

The Palm Beach Post

State's public safety 'roof' needs overhaul, not patch

Palm Beach Post Letters to the Editor

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Consider your public safety force as the roof of your state government providing protection to Florida's inhabitants. Next, imagine the Florida Legislature is the homeowner who is expected to maintain the roof through the appropriations process (budget). So, how have the fiscal stewards of our roof spent our money?

Well, more often than not, our Legislature has invested in our public safety professionals in a manner similar to irresponsible homeowners, leaving behind a legacy of neglect at the state's correctional institutions, law-enforcement departments and investigative agencies. It chooses to take a "let's just fix the leak" approach instead of looking at what may be the root cause of the leak and taking action to solve the overall problem.

That piecemeal approach has left Florida's public safety force drastically underfunded, undervalued and understaffed. Right now, Florida's public safety professionals in every certified discipline are leaving in droves (over 10 percent on average in 2007) for other non-state employment, draining the state's pool of critical public safety talent at a time when crime is on the rise. The talent drain, coupled with the state's constant recruiting problems, has created a severe staffing shortage in essential services, which could develop into a full-blown crisis in Florida's public safety capabilities.

At this rate of officer turnover, our public safety force cannot be expected to operate at staffing levels above the critical stage much longer. The culprit of this exodus is a lack of investment by the Legislature in the public safety professionals who perform the jobs. There are three prolonged consequences from the lack of investment by the Legislature to our statewide public safety force: 1) major shortages of experienced talent, 2) dangerously low staffing levels of essential personnel (experienced or not), and 3) a genuine apathy from the officers to the profession. Obviously, a shrinking labor force of inexperienced and overworked officers performing our critical tasks will be problematic to a state prone to hurricanes and wildfires and with a population of over 18 million people. But mix in the underlying resentment toward state employment and we have a recipe for disaster.

Year after year, officers are forced to compete against our children, our elderly and our medically needy for essential state funding. All too often, these officers must reintroduce themselves to elected officials who are looking for a quick fix to the problem. Since this issue did not pop up overnight, there is no quick fix. Just like the irresponsible homeowner's leaky roof, there is a legacy of neglect that spans generations, and it will take consistent investment by the Legislature to solve it.

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Coastal Florida PBA and PBA Attorney Gloria Fletcher prevail in the trial of Officer Nathaniel David Juratovac. Officer Juratovac was acquitted by Circuit Judge James R. Clayton of all charges. From start to finish, this entire effort to defend against these bogus, trumped up charges was completely covered by the PBA's Legal Defense Benefit.

Police officer acquitted

By Richard Prior, The St. Augustine Record

DELAND -- Broad smiles, brief applause and a lot of tears greeted a judge's decision to acquit a former Flagler Beach police officer of all three charges he faced.

The trial of Nathaniel David Juratovac gained some measure of notoriety because it combined so many unusual elements: a rarely prosecuted charge of perjury, a sole prosecution witness who said he gave up cocaine 10 months ago and **the daughter of the area's top law enforcement official [Tanner's daughter]**.

Circuit Judge James R. Clayton took the decision out of the jury's hands Thursday afternoon and ruled shortly after the state rested its perjury case against Juratovac.

The former officer also had been charged with false imprisonment and falsifying official documents after he arrested Michael Matthew McGuirk and Lisa Tanner the night of Nov. 9, 2005.

McGuirk was renting a room in a home belonging to Tanner, the daughter of John Tanner, State Attorney for the 7th Judicial Circuit.

For the second time during Thursday's proceedings, Clayton drew attention to the "irony" of the state's star witness being a man who had lied in four previous proceedings.

McGuirk "gave inconsistent and contradictory statements under oath, which would lead one to the reasonable opinion that he may have committed perjury," said the judge, emphasizing "may have."

More important, Clayton said, is the law requires "something more than the testimony of one witness."

If there is only one witness, the state's case has to be supported by "other independent and corroborating circumstances," he said.

The prosecution didn't provide that, he ruled.

The judge also acquitted Juratovac of the other two charges.

"As long as you always stick to the truth, no matter what happens to you in this process, you will be set free," Juratovac said in a "message"

to law enforcement officers. "Don't deviate from the truth. Always be honest and noble in your job and you'll go far."

Juratovac had special thanks for his wife, Robin, for enduring the stress and "sticking by me through all this."

"It's been very hard on our family," he said. "But she's also a believer in the truth. And the truth has prevailed today."

The Juratovacs are expecting a child in July. Jury selection was held Monday. The trial began Tuesday morning.

On Nov. 9, 2005, Juratovac charged McGuirk with aggravated assault on a law enforcement officer for trying to run him down with a Ford Explorer in a Flagler Beach neighborhood.

The officer alerted a rookie patrolman, Sergio Pena, who followed McGuirk to Tanner's house. Juratovac drove up to the house a minute or two later.

Pena testified Wednesday that he and Juratovac approached Tanner at her home. She denied knowing anything about the Ford Explorer or the driver.

However, McGuirk came outside and was arrested as his truck was being towed away. Tanner was arrested during the accompanying commotion and charged with battery on a law enforcement officer, resisting arrest with violence and obstruction of justice.

Those charges were later dropped.

At the time he was arrested, a warrant had been issued for McGuirk, charging him with violating drug-offender probation for a cocaine possession.

Juratovac testified at the violation hearing, held Feb. 22, 2006, before Circuit Judge Kim Hammond.

State Attorney Jerry Hill of Polk County charged Juratovac with perjury for the testimony he gave at that hearing.

Assistant State Attorney Victoria Avalon, who works for Hill, rested her case early Thursday afternoon after playing Juratovac's two-plus hours of testimony for the jury.

The jurors heard Steve Nelson, an assistant state attorney who works for Tanner, badgering Juratovac and challenging nearly every statement the officer made.

The substance and tone of the questions made Juratovac appear to be the defendant, not the arresting officer.

McGuirk's attorney, Dennis Bayer, noticed the effect.

"I'm not used to Mr. Nelson making my arguments for me, Judge," Bayer told Hammond near the end of the hearing.

Co-defense counsel Gloria Fletcher said Thursday that she was pleased with the result but "disappointed that we had to represent a law enforcement officer in such ludicrous and deplorable allegations."

Such a prosecution could have a "chilling effect" on other officers, who may become "frightened to do their job," she predicted.

"Our concern is what's going to happen to the officer on the street," Fletcher said. "Where does it go from here? Where's his security to protect us from the people who commit violent crimes?"

Co-counsel Therese Truelove, who argued the motion to acquit, said the wrong person was on trial.

"Instead of two individuals being held responsible for their actions a law enforcement officer was charged with a crime," she said. "I think Judge Clayton sent a message that he was willing to follow the law, not succumb to political pressures from anybody in this circuit."

"It was very hard to sit there next to (Juratovac) and have individuals point their fingers at him and accuse him of lying, accuse him of ruining their lives when in fact they were the ones that were lying and basically ruined his life for the last couple of years."

**[Notation added by PBA]*

Editor's Note: Because of State Attorney John Tanner's ongoing attacks on law enforcement officers, Coastal Florida PBA and Florida PBA are working hard for his opponent, R.J. Larizza, in the August 26th election. Unlike State Attorney Tanner, Mr. Larizza is a strong supporter of law enforcement officers. See endorsements in Flagler, Putnam, St. Johns, and Volusia Counties.

The Top Ten stupid things legislators are working on:

1. Repealing the foie gras ban in Chicago, much to the chagrin of the goose-rights crowd.
2. Banning "Truck Nutz" in Florida.
3. Spending tens of thousands of dollars to secure "executive bathrooms."
4. Cutting law enforcement jobs and spending as crime is going up.
5. Making it harder for people to vote.
6. Outlawing baggy pants.
7. Arlen Specter's NFL spygate obsession.
8. Arguing that they're too poor to pay child support (former New Jersey Governor only).
9. Trying to mandate the use of "pistolcams."
10. Playing footsie in the men's room at the airport.