

Professional Compliance Bulletin

November 2023

Issue #86



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 hearing held on November 2, 2023.

Case #50170-Excessive Use of Force

The respondent was terminated from the Broward County Sheriff’s Office subsequent to an internal investigation which sustained violation of agency policies, battery, and excessive use of force. On June 26, 2019, the respondent observed an inmate in the processing area who seemed agitated. The respondent observed the inmate drop a piece of paper and kick it near where the respondent was standing. The inmate, who was handcuffed with his hands behind his back, said something to the respondent. Other officers present moved the inmate away from the respondent. Moments later, the respondent approached the inmate, pushed him, then began to punch him multiple times under the inmate was on the ground. The incident was captured on video. The respondent was arrested for battery but was found not guilty by a jury.

Penalty Guideline: Suspension to Revocation

FDLE Prosecution requested a 1-year retroactive suspension and 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 anger management counseling prior to the end of the probationary period.

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

Case # 48726-False Official Statement

The respondent resigned from the New Port Richey Police Department prior to the conclusion of an internal investigation which sustained the charge of deliberate falsification of official police reports. An internal investigation was initiated after police department management received information concerning inconsistencies in the respondent’s incident reports. On January 1, 2022, the respondent and another officer were dispatched to a residence regarding a domestic disturbance. Following the call, the respondent detailed in the incident report that the respondent

spoke with the suspect, in-person, at the residence. A review of body worn camera videos, as well as interviews with the victim, suspect, and other officer revealed that the respondent did not speak with the suspect as documented in the incident report. 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 accepted the requested penalty.

Case # 49619-Use of Possession of Drug Paraphernalia; Introduction of Contraband

The respondent was resigned from the Department of Corrections prior to the conclusion of an internal investigation which sustained conduct which violates state statute. On April 25, 2021, during a canine interdiction operation at a state correctional institution, a canine alerted to the presence of a narcotic odor emanating from a vehicle. The vehicle was registered to the respondent. The respondent provided consented to a search of the vehicle. A digital scale caked with a white powdery substance was discovered underneath the driver's seat. Two flakes of a hard, white, powdery substance was also discovered. The substance field tested positive for cocaine. A green leafy substance was observed scattered across the floor of the rear passenger seat. The substance field tested positive for marijuana. One magazine containing 23 rounds was discovered inside the center console. No criminal charges were filed.

Penalty Guideline: Prospective suspension to Revocation

FDLE Prosecution requested that the Commission revoke the respondent's certification.

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

Case # 49435-Unprofessional Relationship with an Inmate (Romantic Association)

The respondent was terminated from the Desoto County Sheriff's Office subsequent to an internal investigation which sustained unprofessional relationship with an inmate. On July 10, 2022, a lieutenant was conducting random searches of inmate messaging accounts when he discovered multiple messages to the inmate from an account linked to the respondent. In the messages, the respondent expressed feelings of love and affection for the inmate. No criminal charges were filed.

Penalty Guideline: Revocation

FDLE Prosecution requested that the Commission revoke 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.

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 2023. 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 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.