

For many years the Florida PBA's newsletter has carried reports on the standards of discipline adopted and used by the Criminal Justice Standards and Training Commission to discipline law enforcement, correctional and correctional probation officers who have allegedly engaged in misconduct. Recently, the CJSTC has started a quarterly bulletin designed to inform officers of the types of misconduct cases the Commission is reviewing and the punishment taken against officers engaging in the misconduct.

The Florida PBA wants to thank the Commission for agreeing to permit the Association to republish the bulletin in the *Roll Call*. Officers should understand the Commission's penalty rules provide a range of discipline as a guide and the penalty taken against the officer will vary depending on the individual circumstances of the case.

—Hal Johnson  
Florida PBA  
General Counsel

Ray & Bubba (mechanical engineers) were standing at the base of a flagpole, looking up. A woman walked by and asked what they were doing.

"We're supposed to find the height of the flagpole," said Bubba, "but we don't have a ladder."

The woman took a wrench from her purse, loosened a few bolts, and laid the pole down. Then she took a tape measure from her pocket, took a measurement, announced, "Eighteen feet, six inches," and walked away.

Ray shook his head and laughed. "Ain't that just like a woman! We ask for the height and she gives us the length!"

Bubba and Ray are currently working on Wall Street.

Questions and comments concerning the Professional Compliance Bulletin can be directed to:  
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# Professional Compliance Bulletin from Criminal Justice Standards and Training Commission



## Professional Compliance Bulletin

The Criminal Justice Standards and Training Commission has as its mission "to ensure that the citizens of the State of Florida are served by the most qualified, well trained, competent and ethical criminal justice officers in the nation." The Commission meets quarterly in an open forum to address issues relating to criminal justice. As a part of these quarterly meetings, cases regarding officer misconduct are reviewed and action is taken against the officer's criminal justice certification. Disciplinary action is based on the facts of each case and is guided by both Florida Statute and Florida Administrative Code. The following is a sample of the cases that were heard by the Commission at its meetings held on Oct. 29, 2009 and Feb. 4, 2010.



## Issue 39

### Case # 28112 Purchasing Prostitution Services

The respondent received a demotion in rank and received 172-hour unpaid suspension from the Daytona Beach Shores Department of Public Safety for the sustained charges of conduct unbecoming and knowledge of and obedience to laws. On November 20, 2008, officers from the Daytona Beach Shores Department of Public Safety were conducting surveillance on a home for activity relating to prostitution. During the surveillance, several males were stopped after leaving the residence and provided statements indicating they had received a sexual favor in exchange for money. During the surveillance, the respondent was observed entering the residence and exiting seventeen minutes later. Once the respondent committed several traffic violations, he was stopped and shortly after being stopped, he was questioned by two detectives about his visit to the residence. The respondent admitted to receiving a sexual favor from a female in exchange for \$100. The residence has no signage indicating that there is any type of legitimate massage therapy/spa business in operation. When interviewed as part of the internal investigation, the respondent indicated he found an advertisement indicating this was a full body massage. No criminal charges were filed.

**Penalty Guideline:** Prospective suspension and probation with counseling to revocation

Staff recommended 172 hour retroactive suspension, 15 day prospective suspension to be served within 180 days of the filing of the Final Order; 1 year probation to commence at the conclusion of the prospective suspension; provide staff with proof of successful completion of Commission approved AIDS Awareness and ethics training prior to the conclusion of the probationary period.

**Disciplinary Action by the Commission:** The Commission accepted staff's recommendation.

### Case # 25321 Withholding Information from a Practitioner (21 Counts)

The respondent was terminated from the Leon County Sheriff's Office subsequent to his arrest for the charge of Withholding Information from a Practitioner. On May 31, 2007, the Florida Department of Law Enforcement (FDLE) was contacted regarding a complaint filed with the Leon County Sheriff's Office alleging that the respondent and his wife were both addicted to prescription pain medications. As a result of this information, a joint investigation was launched. Investigators compiled data which indicated that between February 2006 and June 2007, the respondent received 38 prescriptions for narcotics, primarily Oxycodone and Hydrocodone, from a total of eight doctors. At the conclusion of all the physician interviews, it was determined that the respondent's primary care physicians were unaware that he was going to other doctors to obtain pain medications. The respondent had signed a pain management agreement which lays out the rules that a patient must follow at their clinic to be prescribed narcotics. The pain management agreement specifically states that a patient is not allowed to go to any other doctor to receive narcotic analgesic medications. Analysis of the dates the prescriptions were filled and the physicians who wrote them revealed 31 potential violations of F.S. 893.13 (8) or Withholding Information from a Practitioner. Investigators concentrated on a one year time period from July 2006 to June 2007. During this period, the respondent went to seven different doctors to obtain 25 different prescriptions for pain medications that totaled 1640 pills. By withholding information from his doctor, the respondent was able to obtain similar pain medication from previous doctors within 30 days prior to the second visit. On June 29, 2007, he was arrested by the Leon County Sheriff's Office and charged with Withholding Information from a Practitioner (21 counts). On September 21, 2007, prosecution was deferred and the respondent entered into a Felony Drug Intervention Pretrial Program for a minimum of twelve months with a maximum of eighteen months. On September 19, 2008, the charges against the respondent were dismissed.

**Penalty Guideline:** Suspension to revocation

The respondent voluntarily relinquished his certification.

**Disciplinary Action by the Commission:** The Commission accepted the voluntary relinquishment.

### Case # 27579 Aggravated Assault with a Deadly Weapon

The respondent was terminated from the Bay Correctional Facility subsequent to his arrest for aggravated assault. On September 15, 2008, the respondent, while in his vehicle, approached from behind a vehicle being driven by his wife. The respondent locked up his brakes and slid, almost hitting his wife's vehicle. The respondent then drove around his wife's vehicle two times and slid just short of hitting her driver's door while she was still in the vehicle. The victim stated that she and the respondent had a verbal altercation prior to the incident. The respondent was arrested and charged with aggravated assault. On October 31, 2008, the respondent pled nolo contendere and was adjudicated guilty of the reduced charge of reckless driving. He was sentenced to nine months probation, submit to random drug and alcohol testing, attend 90 alcoholics anonymous meetings in 180 days, complete a batterer's intervention program, and pay various court costs and fines.

**Penalty Guideline:** Prospective suspension to revocation

Staff recommended one year retroactive suspension; 30 day prospective suspension to commence 15 days after the filing of the Final Order; one year probation to commence at the conclusion of the prospective suspension; provide staff with proof of successful completion of Commission approved anger management course and substance abuse counseling prior to the end of the probationary period.

**Disciplinary action by the Commission:** The Commission accepted staff's recommendation.

### Case # 26437 Battery; Failure to Report Use of Force

The respondent was dismissed from the Department of Corrections pursuant to an internal investigation which sustained Physical Abuse, Conduct Unbecoming, Unauthorized Use of Force, and Failure to Report Use of Force. On February 11, 2008, a Correctional Sergeant notified DOC upper management that she had witnessed the respondent, a DOC Captain, hit an inmate on February 9, 2008. Investigators learned that on February 9, 2008, the respondent had ordered an inmate – who was en route to a pre-confinement physical for allegedly threatening a staff nurse – brought to his office so that a statement could be taken regarding the inmate's encounter with the nurse. After reading the inmate's statement, the respondent asked the inmate about the alleged threat to a member of the medical staff. After a discussion with the inmate, the respondent approached the inmate and began striking him in the upper head, face and neck areas while verbally berating the inmate for the tone of his last answer. The Correctional Sergeant further stated that as the respondent continued to strike the inmate, the inmate screamed and covered his head trying to protect his face. The inmate then sat down on a desk against the wall, after which he was immediately ordered by the respondent to get back up. After the inmate complied and started walking toward the door, the respondent resumed striking the inmate. The respondent ordered the inmate to turn around (which the inmate did); placed hand restraints on the inmate; then ordered another officer to escort the inmate to the medical department for the pre-confinement physical. Investigators found that the respondent failed to report the incident. No criminal charges were brought against the respondent.

**Penalty Guideline:** Suspension; Probation to Suspension

Staff recommended the enhanced penalty of revocation. Pursuant to Rule 118-27.005(6)(a), Florida Administrative Code, the Commission is authorized to deviate from the guideline penalty based upon a finding of one or more aggravating circumstances and/or upon a finding of severity of the misconduct charged. As a captain, the respondent used his authority to facilitate administering corporal punishment on an inmate. Additionally, he engaged in flagrant physical abuse of an inmate in the presence of a sergeant and an officer who was still in training.

**Disciplinary Action by the Commission:** The Commission accepted staff's recommendation.

### Case # 27248 Perjury during an Official Proceeding

The respondent was terminated from the Gadsden County Sheriff's Office subsequent to his arrest on charges of Criminal use of