

That's One Small Leap... (Continued from page 13)

Effective July 1, 2009, **“all other existing evidence, including, but not limited to, incident reports, GPS locator information, and audio or video recordings related to the incident under investigation, must be provided to each officer who is the subject of the complaint before the beginning of any investigative interview of that officer.”** So, for example, if your patrol car's Event Data Recorder (“EDR”) print-out reflects a certain speed or whether you were wearing your seatbelt, you're going to be *shown* that information *before* being asked to swear to such things. And all of that “evidence,” now more clearly than ever before, must be provided together with the IA report, *before* you go into a pre-disciplinary meeting. Modifications also have been made to the language of the 180 days limitation provision responsive to some artful dodges there, too.

Many of you out there are thinking: *“That's because of my case!”* All of you are correct.

But the most momentous change to Chap. 112 is neither to s.112.532 nor to s.112.533, F.S. While the changes to those subsections are significant, and address the many “wrongs” we have seen, the biggest step of all has been made with regard to a **REMEDY**. Section 112.534, Florida Statutes has been rewritten in its entirety thanks to the Florida PBA, its President Rivera, its Vice Presidents and Treasurer (our own Ernie George), its Executive Directors, General Counsel Hal Johnson, attorneys, staff and lobbyists in Tallahassee. Every Florida sworn law enforcement, corrections, and probation officer owes them thanks.

Effective July 1, 2009, the threat of a career-ending “insubordination” for refusing to answer compelled investigative questions during a coercive or otherwise illegal interrogation no longer is the exclusive trump card of a coercive or otherwise lawless investigator. **Whenever and**

wherever any investigative personnel “intentionally fails to comply with the requirements of [Chap. 112, F.S.],” the subject officer or the officer's representative can initiate a process authorizing a “refusal to respond to further investigative questions [which] does not constitute insubordination or any similar type of policy violation.”

And it doesn't end there, or a year later in a courthouse waiting around for a judge to declare something. If the subject officer carries his or her “burden of proof to establish that the violation [] was intentional,” the investigator gets removed from the case, and becomes a subject of investigation. And if the investigator is sustained (or “substantiated”) with regard to the violation(s), the matter goes up to CJSTC “for review as an act of official misconduct or misuse of position.”

Certainly, the establishment of some kind of remedy, and some relatively fast-tracked administrative procedure, for an “official misconduct”/felony ignored all these years has been very long overdue. So, 40 years from now the amendments, themselves, probably will not be remembered as a major change in the body of Florida law. And the word **“if”** does appear no less than four times in the new subsections. But all of this took nearly a decade to accomplish, and this is the “giant leap” I've been talking about. It no longer is just talk.

WARNING: Do not recklessly activate this launch procedure. The ink is still wet on the statutes, and like any others, there are specific steps that must be taken within very abbreviated timeframes in order to preserve the statutory rights. The PBA will be doing training, distributing materials and, as always, providing advice and counsel. “The Eagle has landed.” ●

The man was accused of stealing a watch, but there was so little evidence the judge was forced to dismiss the case. The prisoner, however, just remained standing in the courtroom.

“I said you're discharged,” the judge roared angrily. “You are acquitted. You're free. Get out.”

“Excuse me, Judge,” the acquitted man replied, “but does that mean I gotta give the watch back?”



Greg Stout
Tampa PBA
President

Editor's Note:
Our members always ask for ways they can help. A Letter To The Editor is a great way to get our message out.

Police well worth the pay Special Editorial To The Tampa Tribune

As a Tampa police officer and president of the Tampa Police Benevolent Association, I read with a great deal of interest the *Tribune's* July 27 editorial, “Public employee perks batter local taxpayers.” What was most interesting to me were all the facts you left out.

First and foremost, we are well paid, and we are grateful to the city and our citizens when I say that. We also are well educated, qualified and very well trained, which is an immense benefit to our citizens. Does a well-paid police department draw the best applicants? You bet.

Over 15 years ago, the Tampa Police Department instituted stringent educational guidelines for employment. A Tampa police applicant must have a two-year college degree or the equivalent to be hired. The department prefers a four-year degree, and based on the applicant pool, they usually get it when seeking a qualified candidate.

To that end, 239 officers have an associate's degree; 319 officers have a bachelor's degree; 42 officers have a master's; and two of our officers are attorneys with law degrees. Having that education and formal training makes us a much better witness when preparing police reports and sparring with highly educated and skilled attorneys during courtroom testimony. Saying it proudly, our professionalism shows.

Our pay scale and benefits are drawing police applicants from around the country. They are applying in great numbers, giving us a much better and more diverse hiring pool. When we employ a fully experienced police officer we are saving our citizens time and money in training costs. In a matter of weeks we are able to put a qualified officer on the street ready to fight crime.

Your editorial neglected to say Tampa police officers have reduced crime 46 percent over the past five years. Find that kind of statistic in another city our size. I believe you will not.

The Tampa PBA has clearly said from the first day of negotiations with the city that we, too, understand tough economic times, and we have not asked for any cost of living pay raise for the coming year. We are also taxpayers

and have spouses and family facing downsizing.

Our difficulty with the city lies in the step plan, or merit increase as you called it in your editorial. The step plan has been in place unchanged for over 30 years. The stability of our pay plan has contributed to an extremely low turnover rate, which benefits citizens. We believe the current step plan does not increase payroll.

If your readers think of a step plan as a career path that begins with an apprentice officer and gives them incremental steps in pay as they become journeymen, then that is the best explanation I can give. It is not something automatically given. Each officer has to earn it based on annual performance evaluations. In fact, the director of Human Resources with the city has the authority to alter the step increase for an employee when the rating is deemed inappropriate or when ratings indicate a trend towards a halo effect or other distortion based on merit.

By our calculations, only 52 percent of our officers are eligible for a step increase in fiscal year 2010. Additionally, those increases are staggered over the entire year based upon the date of their annual evaluation. Some officers will not even see a step increase until the end of the fiscal year, which may only represent a few months of step pay. Almost half our officers are not eligible for a step increase, nor will they receive a pay increase of any kind this coming year.

We are involved in our community. We give generously to United Way. We are actively involved in Paint Your Heart Out Tampa Bay. Officers working the Sulphur Springs area have opened a makeshift kitchen for school-age students, to make sure they are fed this summer while school is out.

We believe your money is well spent in support of police officers. We hope you tell city council and **Mayor Pam Iorio** that you want your hard-earned tax money spent to continue our fight to make Tampa a safer place to live.

Just this week, six police officers have been killed around the country doing the same job we do. The next time you batter our perks please print all of the facts and consider how we feel when you are really battering us. ●