially denied engaging in an inappropriate relationship. She then made accusations that the other officer had forced himself on her. She admitted later during the interview that she had the ability to remove herself from the

relationship at any time if she had chosen to do so. When asked if she wanted to pursue battery charges against the other officer, she declined and stated that the conduct was consensual. During the other officer's interview, he stated that the respondent performed oral sex on him in his office between five and eight times. No criminal charges were filed.

**Penalty Guideline:** Suspension to Revocation

FDLE Prosecution requested a 6-month retroactive suspension, 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 Commission-approved ethics training prior to the end of the probationary period.

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

**Case # 46212– False Official Statement**

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The respondent was terminated from the Palm Bay Police Department (PBPD) subsequent to an internal investigation which sustained falsification of official record/city record. On March 13, 2020, PBPD management believed that the respondent was not returning calls to complainants on calls for service to which he was assigned. During the ensuing investigation, it was discovered that between March 12, 2019, and March 17, 2019, the respondent entered notes indicating that he had attempted to call complainants related to six calls for service, when in fact he never attempted to return the calls in question. During a sworn interview with investigators the respondent stated that he entered the notes in question and that he intentionally did not call back the complainants. No criminal charges were filed.

**Penalty Guideline:** Prospective Suspension to Revocation

FDLE Prosecution requested a 1-year 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 penalty.

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

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Frequently, officers under investigation for possible violations of the Commission's moral character standard will resign or retire prior to the conclusion of the investigation. Additionally, some agencies administratively separate an officer suspected of a violation rather than conduct an investigation into the allegations. Regardless of the officer's employment status with the agency following the alleged violation, Florida Statutes and Commission rule require that an investigation be completed and sustained allegations forwarded to the Commission.

Chapter 943.1395(5), Florida Statutes, states:

The employing agency must conduct an internal investigation if it has cause to suspect that an officer is not in compliance with, or has failed to maintain compliance with, statute [943.13\(4\)](#) or (7). If an officer is not in compliance with, or has failed to maintain compliance with, statute [943.13\(4\)](#) or (7), the employing agency must submit the investigative findings and supporting information and documentation to the commission in accordance with rules adopted by the commission. The commission may inspect and copy an employing agency's records to ensure compliance with this subsection.

Additionally, Commission Rule 11B-27.003, F.A.C. states:

(1) Pursuant to Section 943.1395(5), F.S., an employing agency shall conduct an investigation when having cause to suspect that an officer it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization (TEA) pursuant to Section 943.131, F.S., does not comply with Section 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C. An investigation shall be conducted and concluded when the employing agency has cause to suspect that an officer is in violation of Section 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C. The agency's investigation shall contain an official disposition, which shall be reported to Commission staff pursuant to subsection (2) of this rule section.

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised November 8, 2007, hereby incorporated by reference, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated. Form CJSTC-78 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8600.

(b) If the allegations are sustained, and are a violation of Section 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C., the employing agency shall forward to Commission staff the complete investigative package, which shall include the following, no later than 45 days after the allegations are sustained:

1. A completed Internal Investigation Report form CJSTC-78.
2. The allegations.
3. A summary of the facts.
4. Names of witnesses.
5. Witness statements and depositions.
6. Certified court documents.
7. Any other supportive documentation or information.

(c) If the allegations are not sustained, unfounded, or the officer has been exonerated, or the allegations that are sustained are only violations of the employing agency's policies, and are not violations of Section 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C., the employing agency shall complete form CJSTC-78 and maintain the form on file at the agency.

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3. A summary of the facts.
4. Names of witnesses.
5. Witness statements and depositions.
6. Certified court documents.
7. Any other supportive documentation or information.

Regardless of whether or not there is a successful criminal action taken in a case, the agency still must conduct an internal investigation and render an official administrative disposition in that matter. In addition, the agency must complete the required forms and submit all of the required supporting documentation, in accordance with applicable statute and rule.

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If you have any issues that you would like to be 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](mailto:stacylehman@fdle.state.fl.us).