

Professional Compliance Bulletin from Criminal Justice Standards and Training Commission



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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 meetings, 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 that were heard by the Commission at its meeting held on May 4, 2006.

Case #22084 Petit Theft (5 counts)

The respondent was terminated as a result of an internal investigation that revealed he stole fuel from the city depot to put in his personal vehicle on five separate occasions. Another city employee witnessed this theft on one occasion, and reported it to the police department. In his criminal interview, he admitted that he took one of the fuel keys to one of the patrol units and used it to steal the gas. He said that he was sorry and would like the opportunity to pay the city back for the fuel that he took. In court, he pled guilty to one count of petit theft, and the remaining charges were merged with the first count. Adjudication of guilt was withheld and he was placed on six months probation, was ordered to perform fifty hours of community service, and was ordered to pay \$77.16 in restitution to the city.

Penalty guideline: Suspension to revocation (each count)

Staff recommended revocation in this case, citing the multiple violations committed by the respondent as an aggravating factor.

Disciplinary Action by the Commission: Certification revoked.

Case #21496 Aggravated Assault on a Police Officer with a Firearm (2 counts); Improper Exhibition of a Firearm

The respondent was terminated subsequent to his arrest for two counts of Aggravated Assault on a Police Officer with a Firearm and Reckless Display of a Firearm. The arrest stemmed from an incident where law enforcement responded to a three car traffic crash, in which the respondent was involved. Upon arriving on scene, two officers observed the respondent standing in the middle of the road holding an assault rifle while pointing it at the ground. The officers took cover behind their vehicles, and ordered the respondent to drop the rifle numerous times. When he failed to comply, backup units were summoned, and he was apprehended. The officers later discovered that he was also wearing a handgun holstered around his waist.

Penalty Guideline: Suspension to revocation (each count); Probation with training

Staff recommended that the Commission revoke the respondent's certification due to the egregious behavior displayed during this incident.

Disciplinary Action by the Commission: Certification revoked.

Case #21482 Unlawful Compensation or Reward for Official Behavior; Perjury in an Official Proceeding

The respondent was terminated as a result of a sustained internal investigation that revealed untruthfulness and other moral

character violations. While on routine patrol, the respondent answered a complaint referencing trespassers fishing on a lake. The respondent met with the owner of the property and two of the trespassers. The internal investigation revealed that the respondent made a deal with two of the individuals for them to surrender some of their fishing equipment in lieu of being arrested for trespassing. The respondent subsequently met with two additional trespassers, and initiated a similar deal for them to surrender some of their fishing equipment in lieu of being arrested. During the internal interview, the respondent denied initiating these deals with the individuals; however, testimony given by the individuals involved confirmed that the respondent did, in fact, initiate the deals.

Penalty Guideline: Suspension to revocation; Prospective suspension to revocation

An administrative law judge heard this case at the request of the respondent, and recommended a penalty of revocation. Therefore, staff recommended that the Commission accept the administrative law judge's recommended order for revocation.

Disciplinary action by the Commission: Certification revoked.

Case #23190 Willfully Compromised or Circumvented the Student Attendance Requirements; Intentionally and Materially Falsified Criminal Justice Documentation

This case involved several instructors with a training center and allegations that they falsified criminal justice documentation and circumvented the student attendance requirements. An FDLE internal investigation revealed that several instructors were signing attendance rosters indicating that students were attending a cross-over class for the approved number of hours when in fact the students were not in attendance for all of the required number of hours. Students who were interviewed indicated that three students came to class repeatedly fifteen to forty-five minutes late and that they sometimes left early without notifying the instructors. The instructors indicated that they left it up to the class leader to properly complete the rosters; however, the class leader indicated that he thought it was the instructors' responsibility to indicate to him absences and those students who were late for class.

Penalty Guidelines: Probation to revocation

Staff recommended Letters of Guidance in all cases.

Disciplinary Action by the Commission: The Probable Cause panel accepted staff's recommendation and issued Letters of Guidance to all instructors involved.

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

Effective March 27, 2006, rule changes were made regarding the Professional Compliance process and officer requirements. The changes are outlined below. The full rules can be accessed at www.fdle.state.fl.us or www.myflorida.com.

11B-27.0011(4)(c)12. — To remove "making a false statement(s) of fact, under oath..." in (4)(c)12. Commission staff processes these types of cases as "perjury in an official proceeding," therefore, the "making a false statement..." is a redundant violation.

To remove reference to form CJSTC-35 on the Officer Certification Application Deficiency Notification form CJSTC-259; form CJSTC-35 was repealed in 2004.

11B-27.002(2)(a) — To add the following time line for submitting form CJSTC-59 to Commission staff verifying that the applicant is eligible for certification: "within 30 days of the applicant's compliance with the certification requirements."

11B-27.0022(2)(b) — To correct the statute cite on the Release of Information form CJSTC-58.

11B-27.00212(4) — To add the Use-of-Force training requirement to the Mandatory Retraining Report Form CJSTC-74.

11B-27.00212(15) — To add rule language for the mandatory requirement to complete the Law Enforcement Officer Firearms Qualification Standard every two years.

1B-27.005(5)(b)10. — To give the Commission discretion to impose a penalty range (prospective suspension to revocation) when the first DUI offense has been discovered at the time a second DUI offense is reported.

11B-27.005(5)(c)12. — To remove "making a false statement(s) of fact... with the intent to mislead or deceive," because Commission staff processes these types of cases as "perjury in an official proceeding," therefore, "making a false statement..." is a redundant violation.

11B-27.013(3)(c) — Revised Patrol Duty Canine Team Proficiency Examination and Equivalency Form CJSTC-83 by removing Section II.

For many years the Florida PBA's newsletter has carried reports on the standards of discipline adopted and used by the Criminal Justice Standards and Training Commission to discipline law enforcement, correctional and correctional probation officers who have allegedly engaged in misconduct. Recently, the CJSTC has started a quarterly bulletin designed to inform officers of the types of misconduct cases the Commission is reviewing and the punishment taken against officers engaging in the misconduct.

The Florida PBA wants to thank the Commission for agreeing to permit the Association to republish the bulletin in the *Roll Call*. Officers should understand the Commission's penalty rules provide a range of discipline as a guide and the penalty taken against the officer will vary depending on the individual circumstances of the case.

—Hal Johnson

Florida PBA
General Counsel



**The PBA
"Support Law
Enforcement"
tags are here!**



The Florida PBA "Support Law Enforcement" license tags are now available for purchase at your county tax offices. The proceeds from the sale of this tag go into the Florida PBA Heart Fund to help fallen officers and their families—and it's tax-deductible. So help your fellow law enforcement officers and families out (and show your support for the PBA) by purchasing one or more of these license tags for your vehicle or vehicles.

Questions and comments can be directed to: glenhopkins@fdle.state.fl.us

July 2006

7