

PBA Stands Up For Officer Rights

THE TAMPA TRIBUNE

Bill stacks deck in favor of bad cops

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When law enforcement agencies can't fire bad cops, it's the public that pays the price. Arrogant officers can be rude or even abusive with little fear of consequence. Incompetent and lazy officers are free to waste tax dollars while ruining the morale and effectiveness of police and sheriff departments.

But none of that mattered to state lawmakers. Led by Sen. Mike Fasano of Pasco, they passed a rotten bill that will make it extremely difficult to discipline misbehaving officers.

Supporters were more concerned with pandering to the politically powerful police unions than with safeguarding the public.

This is typical.

Lawmakers frequently attack local governments for overspending, but they eagerly approve union-backed requests, such as pension enhancements, that drive up local taxpayers' costs.

The latest measure amends the "Law Enforcement Officers' Bill of Rights," which already grants officers extraordinary rights.

Thanks to past union lobbying efforts, during disciplinary investigations the accused officer must be informed of all the names of accusers. The accused must be provided witness statements before being interviewed by internal affairs, which allows the officer to fashion a response to the accusers.

The new measure requires that officers under investigation be

given not just the testimony but also all other evidence, including video and audio recordings, and GPS information prior to the interrogation.

This change was proposed after a Tampa Police Department case in which officers were accused of billing for hours they didn't work. The department used GPS, surveillance and other methods to track the officers. Three retired; another was fired.

The outcome might have been different had the officers been given plenty of time to review the damaging material before ever being questioned by internal affairs.

As if this change wasn't enough to stack the deck in favor of miscreants, the legislation also gives the accused officer the option of seeking the appointment of a review panel if he thinks investigators have violated his rights.

If criminals were allowed such leniency, few bad guys would go to prison.

And if this measure becomes law, fewer bad cops will be sent packing. The result will be less efficient and responsive law enforcement.

As Tampa Police Chief Stephen Hogue told Tribune reporters: "It's a bad bill. Good cops don't need it and bad cops don't deserve it."

If Gov. Charlie Crist cares about the integrity of law enforcement in Florida, he'll veto this stinker.

In response to the editorial: "Bill stacks deck in favor of bad cops" reprinted above...

Reply #1 from Florida PBA President John Rivera:

As usual, this paper sides with the management version of every argument. It is not surprising, but it would be nice if at least once before you write an opinion that you actually talk to the other side for comment.

First, this bill does not allow a so-called bad officer accused of wrongdoing to get out of trouble. Truth is, bad officers will have less room to contrive a story when the evidence is plain as day. This new legislation will also wind up saving taxpayers money, because it will reduce the time spent on these types of interviews. Basically, show the evidence up front and a bad officer has no room to move. Why waste the time and money playing games? SB 624 has nothing to do with letting guilty officers go free . . . but has everything to do with treating officers fairly. By the way, the Florida Legislature voted overwhelmingly in favor of this thoroughly vetted legislation.

Let's talk about taxpayer waste a little more though. This legislation was actually a compromise agreement reached by Sheriff John Rutherford (on behalf of the the Florida Sheriff's Association) and the Florida Police Benevolent Association. At the time, Sheriff John Rutherford of Jacksonville was the Legislative Director for the Florida Sheriffs' Association; he has since resigned that position in protest to the dishonorable actions by sheriffs like Hillsborough County Sheriff David Gee. Unfortunately, for the taxpayers of Hillsborough, your sheriff spent taxpayer money lobbying against this measure even after his association agreed to the compromise. He employed two fulltime staff members to work against the interest of the lobbyists he already pays for through the Sheriffs' Association. Talk about a waste of time and money. Worse yet, he led the charge to embarrass the Sheriffs' Association at the end of session by distorting the intent of the compromised legislation, curiously, much like this editorial has done.

He's a major reason why officers need a bill of rights, and we are proud to work for the rank and file officer... even when it's not popular with a management friendly newspaper, or a sheriff with no integrity.

John Rivera, President
Florida Police Benevolent Association

Reply #2 from Florida Senator Mike Fasano:

Dear Editor:

Your editorial regarding the Police Officers Bill of Rights legislation that I sponsored has got it all wrong. You paint this bill as legislation to "protect bad cops" when it is nothing more than giving all police officers the right to keep up with the advance of technology when they are involved in administrative investigations. The editorial is incorrect in many details, including when a review panel can be appointed. Ultimately that is a decision made by the sheriff or the chief of police, not the officer under investigation.

The greater story, and the untold one in your editorial, is the appalling action taken by the Florida Sheriffs Association as the bill neared passage. The version of SB 624 which passed both the Florida Senate and the Florida House of Representatives was a compromise product that was agreed to by the Florida Sheriff's Association, the Florida Police Chief's Association and Florida Police Benevolent Association.

At the last moment, literally the day before the bill faced final passage out of the Florida Senate, the Florida Sherriff's Association and Florida Police Chiefs Association reneged on their agreement and came out in opposition to the legislation. The Florida Sheriff's Association held an impromptu phone conference right before the bill passed the Senate and then decided to reverse its previously expressed support of the bill. Ironically the bill was crafted with language that the Association proposed in the first place. The legislative director of the Florida Sheriff's Association, Sheriff John Rutherford of the Jacksonville Sheriff's Office, was intimately involved in the negotiations surrounding this bill. Upon learning that his own association backed out of the agreement it had struck with all parties, this individual of integrity resigned his position with the association. I applaud him for standing up and doing the right thing.

It is my opinion that those sheriffs who withdrew their support, none of whom ever came and expressed their personal objections to me, at the very last moment are the very people from whom the rank and file police officers need to be protected. Not only did the Association send a message that the good men and women on the streets are not worthy of additional protections, the Association sent a message that it can't be trusted to keep its word. This is something that should be remembered come election day.

Yours truly,
Mike Fasano
State Senator, District 11