

PBA In The News

PBA Asks For Grand Jury On Evidence Handling

Highlands Today • ©September 6, 2008 • By Joe Seelig

SEBRING – The evidence handling controversy involving the Highlands County Sheriff's Office just isn't going away.

A copy of a letter dated Sept. 4, from David Murrell, executive director of the Florida Police Benevolent Association Inc., written to State Attorney Jerry Hill was faxed to the *Tampa Tribune's* Tallahassee bureau late Thursday and forwarded to *Highlands Today*.

In the letter Murrell asks Hill to convene a grand jury "for the purpose of investigating allegations of evidence mishandling at the Highlands County Sheriff's Office."

The letter included an apparent news release (undated), stating the association has launched a formal complaint against the Highlands County Sheriff.

"We are alleging gross incompetence by Sheriff Susan Benton in the custody and handling of evidence critical to prosecutions in Highlands County," wrote Murrell. "If a deputy were to mishandle or lose evidence of this magnitude, they would be terminated with cause. We feel an independent investigation by the State's Attorney is necessary to restore confidence in this agency."

Benton said Friday she has been working with the state attorney's office and an internal investigation of the matter was ongoing.

The internal investigation is two-fold, she said; the inventory process if it followed policy and industry standards as well as were any personnel in violation of the law or policies and procedures of the sheriff's office.

"Mr. Hill and I have been in communication as the evaluation of our evidence handling progresses," she said. "We will continue to talk and in fact will meet here next week to work out any remaining res-

olutions. Mr. Hill and I reassure the community that all efforts are being made to guarantee the integrity of the evidence process."

Benton said she received a letter from Hill dated Aug. 29, in which he expressed his continuing concerns regarding issues raised in the audit. Hill's letter included some of those concerns raised by the PBA.

Benton responded to Hill on Thursday, Sept. 4. "Please forgive me, but I did not realize you were waiting for information from the Sheriff's Office, since we have been working closely with the State's Attorney's Office in Highlands County," she wrote.

She said she looked forward to her 9 a.m. meeting with Hill on Wednesday.

Benton wasn't immediately aware Friday of the PBA's letter, but then again, neither was Hill's office, according to spokesman Chip Thulberry.

When Thulberry was asked to comment on the PBA's allegations, he could not.

"The letter has not arrived," he said. "Clearly we cannot respond on a letter we have not received."

Mike Durham, the sheriff's general counsel, found it interesting that the letter got to the press before it got to the person it was written to.

The PBA cited a 13-page report written by Stephen Newell, who was a 30-year veteran in law enforcement hired by Benton as a part-time civilian to work on cold cases. His employment began on June 21, 2007, working about 20 hours per week.

He was later asked to lead a team conducting an inventory and audit of the sheriff's evidence storage rooms. He resigned in protest to what he called the "mishandling of the truth" regarding the inventory he conducted.

"Newell's memo was highly critical of past evidence handling procedures and listed specific

pieces of evidence that were missing or improperly destroyed," the PBA's news release stated. "Upon receipt of the Newell memo, Sheriff Benton abruptly ended the audit and had staff rewrite the memo to 'sanitize' the conclusions critical of her agency."

"Benton could have accepted the findings of the audit and acted in good faith to restore credibility to her agency," said Murrell. "Instead, she sanitized the Newell report for political purposes and, thus, misrepresented his work to the press and the public. She needs to be held accountable."

Benton said Friday, a review of the inventory revealed many items listed as missing were actually there. She simply lost confidence in Newell's experience.

"He admitted to me that never once, in his 30-some-year distinguished law enforcement career, had he conducted an inventory," Benton said Friday.

PBA Deputy Executive Director Matt Puckett said Friday it got involved when it received information regarding the circumstances of Newell's resignation on Aug. 6 this year.

Durham said the PBA's move could be in response to recent efforts by some members to unseat the PBA as its labor union.

"Could the PBA be upset that the Fraternal Order of Police has endorsed Sheriff Benton and there may be an effort to terminate the PBA's relationship with the members of the sheriff's office," said Durham. "After all the unions survive from dues-paying members. It appears the PBA has made this personal against Sheriff Benton."

Puckett said Friday that was not the case.

"As far as I know the officers are very satisfied with the organization," he said. "We just want to be sure that the sheriff's office is strictly following the letter of the law."

Larizza Upsets Tanner

St. Augustine Record • August 27, 2008 • By Richard Prior

2,600 votes tip race to St. Augustine attorney

The race for state attorney in the 7th Judicial Circuit came down to the wire—the final six precincts to report in Volusia County.

When all the votes were counted Tuesday night, incumbent John Tanner, facing his first challenge in 12 years, lost re-election by the narrowest of margins to St. Augustine attorney R.J. Larizza.

According to the numbers posted by the Florida Division of Elections, Larizza won by a 2,632 vote margin out of 119,896 ballots cast.

The individual totals were 61,264 for Larizza and 58,632 for Tanner.

Larizza said he was too exhausted after a long campaign and a nerve-wracking election day,

"The people have spoken, and I am excited about the outcome," he said.

Tanner did not answer the phone where he said he could be reached.

The 7th Judicial Circuit includes St. Johns, Putnam, Flagler and Volusia counties.

Larizza had said before the polls closed that he spent most of Monday giving radio interviews in St. Augustine and Flagler County.

"I can tell you Volusia County also knows my name now," he said. "This became The Race.

"It took some time, but this campaign generated a lot of interest and a lot of commentary."

Voters in St. Johns County gave Larizza his biggest margin of victory in the circuit.

He tallied 14,475 votes (61.33 percent) to Tanner's 9,127 votes (38.67 percent)

Flagler County voters supported Larizza by a margin of 7,150 (55.43 percent) to 5,748 votes (44.57 percent).

There are 56,711 registered voters in Flagler, and 13,742 (24.23 percent) cast ballots.

The voters of Putnam County supported Tanner overwhelmingly.

With all 55 precincts reporting, Tanner had 8,319 votes (62.51 percent) to 4,989 votes (37.49 percent).

There are 44,631 registered voters in Putnam, and 14,152 (31.71 percent) cast ballots.

The unofficial tally in Volusia County - the last to report in the Judicial Circuit - was 18,484 for Tanner (50.33 percent) to 18,244 (49.67 percent) for Larizza.

During the campaign, Tanner emphasized his years of experience as an attorney and an administrator. And, he said, he sought continuity.

"Whoever becomes the next state attorney after I finish should be someone from within the office, someone who's been in a leadership position for years," he said. "That person would not necessarily continue in the same mode as me. But there would be consistency and a steady hand."

Larizza repeatedly said the campaign was about trust.

He said he would not have gotten into the race if Tanner's actions had not cost him the trust of the public and law enforcement officers in the 7th Judicial Circuit.

Larizza pounded on the \$530,000—and counting—that Tanner has spent in legal fees to keep the seal on a grand jury report—called a presentment—that "presumably criticizes" how he initially investigated conditions at the Flagler County jail.

That report was issued in December 2006.

Tanner insisted that he is duty bound to keep that presentment sealed. The Duval County grand jury

acted "illegally," and the state attorney who guided it, Harry Shorstein, was "motivated by personal bias."

"I believe it's demonstrative of a mentality of arrogance on the part of the state attorney's office that the public cannot make their own decisions about whether or not this (presentment) was tainted."

Larizza also chastised Tanner for using taxpayer funds to keep the presentment sealed instead of spending that money on staff and prosecutions.

Tanner insisted at every stop that a circuit judge, not Tanner, was keeping the report sealed. He likewise insisted that his attorneys were not being paid with tax dollars. The bills are paid out of a "cost of prosecution" trust fund that was earned by his staff, he said.

Larizza and others have insisted that Tanner is splitting hairs when he makes that distinction.

"Isn't it all taxpayer money?" asked Nate Ingram, executive director of the Coastal Florida Police Benevolent Association. "We believe that all the money in the State Attorney's budget is taxpayer money... unless he's writing a personal check (to his lawyers).

"All the money he has spent to conceal his wrongdoing is taxpayer money."

Ingram's union and Local 385 of the Teamsters Law Enforcement League announced June 24 that they were supporting Larizza.

"It has been a very good night," said Vince Champion, president of the Coastal Florida union. "I can tell you that Law enforcement is looking forward to a much better relationship with the State Attorney's Office, which had been badly damaged by the incumbent."