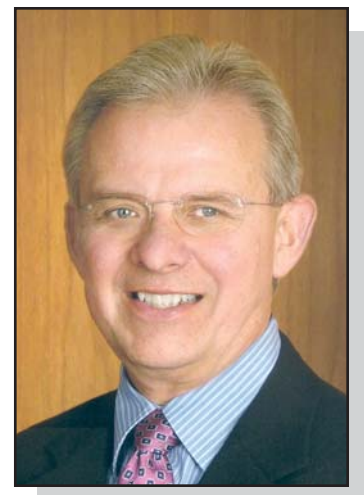


# Discussing Career Issues from Your PBA General Counsel



*Hal  
Johnson*

## Big Brother Is Watching, Listening, and Recording

This is a “BBW” article, i.e. big brother is watching! It is a reminder that your agency is recording what you do, what you say and where you go. In many instances, it knows the location of your vehicle and the speed you are traveling. It knows what you are accessing on your computer and for how long. Simply put, there is increasingly no such thing as “workplace privacy” because “big brother” is watching and watching very closely. Why the warning? Because the Association monitors the legal defense and disciplinary cases it is handling and, from the monitoring, it has become very apparent that many of our members need to be warned. From the member who gives the suspect or inmate that extra shove or kick, to the member who accesses his favorite shopping site or “porn” site on his work computer, you need to understand “BBW.” If the video gets reviewed or your computer record pulled, you may be in jeopardy—both criminally and from a disciplinary perspective.

Here are a few areas about which you need to pay special care: patrol vehicle and cell cameras. It is a fair estimate that over 50% of the criminal and disciplinary cases that are submitted to the PBA for review and representation involve some form of video evidence. So remember, when you are confronting a suspect or inmate “BBW.” You may have a perfectly legitimate reason for that push, shove or kick you utilize, but the video camera may not pick it up. Be professional and use discretion in your actions.

Routine reports and check-ins are other areas about which you need to pay special care. If you are on patrol and you call-in a location, give an accurate report, no fudging. Most agencies can pin-point your location, so when BB asks

your location, make sure it is accurate. To our correctional members, do your cell-checks as required, not once or twice a shift. And, if you don’t do them, don’t write in the report book that you did. BB (especially the wardens) are routinely screening wing-videos. If the warden does not see you move all night and you have initialed that you did eight cell-checks, you are a sitting-duck for disciplinary action.

For those of our members who like to “surf the net” during your work shift or do a quick “DAVID” check for a friend or acquaintance, don’t. BB can find where you are “surfing.” If it is a “porn” site or a limited, law enforcement access site, you are bound to get investigated and disciplined. Do your surfing at home.

Finally, if you do come under investigation, ask to review a copy of the documents involved. Under the revised LEO Bill of Rights adopted in 2009, you have the right to review all evidence gathered against you in a disciplinary case including “GPS locator information and audio or video recordings related to the incident under investigation” prior to disciplinary interview. Take your time and review it carefully. If you are “caught” by BB and his camera, admit your error and move on. At least, the agency can’t charge you with untruthfulness or, worse, perjury during the interview.

Here is the bottom line: perform your job in a professional manner and presume that “BBW.” If you find that you are the subject of “recorded” misconduct investigation, contact your PBA representative and carefully review the document or recording. Finally, remember—honesty is the best policy!

So, stay safe out there and remember: “BBW” ●

## A Message From the President of the CPO Chapter



*Mark  
Altieri*

Dear Fellow PBA Members—I can honestly say that the 2010 Legislative Session was by far the most brutal I have experienced in all my years as a Correctional Probation Officer and as a proud member of the Florida PBA. What we witnessed as far as proposed legislation harmful to our membership and all state workers was truly sickening: “pension reform” bills in both the House and Senate that would have cut our benefits; radically changed the way our benefits are calculated; the commencing of forced contributions from our paychecks to the Florida Retirement System; the elimination of Correctional Probation Officers from the Special Risk Class of the Florida Retirement System; elimination of the Health Insurance Subsidy for all current and future retirees; and finally, a 3% across the board salary reduction for all state employees. Adding insult to injury, the Senate proposed the closing of several DC institutions in order to allow the privateers to fill up the Blackwater prison in the Florida Panhandle (at a cost of 640 filled Correctional Officer jobs).

Due to the all out, no holds barred lobbying war waged by the PBA and the barrage of phone calls and e-mails during the PBA D-Day Event in March by the membership, all of the above legislative schemes did not pass. While this was a great victory for our membership and all state employees, we have to remain ever vigilant going into 2011, as we believe most of these nefarious bills will be proposed again. All of our membership was very fortunate in that our leader, **President John Rivera**, spearheaded the lobbying battle to defeat these bills and was a potent force at the Capitol when confronting the legislative leadership;

President Rivera was also expertly assisted by **Executive Director David Murrell, Deputy Executive Director Matt Puckett**, and PBA lobbyists **Gary Bradford, Kenny Kopcynski, Ed Hoffman, Ernie George, Don Teems, Jim Spearing** and **Ed Collins**.

As a matter of concern to Correctional Probation Supervisors, the CPO Board of Directors has been receiving many calls and inquiries on the GPS alarm phone tree. After thoroughly reviewing this issue in reference to our Security Services Bargaining Unit Agreement, what is allowed is that DC can place a supervisor on the call tree list in order to receive calls from an on-call officer or the monitoring center; however, the supervisor is not technically “on-call.” If a supervisor is placed on the call tree and not on-call, the supervisor cannot be disciplined if he or she does not answer the call according to DC. If the supervisor does choose to answer the call, then he or she must be compensated at their current rate of pay for the time spent answering the call. If there are still additional questions or concerns regarding this issue, please contact me or your Regional Vice-President.

I’d like to express my deepest appreciation to all of our membership for their efforts in helping the PBA defeat some of the most damaging legislation ever proposed in this year’s Legislative Session. With your help and the legislative experts at the PBA in Tallahassee, we stand ready to do battle once again in 2011 if any of the above schemes are resurrected. As always, stay safe, and let us know if we can assist any member in any PBA chapter or charter, as we are truly, a united PBA family. ●

“If you aren’t fired up with enthusiasm, you will be fired with enthusiasm.”

~ Vince Lombardi