

Professional Compliance Bulletin

February and May 2022

Issue #83



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 February 17 and May 12, 2022.

February 17, 2022 Hearing

Case #47775 - Introduction of Contraband

The respondent was terminated from the South Bay Correctional Facility subsequent to her agency sustaining allegations of introduction of contraband. On April 28, 2021, a correctional officer reported that earlier that day, the respondent entered the facility and told the officer that she was going to the hospital. The respondent placed her boots on the metal detector belt to be scanned. After they were scanned, the officer proceeded to physically search them. The respondent told the officer to avoid shaking her boots. The officer found a cellphone charger inside of the boots and told the respondent she could not enter the facility with the charger. The respondent left the area without responding. When she returned from the hospital, she requested her charger and left the facility. 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 course prior to the end of the probationary period.

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

Case # 46572 - Excessive Use of Force

The respondent was terminated from the Monroe County Sheriff’s Office subsequent to an internal investigation which sustained excessive use of force and other agency policy violations. On October 12, 2019, the respondent and other deputies responded to the scene of a male subject

swimming in a canal. For a few hours, officers attempted to get the subject to safety but he refused. Deputies used OC spray and a taser but neither allowed them to apprehend the subject. As the incident continued, the subject began to get tired and started to swim toward a dock where deputies waited. Officers attempted to grab hold of the subject to pull him out of the water but the subject began to pull away. According to the respondent, one deputy grabbed the subject by the arm and was able to pull him up just enough for the respondent to execute a lateral vascular neck restraint (LVNR). The hold time was approximately 9.78 seconds and the subject lost consciousness. At the conclusion of the investigation, the agency sustained that the respondent incorrectly applied the LVNR hold to the subject, placing the forearm across the subject's throat as opposed to placing his elbow in front of the subject's throat. This technique failed to create a safe pocket of space to protect the subject's windpipe. This case was submitted to the State Attorney's Office for review. The State Attorney's Office declined to prosecute citing that Rigg's actions did not rise to the level of criminal conduct.

Penalty Guideline: Suspension to Revocation

FDLE Prosecution requested a 10-day prospective suspension; 1-year probation to begin at the conclusion of the suspension period.

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

Case # 48529 - Perjury in an Official Proceeding

The respondent resigned from the Putnam County Sheriff's Office prior to the conclusion of an internal investigation which sustained the charges of untruthfulness during an internal investigation and in an official report. On January 28, 2021, the respondent was involved in a traffic crash and both vehicles sustained minor damage. The driver later contacted the Putnam County Sheriff's Office when he experienced difficulties collecting an insurance payout because the respondent stated that another vehicle hit the respondent's vehicle and/or caused the collision, events the driver stated were not accurate. The driver was interviewed and stated that the respondent suggested the driver self-report the crash, and the respondent wrote instructions on the back of a business card and gave the card to the driver. On February 18, 2021, in a sworn interview, the respondent denied that she told the other driver to self-report the crash and maintained that the only option was calling the Clay County Sheriff's Office. When asked, the respondent stated twice that she did not advise the driver to self-report the incident. The Putnam County Sheriff's Office employed a forensic document examiner and handwriting expert to compare and evaluate the back of the business card with known samples of the respondent's handwriting. He concluded that to the highest degree of probability, the writer of the known samples also wrote the entries on the back of the business card. The back of the business card read "Self report by FHP" followed by license plate and phone numbers, and included the name of the respondent. No criminal charges were filed.

Penalty Guideline: Prospective suspension to Revocation

FDLE Prosecution requested a 12-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 requested penalty.

Case # 46784 - Improper Exhibition of a Dangerous Weapon

The respondent received a written reprimand from the Orange County Corrections Department subsequent to an internal investigation which sustained improper conduct on or off-duty, violations of ethical standards, and a productive work environment. On September 5, 2020, a deputy responded to a call in reference to the respondent pulling a gun on a neighbor over a dispute concerning dogs. Upon arrival, the deputy contacted the victim who said that her family was watching a neighbor's dog when the dog got loose from their backyard. It took the victim and several of her family members to keep the dog at bay. The respondent yelled that if she had a gun she would shoot the dog. The victim said that the respondent went in to her garage, retrieved a handgun, and then came back out and pointed it at her. The victim's brother and mother corroborated the victim's statement. In addition, the dog's owner said that he heard the victim tell the respondent that she did not need a gun and to stop pointing it at her. The respondent admitted that she said she would shoot the dog but claimed the dog jumped on her. She also admitted she cocked the gun, but claimed she did not point the gun at the victim. She later said that if she pointed the gun at the victim, she did not remember doing so due to tunnel vision at the time. The respondent was arrested for aggravated assault with a deadly weapon without the intent to kill and transported to jail. On June 9, 2021, the respondent pled no contest to a reduced charge of improper exhibition of a dangerous weapon. The adjudication of guilt was withheld. She was placed on probation for six months and ordered to have no contact with the victim, not to possess any firearms or any other weapons unless it pertained to her employment, and to pay court costs and fees.

Penalty Guideline: Probation with Training

FDLE Prosecution requested a 120-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 anger management course prior to the end of the probationary period.

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

May 12, 2022 Hearing

Case #47933 - Positive Drug Test-Testosterone, Boldenone, and Nandrolone Perjury in an Official Proceeding

The respondent was terminated by the Palm Beach County Sheriff's Office subsequent to an internal investigation which sustained the charge of positive drug test and misleading information. On September 9, 2019, the respondent submitted to a reasonable suspicion drug test. The results were received on September 26, 2019, and were positive for testosterone, boldenone, and nandrolone metabolites. On November 6, 2019, the respondent was interviewed and stated that he had a current prescription for testosterone which he had not taken yet. The investigator asked if he was willing to produce the prescription. The respondent stated that he would provide a copy of the prescription. On November 21, 2019, during a follow-up interview, the respondent admitted that he did not have a prescription for testosterone when he went for the drug screen on September 9, 2019. The prescription that the respondent provided was dated October 4, 2020. He stated that he was confused about the dates when he was first interviewed. No criminal charges were filed.

Penalty Guideline: Prospective suspension to Revocation (both charges)

FDLE Prosecution requested that the Commission accept the respondent's voluntary relinquishment of certification.

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

Case #47526 - Sexual Harassment

The respondent resigned from the Orange County Corrections Department prior to the conclusion of an internal investigation which sustained improper conduct on or off duty and violations of promoting a healthy workplace free from discrimination, failure to maintain the highest level of morale, and sexual harassment. On November 2, 2020, an internal affairs investigation was conducted following allegations of sexual harassment against the respondent. The victim gave sworn testimony that on October 26, 2020, she and the respondent were in the control room when he told her that her face mask was sexy and turned him on. He told her to look at what she was doing to him and then grabbed her hand and placed it on his crotch. The victim said that she could tell that the respondent's penis was erect and immediately pulled away from him. She said that as he left the control room, the respondent told her that he would not mention the incident if she did not. The victim reported the incident to her lieutenant as well as several others. The respondent contacted another officer telling him that he had told the victim a bad joke and did not think she liked it. He told the officer that he was telling him about the incident because he wanted him to hear his side of the story. The respondent was offered three opportunities to give a sworn statement but he declined. No criminal charges were filed.

Penalty Guideline: Probation with Training to Suspension with Training

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 sexual harassment training 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 #48378 - False Official Statement

The respondent resigned from the Alachua County Sheriff's Office prior to the conclusion of an internal investigation which sustained untruthfulness, neglect of duty, and falsifying records. On May 28, 2021, a sergeant conducted a supervisory round of the housing unit and noticed that the respondent did not have the jail log database pulled up on his computer. He reminded the respondent that he needed to log in to the database and maintain his inmate count logs. He also reminded the respondent to conduct his inmate counts and to log them appropriately. The sergeant reviewed the logs at a later time and found that the respondent's user name was used to enter three inmate counts in the database but the respondent did not conduct the first two counts. After the respondent was relieved, a different officer logged in the system and entered the third count. Further review of the respondent's logs found that the respondent logged in two counts on May 9, 2021, and one count on May 27, 2021, but he did not conduct the counts. During the investigation, the respondent took full responsibility for his actions and stated he was willing to learn from his error. No criminal charges were filed.

Penalty Guideline: Prospective suspension to Revocation

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 training prior to the end of the probationary period.

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

Case #47589 - Sex on Duty

The respondent resigned from the Hernando County Sheriff's Office prior to the conclusion of an internal investigation which sustained the charges of conduct unbecoming, neglect of duty, and violation of general orders. On January 11, 2021, the respondent's supervisor authored a report indicating the respondent spent 40 minutes absent from his assigned patrol area after telling his zone partner but not his supervisor. Additionally, the sheriff's office received anonymous emails alleging that the respondent was participating in an extramarital affair while on duty. Automated Vehicle Locator data showed that between October 29, 2020 and January 11, 2021, the respondent spent over 83 on-duty hours at the apartment complex of the woman with whom he was having a relationship. The respondent did not receive a call for service to the area over the period of 35 shifts. While in the area, the respondent indicated he conducted neighborhood contacts and self-initiated calls for service. In a sworn interview, the woman stated she had sexual intercourse with the respondent approximately 30 times over that period, sometimes while he was on duty, and that he only visited her three or four times while he was off duty. During the investigation, the respondent stated he was not himself over that time period and suggested a concern about impulse control. The respondent provided documents showing the results of an MRI scan taken after this period, which showed he had been living with a traumatic brain injury. The respondent stated he and his doctor had not known about the injury, and that the respondent had been taking estrogen inhibiting medication. The respondent stated he had since learned such medication should never be knowingly prescribed to someone with a traumatic brain injury, and that this combination contributed to his behavior. No criminal charges were filed.

Penalty Guideline: Suspension to Revocation

FDLE Prosecution recommended revocation of the respondent's certification.

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.

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 investigate 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/CJSTC/Publications/Forms.aspx>, through the Commission's Automated Training Management System, 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.

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.

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.

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.