



October 2015 (Revised February 2016)

Report No. 15-08

Review of Department of Corrections and Criminal Justice Standards and Training Commission Processes for Correctional Officer Misconduct

at a glance

Department of Corrections (DOC) correctional officers must obtain certification and maintain good moral character. In instances of alleged misconduct, both DOC and the Florida Department of Law Enforcement's Criminal Justice Standards and Training Commission can be involved in disciplinary actions.

The Department of Corrections investigates and disciplines correctional officers for misconduct. When officers have violated certification requirements, the department refers the case to the commission. Commission staff reviewed over 5,300 DOC correctional officer misconduct cases since 2004. Staff referred 54% of these cases for a probable cause hearing; of these, 90% were presented to the commission for disciplinary action. Approximately two-thirds (67%) of the correctional officers disciplined by the commission lost their certification. Although there are three times as many law enforcement officers as DOC correctional officers, the commission hears more correctional officer cases.

Over time the commission has added new violations and revised existing penalties and the Legislature has modified the commission's jurisdiction and membership. The Legislature may wish to consider revising the commission's membership again by adding new commission members or changing some positions.

Scope

As directed by the Legislature, this report describes correctional officer misconduct and discipline in Florida, including an analysis of the number and types of disciplinary actions, the policies related to disciplinary measures against correctional officers, and correctional officer disciplinary practices in other states.

Background

Florida Department of Corrections (DOC) correctional officers are responsible for the supervision, protective care, and control of Florida's prison inmates.¹ Correctional officers provide security to prisons, with duties ranging from supervising inmates in housing units and on work assignments to patrolling the perimeter of prisons. As of August 2015, the department employed 16,005 correctional officers in its facilities across the state.²

¹ This report focuses on correctional officers employed by the Department of Corrections and does not include correctional officers who work in private facilities or county jails.

² This includes 10,939 correctional officers, 4,180 sergeants, 447 lieutenants, 313 captains, 82 majors, and 44 colonels employed at 144 facilities, including 49 major institutions.

The minimum qualifications for becoming a correctional officer in Florida are the same as the minimum qualifications to become a law enforcement officer, except for different basic training. An officer must be a United States citizen who is at least 19 years of age and a high school graduate or its equivalent.³ They must not have pled guilty, nolo contendere, or have been convicted of any felony or a misdemeanor involving perjury or false statement.⁴ Also, individuals must undergo a background investigation to determine if they have good moral character.⁵

In addition to meeting these minimum qualifications, individuals must obtain correctional officer certification. To do this they must complete correctional officer training and pass a standardized certification exam.⁶ The Criminal Justice Standards and Training Commission, located within the Florida Department of Law Enforcement (FDLE), oversees the certification process.

The Criminal Justice Standards and Training Commission seeks to ensure that Florida's criminal justice officers are ethical, qualified, and well trained. The commission is an independent policy making body that oversees the certification, employment, training, and conduct of law enforcement, correctional, and correctional probation officers. Specifically, the commission establishes minimum standards for certification and employment, creates and maintains instructional curricula, and conducts

testing. The commission meets on a quarterly basis and uses FDLE staff for research, reporting, and implementation of its programs.

Through its professional compliance process, the commission works to achieve increased professionalism by disciplining individual officers for misconduct. Once an officer is certified, the commission has the authority to revoke or suspend the officer's certification or otherwise sanction the officer who fails to comply with the requirements for certification, which include maintaining good moral character.⁷

The commission has discretion to sanction moral character violations. Officers commit a moral character violation by committing any felony, whether or not they are criminally charged, or by committing 1 of 73 officer discipline violations outlined in *Florida Administrative Code*.^{8,9} Commission rules provide guidelines for disciplinary sanctions for moral character violations and the commission can impose one or more sanctions such as reprimand, remedial training, suspension, or certificate revocation. For example, the guidelines recommend revocation for grand theft, tampering with evidence, and bribery; and suspension to revocation for petit theft. The commission does not have disciplinary discretion and must revoke the officer's certificate if they have pled guilty, nolo contendere, or have been convicted of any felony or a misdemeanor involving perjury or false statement.¹⁰ If the commission revokes a correctional officer's certificate, the officer can no longer work as a correctional officer in Florida.¹¹

³ Other minimum requirements in s. [943.13](#), *F.S.*, include having fingerprints on file with the Department of Corrections or the Criminal Justice Standards and Training Commission, and passing a physical. This section also disallows individuals who received a dishonorable discharge from the military from becoming a certified correctional officer.

⁴ Section. [943.13\(4\)](#), *F.S.*

⁵ The commission defines moral character in Rule [11B-27.0011](#), *F.A.C.*

⁶ An individual must successfully complete training offered through 1 of 37 certified correctional training schools located throughout the state. Individuals who have completed a basic recruit training program and served as correctional officers for at least one year in another state may be exempt from the Florida training requirement. There is also a provision that, if a critical need exists, otherwise qualified individuals who have not been through basic training can be temporarily employed as a correctional officer for up to 30 months, during which time they must attend and complete the certification training.

⁷ Discipline of an officer's certification is separate and distinct from any disciplinary action taken by the officer's employing agency. The commission's action may or may not reflect upon the investigation, findings, conclusions, or disciplinary action of the employing agency.

⁸ Rule [11B-27.0011](#), *F.A.C.*

⁹ There are 59 misdemeanor violations, 14 non-criminal offenses, and positive drug tests outlined in commission rules.

¹⁰ Section [943.1395\(6\)](#), *F.S.*

¹¹ A certified officer who has had his or her certification revoked by the Criminal Justice Standards and Training Commission may be reconsidered for certification under certain circumstances. The individual would first need to find a criminal justice agency in Florida that would be willing to hire them, conduct a background check, and submit an application for certification to FDLE. The application for certification would be denied due to

The Criminal Justice Standards and Training Commission is composed of 19 members. As shown in Exhibit 1, the three standing members include the attorney general or designee, secretary of the Department of Corrections or designee, and the director of the Florida Highway Patrol. The remaining 16 members are appointed by the Governor to four-year terms. These members include three sheriffs; three

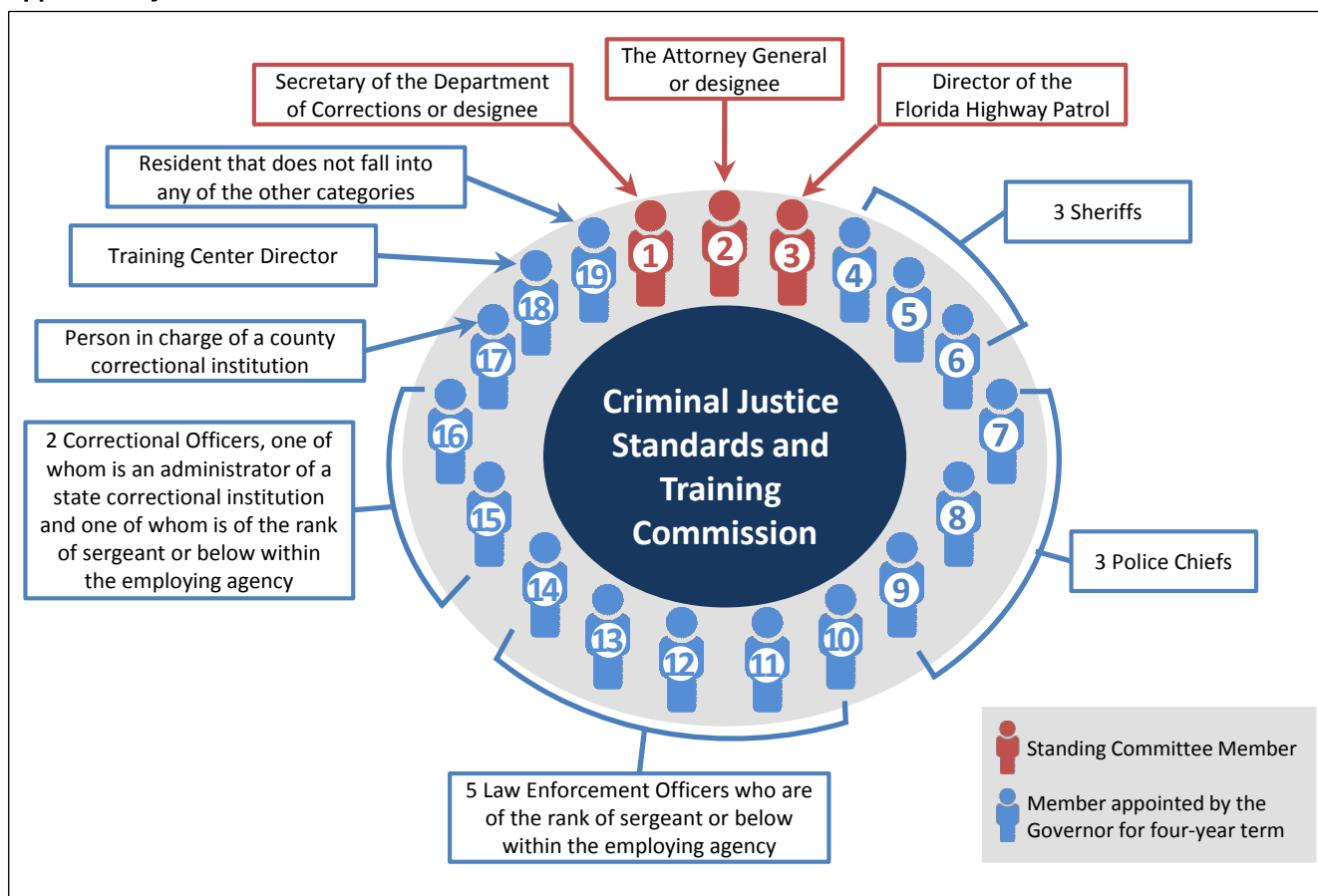
the prior revocation, but the individual would be sent a letter of denial with an election of rights form allowing them to have an informal hearing before the commission. Once commission staff receives the form, the individual would be scheduled for a reconsideration hearing before the next available meeting of the commission.

police chiefs; five law enforcement officers who are of the rank of sergeant or below within the employing agency; two correctional officers, one of whom is an administrator of a state correctional institution and one of whom is of the rank of sergeant or below within the employing agency; one training center director; one person who is in charge of a county correctional institution; and one Florida resident that falls into none of the previous categories.¹²

¹² Prior to their appointments, the sheriff, chief of police, law enforcement officer, and correctional officer members must have had at least four years of experience as law enforcement officers or correctional officers.

Exhibit 1

The Criminal Justice Standards and Training Commission Includes 3 Standing Members and 16 Members Appointed by the Governor for Four-Year Terms



Source: OPPAGA analysis of s. 943.11 F.S.

Findings

DOC investigates allegations and imposes disciplinary actions; it refers violations of certification requirements to the commission

The DOC inspector general receives allegations of correctional officer misconduct through a variety of ways and investigates them. If sustained, the department may take corrective or disciplinary actions; in 2014 DOC dismissed 584 correctional officers. It also issued written reprimands, suspensions, and demotions. In addition, the department referred cases in which correctional officers violated certification requirements to the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission for possible further disciplinary action. (See Appendix A for a flow chart outlining the major phases of a correctional officer disciplinary case.)

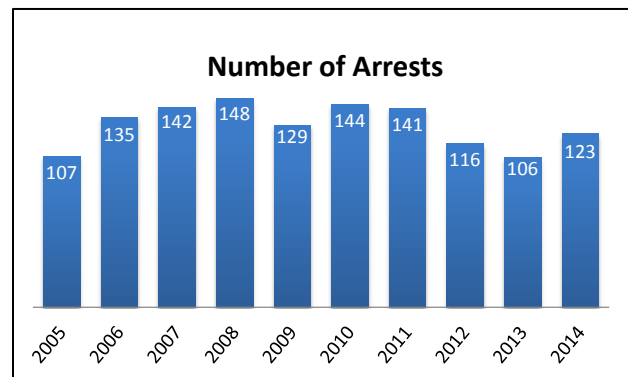
The Department of Corrections Inspector General receives allegations of correctional officer misconduct in a variety of ways. The primary source of this information is through the department's Management Information Notification System (MINS), a database that compiles all unusual occurrences regarding agency policies, including arrests and other disciplinary actions by DOC staff, inmates, and contractors. A MINS case typically begins as an incident report entered into the system at a correctional institution. The inspector general also receives allegations of correctional officer misconduct by mail, email, phone calls, or from the DOC Secretary's Office, the Governor's Office, or the Attorney General's Office. In Fiscal Year 2014-15, the inspector general received 63,832 internal and external complaints; of these complaints, 21,722 resulted in inquiries and investigations.

The inspector general also obtains information from arrest notifications. All correctional officers have fingerprints on file that the Florida Department of Law Enforcement (FDLE) analyzes with each new arrest. If the arrested person's fingerprints match a set from the correctional officer database, FDLE notifies the

inspector general of the correctional officer's arrest.¹³

Correctional officer arrest rates have remained relatively constant. As shown in Exhibit 2, arrests have ranged from 106 to 148 per year for the past 10 years. To place these statistics in a broader context, in 2014, the arrest rate for DOC correctional officers was 8.2 per 1,000, whereas the overall arrest rate in Florida was 44.3 per 1,000. Among DOC correctional officers, the most common arrest offenses were battery (21%), driving under the influence (13%), traffic-related offenses (10%), and drug-related offenses (7%).

Exhibit 2
Over the Past Decade, Annual Arrest Rates for DOC Correctional Officers Have Remained Relatively Constant



Source: OPPAGA analysis of data from the Florida Department of Corrections and the Florida Department of Law Enforcement.

DOC investigates allegations of correctional officer misconduct. The Office of the Inspector General conducts internal investigations of correctional officers for alleged violations of administrative rules and regulations promulgated in Title 33 of *Florida Administrative Code*.¹⁴ These violations include

¹³ The secretary of the Department of Corrections and the Criminal Justice Standards and Training Commission are also notified of correctional officer arrests. Furthermore, correctional officers are required to report an arrest or notice to appear within 24 hours of the incident to their supervisor.

¹⁴ The Office of the Inspector General has 10 geographic districts that are responsible for investigating cases that fall within their jurisdictions. Sworn investigators conduct criminal, administrative, and internal affairs investigations throughout the state, and work closely with state attorneys and other local, state, and federal law enforcement entities.

use of abusive or malicious language towards inmates, use of force, or conduct unbecoming of a public employee, and may not necessarily be actions that fall under the purview of the Criminal Justice Standards and Training Commission.¹⁵ Additionally, s. 943.1395(5), *Florida Statutes*, requires the department to conduct internal investigations of allegations that fall under the purview of the commission (moral character violations, misdemeanors involving perjury or false statement, or any felony).¹⁶

The inspector general investigatory process typically begins with an inquiry to determine if the circumstances of the case warrant a full investigation. If evidence supports the allegation, then the case proceeds as a criminal or administrative investigation.¹⁷ Investigatory activities may include interviewing officers, inmates, and other staff; collecting and securing evidence; and writing reports detailing their findings.

While being investigated, some correctional officers retire or resign to avoid department disciplinary actions. From January 2010 to July 2015, 15,581 correctional officers separated from employment at the Department of Corrections. Of these separations, 2,136 retired, 6,408 resigned, and the department dismissed 3,020.¹⁸ Of those that resigned or retired, the department reported that 123 officers left in lieu of dismissal for a moral character violation and 292 left while being investigated for a moral character violation.

¹⁵ Rule [33-208.003](#), *F.A.C.*

¹⁶ As described in ss. [943.13\(4\)](#) and [\(7\)](#), *F.S.*

¹⁷ If it appears that the correctional officer has committed a criminal violation, the inspector general will start a criminal investigation and refer the case to the local state attorney's office to determine if probable cause exists to prosecute the case. Administrative investigations into allegations of a non-criminal nature essentially mirror a criminal investigation, except that the inspector general must abide by the Officer Bill of Rights, outlined in s. [112.532](#), *F.S.* It requires the investigator to disclose all case documents to the correctional officer to review before interviewing the officer.

¹⁸ Correctional officers may separate from the department for other reasons, such as layoffs, transferring to another position, failing to successfully to complete probationary hiring period, or death.

The Department of Corrections issued over 2,000 disciplinary actions for correctional officer misconduct in 2014. If the inspector general sustains a case through a criminal or administrative investigation, the department may take corrective or disciplinary actions against the correctional officer. Corrective actions are official notifications intended to change an officer's behavior. For example, the department may require that an officer receive counseling about a behavior that needs to improve in order to avoid further disciplinary action. In 2014, the department issued 1,664 supervisory counseling memos. Disciplinary actions, described in Exhibit 3, are more severe than corrective actions.¹⁹ The department provides supervisors recommended ranges of disciplinary actions based on the infraction and the employee's prior history of violations. In 2014, the department issued 2,296 disciplinary actions. Written reprimands were the most common type of action (1,213), followed by dismissals (584).

Exhibit 3

The Department of Corrections Issued Over 2,000 Correctional Officer Disciplinary Actions in 2014

Disciplinary Actions	Number in 2014
Written Reprimand – notifies the correctional officer of the violation and the corrective action that is required	1,213
Suspension – places a correctional officer on leave without pay	457
Demotion – moves a correctional officer into a lower level of salary and employment classification with less responsibility	42
Dismissal – terminates the employment of the correctional officer	584

Source: Florida Department of Corrections.

In addition, DOC refers all sustained cases where correctional officers have violated certification requirements to the Criminal Justice Standards and Training Commission, even if the

¹⁹ Rule [33-208.003](#), *F.A.C.*, provides the ranges of disciplinary sanctions. Violation of more than one rule is considered in the application of discipline and may result in greater discipline than specified for one offense alone.

officers are no longer employed by the department.^{20, 21}

The Criminal Justice Standards and Training Commission finds probable cause in many correctional officer cases

Since 2004, the commission received over 5,300 case referrals involving Department of Corrections correctional officers.²² For 54% of these cases, staff found evidence that the correctional officer committed a moral character violation and the case was reviewed by the commission's probable cause panel. The probable cause panel referred 90% of these cases to the full commission for action against a correctional officer's certification.

The Criminal Justice Standards and Training Commission staff reviewed over 5,300 DOC correctional officer misconduct cases since 2004. From January 2004 to June 2015, the commission received 5,308 cases related to DOC correctional officer misconduct.²³ Most correctional officer cases were related to alcohol and drug violations. Driving under the influence (DUI) was the single most common violation, followed by drugs, domestic violence, and perjury. In addition, acts unique to prisons, such as smuggling contraband and unprofessional relationships with inmates were also common. (See Appendix B for additional information on common violations committed by DOC correctional officers.)

Cases come from the Department of Corrections and other sources such as complaints, arrest notifications, media reports, and employment separation data from FDLE's Automated Training Management System.²⁴ After the commission receives a case, staff reviews all available information to determine whether it should proceed to the probable cause panel. For example, for cases received from DOC, staff may review inspector general internal investigation reports, transcribed statements, arrest and prosecution reports, and court judgment and sentencing documentation.²⁵

The staff review may result in the case being closed with no further commission action against the correctional officer's certification. This can result from two determinations.

- **"No cause."** Commission rule stipulates certain cases that must be "no caused" by staff.²⁶ This includes cases in which the facts presented to commission staff are inconclusive, lack reliability, are insufficient to permit a reasonable determination of what occurred, or fail to demonstrate that the alleged misconduct meets the statutory criteria for commission action.²⁷
- **Letter of acknowledgement.** Commission staff may determine that no further action is required because the department's discipline of the correctional officer meets the commission's sanction guidelines.

Staff did not refer 2,331 or 44% of the 5,308 DOC correctional officer cases to the probable cause panel for review and further action. (See Exhibit 4.)

²⁰ Per s. [943.1395\(5\)](#), F.S.

²¹ The Office of the Inspector General reported that in some circumstances, they also send cases which may not be violations of ss. [943.13\(4\)](#) or [\(7\)](#), F.S., to commission staff for their review.

²² An individual officer may have more than one case referred to the commission from January 2004 to June 2015. However, approximately 87% had only one case.

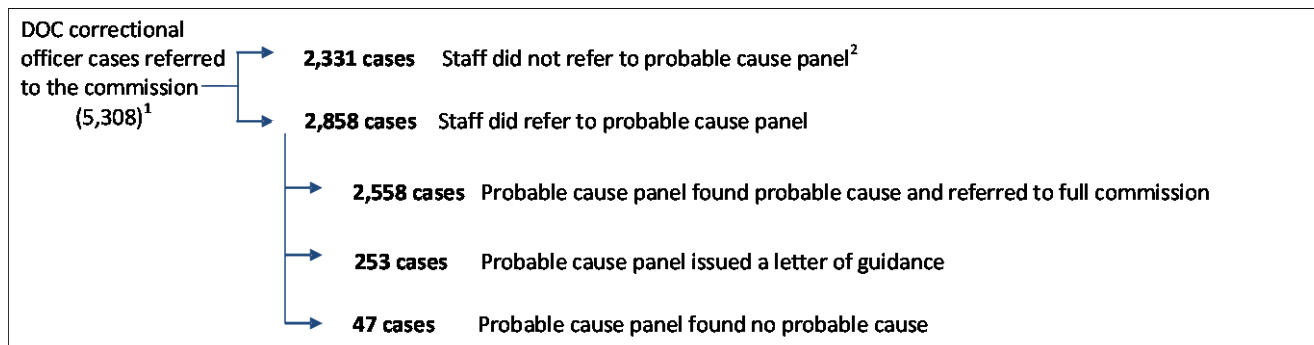
²³ Among correctional officers that currently work for the department, very few have had disciplinary cases before the commission. As of May 2015, 641 (4.4%) of the department's 14,449 certified correctional officers had been referred at least once to the Criminal Justice Standards and Training Commission. Most (65%) of the cases for these officers had been closed by commission staff prior to a probable cause hearing. The most common offenses for correctional officers employed by the department were for driving under the influence and domestic violence.

²⁴ The Automated Training Management System (ATMS) provides criminal justice agencies and training centers throughout Florida with the ability to view information on training, exam results, employment, and certification of officers in the state.

²⁵ Commission staff includes eight case specialists and three staff attorneys who review and process cases involving officer misconduct. They present cases to the commission if they identify violations and make recommendations to the commission concerning penalties for officer misconduct.

²⁶ Per Rule [11B-27.004\(12\)\(a\)](#), F.A.C., "no cause" means that there is not a determination of probable cause to proceed with the case.

²⁷ In addition, staff must "no cause" a case under the commission's recantation rule if a correctional officer recants a false statement.

Exhibit 4**From January 2004 to June 2015, More Than Half of the DOC Correctional Officer Cases Received by the Commission Were Referred to a Probable Cause Panel**

¹ Included in the 5,308 cases referred to the commission are 119 cases that are still pending and do not yet have an outcome reported in the flowchart. Additionally, three cases that received only a probable cause intervention program were omitted from the flowchart due to missing data on the total number of intervention programs required. Commission staff reported that there are between 16 to 24 officers that receive a probable cause intervention program per year, which does not appear in the data. The panel orders the officer to complete an intervention program in lieu of a finding of probable cause.

² Of the 2,331 cases that were not referred to the probable cause hearing, 1,850 cases were “no caused” or never opened by staff and 481 cases received a letter of acknowledgment.

Source: OPPAGA analysis of Criminal Justice Standards and Training Commission data.

Commission staff referred 54% of correctional officer cases for a probable cause hearing; 90% of these cases were presented to the full commission for disciplinary action. Staff referred 54% of correctional officer cases (2,858) to the probable cause panel. Staff schedules a probable cause hearing if the case fits within the commission’s jurisdiction and they find clear and convincing evidence that the correctional officer committed a moral character violation.²⁸ At the hearing, a panel of three voting commission members and two alternates determine if there are grounds to move the case forward in the disciplinary process.²⁹ Commission staff reads the case into the record and provide a recommendation. The panel may also hear testimony from the correctional officer or the correctional officer’s attorney. After the case is presented, a panel member must propose an action for a vote, with a majority vote needed to reach a decision.

In 2,558 cases (90%), the panel found probable cause and moved the case to a full commission

disciplinary hearing. In 47 cases, the panel did not find probable cause. For 253 cases, the probable cause panel issued a letter of guidance to the officer, which is essentially a written reprimand. (See Exhibit 4.)

After the finding of probable cause, the correctional officer chooses how to proceed through the disciplinary process. An officer can choose to dispute the allegation in a formal hearing at the Division of Administrative Hearings in front of an administrative law judge.³⁰ The administrative law judge determines findings of fact and if a violation is found, makes a disciplinary recommendation, which is sent to the full commission for a vote.³¹ Correctional officers who do not contest their case may choose to have an informal disciplinary hearing before the full commission.³²

³⁰ At a formal hearing, the correctional officer disputes facts of the case and may be represented by private attorneys; staff legal counsel prosecutes the case.

³¹ The commission may vote to accept the administrative law judge’s recommendation or issue a different penalty, which would require the commission to provide a list of exceptions and explain why it was departing from the administrative law judge’s decision.

³² The commission holds four informal disciplinary hearings per year in locations throughout the state. The commission hears several cases at each hearing. Correctional officers may choose to appear or be represented by an attorney.

²⁸ The commission holds eight probable cause hearings each year in locations throughout the state. The commission hears several cases at each hearing and panel members receive case-related materials to review beforehand.

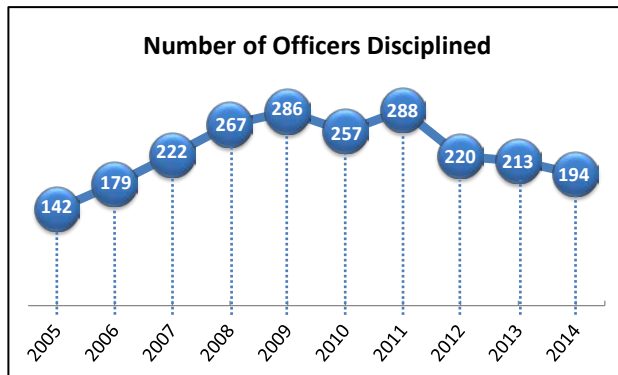
²⁹ Commission staff assigns the membership of the probable cause panel and it may change at each commission meeting.

Over half of correctional officers disciplined lose certification

Over the past decade, the number of DOC correctional officers disciplined by the commission has varied; 67% who appeared before the commission had their certification revoked or voluntarily relinquished their certification, with approximately 1,500 DOC correctional officers losing certification over a 10-year period.

From 2005 to 2014, the number of DOC correctional officers disciplined by the commission varied.³³ As shown in Exhibit 5, the number of DOC correctional officers receiving discipline has varied over the past 10 years from a low of 142 officers in 2005 to a high of 288 officers in 2011. Over time, this equates to roughly 1% to 2% of all DOC correctional officers.

Exhibit 5 Over the Past Decade, the Number of DOC Correctional Officers Disciplined by the Commission Has Varied



Source: OPPAGA analysis of Criminal Justice Standards and Training Commission data.

Approximately 67% of correctional officers who appear before the commission lose certification through revocation or voluntary relinquishment. At commission disciplinary hearings, staff legal counsel reads cases into the record and provides staff recommendations for disciplinary actions.³⁴

Commission members must vote to accept the staff's recommendation, adopt an alternative sanction, or dismiss the case. All commission actions are final; however, correctional officers may appeal final orders to District Courts of Appeal. A correctional officer may also enter into a settlement agreement or voluntarily relinquish their certification.³⁵

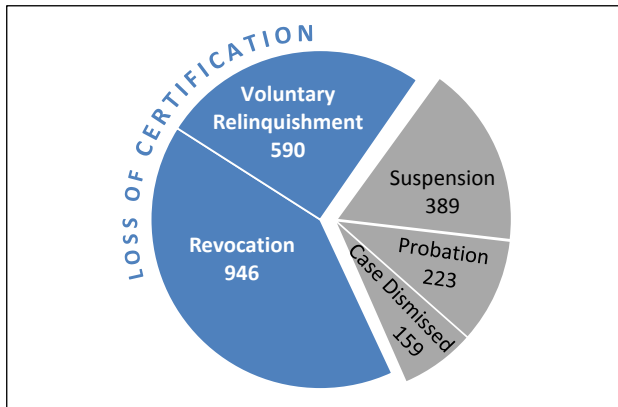
Commission rules provide guidelines for disciplinary sanctions that include certificate revocation, suspension, and probation.³⁶ As shown in Exhibit 6, from January 2004 to June 2015, 67% of the DOC correctional officers who appeared before the full commission lost their certification. Specifically, 946 (41%) had their certification revoked and 590 (26%) voluntarily relinquished their certification. (See Appendix B for a detailed description of disciplinary outcomes for the 10 most common DOC correctional officer offenses presented to the commission.)

³⁵ A settlement agreement can be offered prior to an informal hearing. The officer must accept the terms of the settlement agreement and the terms typically fit within the commission's punishment guidelines. The settlement agreement is presented to the commission for a vote. The commission can vote to accept the agreement, offer an alternative agreement, or reject the agreement and send the case to a formal hearing in the Department of Administrative Hearings.

³⁶ Rule [11B-27.005](#), F.A.C., provides the set of guidelines for disciplinary sanctions. According to ss. [943.1395\(7\)](#) and [\(8\)](#), F.S., the commission can require one or a combination of disciplinary sanctions and may deviate from the guidelines if there are aggravating or mitigating factors. Additionally, the suspension period cannot exceed two years and the probation period cannot exceed two years. According to s. [943.1395\(6\)](#), F.S., if an officer pleads guilty, nolo contendere, or is found guilty of any felony or of a misdemeanor involving perjury or false statement, the commission does not have any discretion on the sanction and must revoke the correctional officer's certificate.

³³ An officer may have more than one case appear before the commission.

³⁴ Before the disciplinary hearing, commission members review case documents, commission staff reports, and other supporting evidence.

Exhibit 6**Approximately 67% of Correctional Officers Who Appeared Before the Full Commission Lost Their Certification**

¹ Approximately 93% of the 389 cases that received suspension also received a period of probation. Data does not include 237 cases that were denied certification while the individual was under temporary employment status before receiving a correctional officer certification; 8 cases that did not receive a sanction; 3 cases that received a reprimand, which is a verbal punishment; and 3 cases that received a probable cause intervention program. In addition, some cases received a sanction of retraining, which requires correctional officers to take remedial training courses.

Source: OPPAGA analysis of Criminal Justice Standards and Training Commission data from January 2004 to June 2015.

The commission hears more correctional officer cases than law enforcement officer cases

The Criminal Justice Standards and Training Commission rules and procedures related to discipline are the same for DOC correctional officers and law enforcement officers. However, while there are roughly three times as many law enforcement officers as DOC correctional officers, the commission receives a greater number of correctional officer cases for review. Additionally, the commission finds probable cause and sends correctional officer cases to the full commission for a disciplinary hearing more often. In recent years, the commission has disciplined a similar number of law enforcement and DOC correctional officers; however, the types of sanctions varied.

The commission received more correctional officer cases than law enforcement cases and found probable cause more often for correctional officers. Since 2004, the Criminal Justice Standards and Training Commission

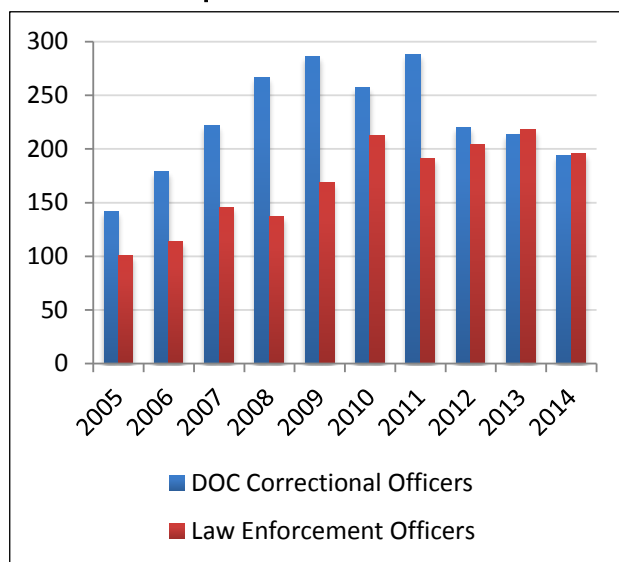
received 5,308 correctional officer cases. During this same time-period, the commission received 4,425 law enforcement cases. However, there are roughly three times as many law enforcement officers as DOC correctional officers. For example, in 2014 there were 15,041 DOC correctional officers and 45,498 law enforcement officers in Florida. Staff refers both types of cases to the probable cause panel at similar rates (54% of the 5,308 correctional officer cases and 47% of the 4,425 law enforcement officer cases).

However, there were some differences in cases that did not go to the full commission. DOC correctional officers had a higher rate of receiving letters of guidance from the commission's probable cause panel than law enforcement officers (84.3% vs. 63.2%). Cases against law enforcement officers had more "no cause" findings than correctional officer cases (36.8% vs. 15.7%).

For cases disciplined by the probable cause panel and the full commission, the numbers of law enforcement and correctional officers disciplined were similar to each other. As shown in Exhibit 7, the total numbers of law enforcement officers and DOC correctional officers disciplined in 2014 were almost the same, 196 to 194; however, there were almost three times as many law enforcement officers as DOC correctional officers. Thus, in 2014, the commission disciplined 1.3% of 15,041 DOC correctional officers, compared to only 0.4% of 45,498 law enforcement officers.

Exhibit 7

Recently, the Number of Disciplined Law Enforcement Officers Has Become Similar to the Number of Disciplined DOC Correctional Officers



Source: OPPAGA analysis of Criminal Justice Standards and Training Commission data.

There were differences in commission sanctions between law enforcement and correctional officers. For example, as shown in Exhibit 8, while law enforcement officers and correctional officers have a similar rate of certificate loss, more correctional officers lost their certificates through revocation (41.0% vs. 34.4%); however, more law enforcement officers voluntarily relinquished their certificates (30.2% vs. 25.6%).

Exhibit 8

Some Differences Exist in Outcomes Imposed by the Commission for Law Enforcement Officers and Correctional Officers

Case Outcomes	DOC Correctional Officers	Law Enforcement Officers
Revocation	946 (41.0%)	594 (34.4%)
Voluntary Relinquishment	590 (25.6%)	522 (30.2%)
Suspension	389 (16.9%)	406 (23.5%)
Probation	223 (9.7%)	85 (4.9%)
Case Dismissed	159 (6.9%)	120 (6.9%)
Total	2,307 (100%)	1,727 (100%)

Source: OPPAGA analysis of Criminal Justice Standards and Training Commission data from January 2004 to June 2015.

Several changes have affected the correctional officer disciplinary process

The Department of Corrections is in the process of revising correctional officer oversight and disciplinary procedures. The Criminal Justice Standards and Training Commission's jurisdiction and membership composition have been modified over the past 25 years due to statutory changes. Additionally, the commission has added new violations and revised existing penalties.

The Department of Corrections is revising correctional officer disciplinary policies and practices. The department reports that it plans to update employee disciplinary policies. These updates will include a new employee handbook in October 2015 and new disciplinary procedures, which the department reports will better communicate expectations and hold employees accountable.

In 2015, the department created the Disciplinary Action Review Team (DART) to help ensure more consistent application of disciplinary policies and to educate staff on department disciplinary issues. The DART reviews disciplinary actions resulting in suspension or dismissal for all department employees, including correctional officers. The DART is comprised of several department staff that meets as needed (typically weekly) to review synopses of each disciplinary action, including the associated penalty, and compare them to the ranges in the disciplinary actions matrix from the department's administrative code.^{37, 38} The DART also reviews any other disciplinary issues pertaining to the employee and information regarding past or current grievances the employee may have filed against other department employees to stay abreast of existing workplace conflicts and potential retaliatory actions.

³⁷ Rule [33-208.003](#), F.A.C.

³⁸ DART members include the lead human resources attorney, the chief of staff, the human resources director, the employee relations manager, and leadership from the agency division of the employee being reviewed (e.g., corrections, community corrections, administration, etc.).

The Legislature has made changes over time that have expanded correctional officer discipline. Dating back to 1992, the Legislature has amended Florida statutes to increase the jurisdiction of the Criminal Justice Standards and Training Commission.^{39, 40} These changes included allowing the commission to do the following.

- The commission could revoke the certification of an officer that had not maintained good moral character. Prior to 1992, the commission could not revoke an officer's certification for a moral character violation, only suspend, place on probation, or issue a reprimand. Additionally, the commission was required to set forth aggravating and mitigating circumstances to consider when imposing penalties relating to maintaining good moral character and to consistently apply the penalties.⁴¹
- The commission gained authority to review sustained disciplinary charges and disciplinary penalties in situations in which an officer remains employed or is reinstated by their employer after disciplinary action. The commission could determine whether the penalty conforms to the disciplinary penalties prescribed by rule and notify the employing agency and officer by a letter of acknowledgement that no further action would be taken. If the penalty did not conform, commission staff would notify the officer and employer of further action to be taken by the commission.⁴²

³⁹ In 1981, the Legislature transferred the Correctional Standards Council, which developed standards and training for corrections personnel and was administratively assigned to the Florida Department of Corrections, to the Florida Department of Law Enforcement. The functions of the council were merged with the Police Standards and Training Commission, creating the Criminal Justice Standards and Training Commission.

⁴⁰ For more information about historical changes to Florida's Criminal Justice Standards and Training Commission, see Goldman, R., and Puro, S. *Revocation of Police Officer Certification: A Viable Remedy for Police Misconduct?* 45 St. Louis University Law Journal, 541-579, 2001.

⁴¹ Chapter [92-131](#), *Laws of Florida*, also required that deviations from the disciplinary guidelines or prescribed penalties must be based upon circumstances or factors that reasonably justify the aggravation or mitigation of the penalty.

⁴² Chapters [95-408](#) and [2004-289](#), *Laws of Florida*.

- The commission could discipline officers who were temporarily employed or appointed by an agency but had not yet been certified by the commission.⁴³ The commission was also required to set disciplinary guidelines and penalties for non-certified officers in rule.^{44, 45}

The commission added new violations to and revised existing penalties in officer discipline rules. An officer commits a moral character violation by committing any felony, whether or not they are criminally charged, or by committing 1 of 73 officer discipline violations outlined in *Florida Administrative Code*.^{46, 47} The commission chair appoints a 12-member advisory panel every other year to evaluate disciplinary guidelines and penalties and make recommendations to the commission to modify disciplinary guidelines.⁴⁸ From 2006 through 2014, the commission added 5 new violations to officer discipline rules and revised 14 violations to add specific enumerated penalties.⁴⁹ For example, voyeurism was added in 2008; making obscene or harassing telephone calls was added in 2012; and misuse of electronic databases was added in 2014. (See Appendix C for a full list of new violations or enumerated penalties added to rule.)

⁴³ Per s. [943.131\(1\)\(a\)](#), *F.S.*, an employing agency may temporarily employ or appoint a person who complies with the qualifications for employment in s. [943.13\(1\)-\(8\)](#), *F.S.*, but has not completed a commission-approved basic recruit training program for the applicable criminal justice discipline; or achieved an acceptable score on the officer certification examination for the applicable criminal justice discipline, if a critical need exists to employ or appoint the person and such person is or will be enrolled in the next approved basic recruit training program available in the geographic area or that no assigned state training program for state officers is available within a reasonable time.

⁴⁴ Chapter [2003-278](#), *Laws of Florida*.

⁴⁵ Rule [11B-27.005\(10\)](#), *F.A.C.*

⁴⁶ Rule [11B-27.0011](#), *F.A.C.*

⁴⁷ There are 59 misdemeanor violations, 14 non-criminal offenses, and positive drug tests outlined in commission rules.

⁴⁸ Per s. [943.1395\(8\)\(b\)2](#), *F.S.*, the 12-member panel is composed of six officers and six representatives of criminal justice management positions.

⁴⁹ Commission staff also recommended adding one specified enumerated penalty back into rule. During the 2004 rule promulgation process, s. [837.02](#), *F.S.*, involving perjury in an official proceeding, was inadvertently removed from Rule [11B-27.005\(5\)\(a\)8](#), *F.A.C.*

The membership composition of the commission has changed over time. Currently, the Criminal Justice Standards and Training Commission is composed of 19 members, including 3 standing members (the attorney general or designee, secretary of the Department of Corrections or designee, and the director of the Florida Highway Patrol); the remaining 16 members are appointed by the Governor. Prior to 2004, the commission included the head of the Department of Education, but this requirement was amended by the Legislature to replace the educator with an additional law enforcement officer, thereby increasing the number of law enforcement officers of the rank of sergeant or below from four to five.⁵⁰

The Legislature made changes to the way members are nominated in 2005.⁵¹ These changes require the Governor to choose the three sheriff appointments from a list of six nominees submitted by the Florida Sheriffs Association. In appointing the three chiefs of police, the Governor is required to choose each appointment from a list of six nominees submitted by the Florida Police Chiefs Association.

In addition, the changes increased the role of law enforcement collective bargaining units or unions in selecting commission members. Specifically, the Governor is required to choose appointments of the five law enforcement officers and one correctional officer of the rank of sergeant or below from a list of six nominees submitted by a six-member committee. This committee is comprised of union members from certified law enforcement bargaining units. Finally, at least one of the names submitted for each of the five appointments who are law enforcement officers must be an officer who is not a union member.

The Legislature may wish to consider reviewing the membership of its commission. Many states have criminal justice standards and training commissions similar to Florida. However, Florida is 1 of only 21 states whose commission

is authorized to revoke correctional officer certification.⁵² The other 20 commissions vary in size and composition; only 2 are larger than Florida's 19-member commission. North Carolina and Oregon have 31 and 24 member commissions, respectively. Georgia's commission also has 19 members. Alabama and Wyoming have the smallest commissions with only seven members. (See Appendix D for more information on the membership compositions of other state commissions.)

The commissions are typically comprised of a variety of law enforcement and correctional administrators and officers, as well as a variety of other members, some of whom are part of the criminal justice system, and some who are not. Twelve of Florida's 19 members are directly affiliated with law enforcement, while only 4 work for correctional entities. Correctional officials typically comprise a smaller portion of the commissions that provide oversight to both law enforcement and corrections.⁵³

Some other states have as many as six members of the public on their commissions, and may have other non-justice system officials on the commission. Other state commissions include members who are district attorneys, educators, state law enforcement officers, municipal officials or local government representatives such as city managers or county commissioners, federal law enforcement representatives, and representatives of juvenile corrections and private security. Maryland requires the president of a university or college in the state with a correctional education curriculum, while New Hampshire requires the chancellor of the community college system.⁵⁴

⁵² States without such commissions may discipline correctional officers within their employing agency like regular state employees. In many cases, these correctional officers may appeal to a state employment board following the application of discipline.

⁵³ Only one state, Maryland, has two commissions—one for law enforcement and one for corrections.

⁵⁴ Prior to 2004, Florida's commission included the head of the Department of Education, but this requirement was amended in 2004, replacing the educator with an additional law enforcement officer of the rank of sergeant or below.

⁵⁰ Chapter [2004-289](#), *Laws of Florida*.

⁵¹ Chapter [2005-103](#), *Laws of Florida*.

The Legislature could consider revising the membership of the commission to either add new members or replace existing positions. These revisions could include representatives of the general public or officials from other parts of state and local government. In addition, given the proportion of correctional officer cases heard by the commission, the Legislature may want to consider revising the membership composition to include additional individuals with correctional expertise and experience.

Agency Response —————

In accordance with the provisions of s. 11.51(2), *Florida Statutes*, we submitted a draft of our report to the Secretary of the Department of Corrections and the Commissioner of the Florida Department of Law Enforcement for their review and response. The Florida Department of Law Enforcement's written response has been reproduced in Appendix E.

OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021), by FAX (850/487-9213), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475). Cover photo by Mark Foley.

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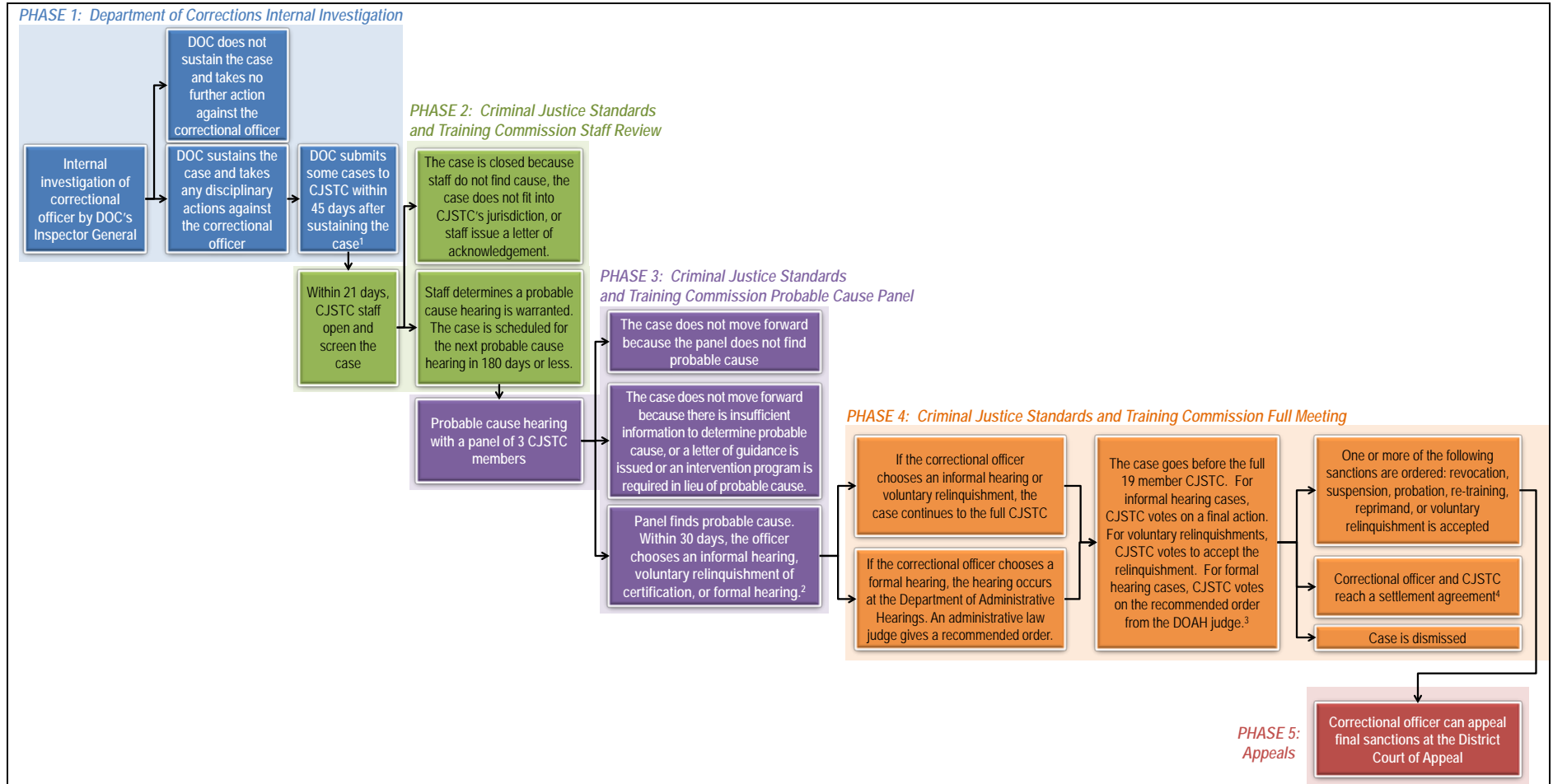
Project supervised by Claire K. Mazur (850/717-0575)

Project conducted by Jim Clark, Matthew Moncrief, and Marina Byrd (850/717-0519)

R. Philip Twogood, Coordinator

Appendix A

Correctional Officer Disciplinary Process



¹ The commission may also be notified of a case through arrest hits, public complaints, or other sources.

² If the officer does not choose a formal hearing, informal hearing, or voluntary relinquishment, the case is presented to the commission as a default.

³ Commission staff reports that recommended orders usually follow the commission's disciplinary guidelines.

⁴ Commission staff reports that settlement agreements usually follow the commission's disciplinary guidelines.

Source: Criminal Justice Standards and Training Commission.

Appendix B

The Ten Most Common Correctional Officer Misconduct Cases With Related Commission Outcomes

Outcomes varied greatly by the type of case. For example, 73.5% of drug-related cases resulted in certificate revocation. However, 12.0% of DUI cases and 20.4% of domestic violence with battery cases resulted in certificate revocation. In cases with no criminal charges (of which 61% resulted from DOC correctional officers failing to repay the department for training costs), 96.1% resulted in the loss of certification through voluntary relinquishment.¹

Exhibit B

Number (Percentage) of Violations by Outcome From January 2004 to June 2015

Violations	Letter of Guidance	No Cause Found by Probable Cause Panel	Revocation	Voluntary Relinquishment	Suspension	Probation	Dismissed	Total
Driving Under the Influence – Liquor	67 (19.6%)	1 (0.3%)	41 (12.0%)	10 (2.9%)	31 (9.1%)	161 (47.2%)	30 (8.8%)	341
Failure to Reimburse/No Criminal Charge ²	0 (0%)	0 (0%)	3 (1.2%)	246 (96.1%)	0 (0%)	0 (0%)	7 (2.7%)	256
Drugs	3 (1.4%)	3 (1.4%)	161 (73.5%)	36 (16.4%)	5 (2.3%)	3 (1.4%)	8 (3.7%)	219
Perjury, False Statement, or False Report	31 (14.6%)	4 (1.9%)	86 (40.6%)	21 (9.9%)	51 (24.1%)	2 (0.9%)	17 (8.0%)	212
Battery – Domestic Violence	27 (16.7%)	8 (4.9%)	33 (20.4%)	8 (4.9%)	65 (40.1%)	5 (3.1%)	16 (9.9%)	162
Assault	19 (16.0%)	10 (8.4%)	33 (27.7%)	10 (8.4%)	38 (31.9%)	0 (0%)	9 (7.6%)	119
Smuggle Contraband	9 (8.9%)	0 (0%)	46 (45.5%)	35 (34.7%)	9 (8.9%)	1 (1.0%)	1 (1.0%)	101
Unprofessional Relationship ³	1 (1.1%)	1 (1.1%)	44 (46.3%)	42 (44.2%)	2 (2.1%)	2 (2.1%)	3 (3.2%)	95
Excessive Force by Correctional Officer	9 (21.4%)	2 (4.8%)	10 (23.8%)	6 (14.3%)	13 (31.0%)	1 (2.4%)	1 (2.4%)	42
Failure to Report Pursuant to s. 944.35, <i>F.S.</i>	6 (18.8%)	2 (6.3%)	8 (25.0%)	3 (9.4%)	10 (31.3%)	1 (3.1%)	2 (6.3%)	32
All Other Violations ⁴	64 (12.6%)	5 (1.0%)	220 (43.2%)	73 (14.3%)	79 (15.5%)	40 (7.9%)	28 (5.5%)	509
Multiple Violations	17 (3.3%)	11 (2.1%)	261 (50.3%)	100 (19.3%)	86 (16.6%)	7 (1.3%)	37 (7.1%)	519
Total	253 (9.7%)	47 (1.8%)	946 (36.3%)	590 (22.6%)	389 (14.9%)	223 (8.6%)	159 (6.1%)	2,607

¹ Per s. 943.16, *F.S.*, a trainee who attends a training program at the expense of the department must remain in the employment or appointment of the department for a period of not less than two years after graduation from the basic recruit training program. If employment or appointment is terminated on the trainee's own initiative within two years, he or she shall reimburse the employing agency for the full cost of his or her tuition and other course expenses.

² Approximately 61% of these cases are for failure to reimburse the department for training costs. The remainder of these cases are undeterminable due to missing data.

³ Approximately 77% of these cases are inappropriate relationships with inmates. The remainder of these cases are undeterminable.

⁴ All other violations include a wide variety of felonies and misdemeanors, including trespassing, stalking, sexual harassment, child abuse, and burglary.

Source: OPPAGA analysis of Criminal Justice Standards and Training Commission data.

Appendix C

Violations Added to Officer Discipline Rules

As shown in Exhibit C, from 2006 through 2014, 1 enumerated penalty was added back into officer discipline rules; 5 new violations were added to officer discipline rules; and 14 violations had specific enumerated penalties added to officer discipline rules. The rules highlighted in gray were new violations added to officer discipline rules.

Exhibit C

From 2006 Through 2014, the Commission Added or Modified Officer Discipline Rules

2006: Enumerated Penalty Added Back Into Rule			
Rule	Florida Statute	Violation	Recommended Penalty
11B-27.005(5)(a)8	Section 837.02, <i>F.S.</i>	During the 2004 rule promulgation process, perjury in an official proceeding was inadvertently removed from rule. Commission staff recommended adding the specific enumerated penalty back into rule.	Prospective suspension to revocation
2008: New Violations or Enumerated Penalties Added to Rule			
Rule	Florida Statute	Violation	Recommended Penalty
11B-27.0011(4)(b)	Section 810.14, <i>F.S.</i>	Voyeurism	Prospective suspension and probation with counseling to revocation
11B-27.0011(4)(b)	Section 837.055, <i>F.S.</i>	False information to law enforcement during a felony or missing persons investigation to the list of enumerated misdemeanor charges	Prospective suspension to revocation
11B-27.005(5)(a)9	Section 784.048, <i>F.S.</i>	Felony stalking	Revocation
11B-27.005(5)(a)10	Sections 794.011 and 794.05, <i>F.S.</i>	Sexual battery and unlawful sexual activity with a minor	Revocation
11B-27.005(5)(a)11	Section 800.04, <i>F.S.</i>	Lewd or lascivious offense child under 16	Revocation
11B-27.005(5)(a)12	Section 827.03, <i>F.S.</i>	Child abuse	Prospective suspension to revocation
11B-27.005(5)(a)13	Section 827.03, <i>F.S.</i>	Aggravated child abuse with violence	Revocation
11B-27.005(5)(a)14	Section 843.01, <i>F.S.</i>	Resisting an officer with violence	Prospective suspension to revocation
11B-27.005(5)(a)15	Sections 893.13, 893.135, 893.147, and 893.149, <i>F.S.</i>	Felony controlled substance	Revocation
11B-27.005(5)(b)13	Sections 741.31 and 784.047, <i>F.S.</i>	A second violation of domestic violence or other protective injunction that constitutes a misdemeanor offense	Prospective suspension to revocation
11B-27.005(5)(b)14	Section 784.048, <i>F.S.</i>	Stalking constituting a misdemeanor offense	Prospective suspension to revocation
11B-27.005(5)(b)15	Sections 741.28 and 784.03, <i>F.S.</i>	Battery involving domestic violence with slight or moderate victim physical injury that constitutes a misdemeanor offense	Prospective suspension to revocation

2010: Enumerated Penalties Added to Rule			
Rule	Florida Statute	Violation	Recommended Penalty
11B-27.005(5)(a)16	Section 838.015, <i>F.S.</i>	Bribery	Revocation
11B-27.005(5)(a)17	Section 838.016, <i>F.S.</i>	Unlawful compensation or reward for official behavior	Revocation
2012: New Violations Added to Rule			
Rule	Florida Statute	Violation	Recommended Penalty
11B-27-0011(4)(b)1	Section 365.16, <i>F.S.</i>	Obscene or harassing telephone calls	Probation to suspension
11B-27-0011(4)(b)1	Section 901.36, <i>F.S.</i>	Prohibition against giving false name or false identification by person arrested or lawfully detained; court orders added to the list of misdemeanor or criminal offenses whether criminally prosecuted or not	Prospective suspension to revocation
2014: New Violations or Enumerated Penalties Added to Rule			
Rule	Florida Statute	Violation	Recommended Penalty
11B-27.0011(4)(c)14.a.-e.	Not Applicable	Misuse of electronic databases	Probation to suspension
11B-27.005(5)(c)14	Not Applicable	Intentional abuse of temporary employment authorization	Suspension to revocation
11B-27.005(5)(c)15	Not Applicable	Any willful and offensive exposure or exhibition of his or her sexual organs in public or on the private premises of another or so near thereto as to likely be seen except in any place provided or set apart for that purpose	Suspension to revocation

Source: Criminal Justice Standards and Training Commission.

Appendix D

The Membership of the 21 State Commissions Authorized to Revoke Correctional Officer Certification Varies

As shown in Exhibit D, there are 21 states, including Florida, that have commissions with the ability to revoke correctional officer certification. The number of members on each commission ranged from 7 in Alabama and Wyoming to 31 in North Carolina. Like Florida, 16 states had commission positions for sheriffs or police chiefs; 11 states had positions for sheriff's deputies or police officers; and 12 states had positions for the general public. Also similar to Florida, 11 states required some form of correctional administrators or management, while 5 states had positions for correctional officers or employees. Three states (Texas, Virginia, and Wisconsin) have no jurisdiction over state correctional officers, but do have jurisdiction over other classifications of correctional officers, such as county jailers. Arkansas also has no jurisdiction over state correctional officers, but can decertify county correctional officers if they are also certified peace officers.

Exhibit D

Twenty Other States Have Commissions With the Ability to Revoke Correctional Officer Certification

State Commission	Total Members	Law Enforcement				Corrections			Other			
		Sheriff/ Police Chief	Deputy/ Police Officer	State Law Enforcement Agency Head	Law Enforcement Association or Fraternal Order	Correctional Administrators/ Management	Correctional Officers/ Employees	County Correctional Institution	Attorney General	Training Center Director	General Public	Other
Florida ¹	19	6	5	1	—	1	2	1	1	1	1	0
Alabama	7	—	—	—	3	—	—	—	—	—	4	0
Alaska	13	4	1	1	—	2	1	—	—	—	4	0
Arkansas	10	4	—	—	1	—	—	—	—	—	2	3 ²
Georgia	19	2	4	1	6	1	—	—	—	—	—	5 ³
Idaho	13	6	—	2	—	1	—	—	1	—	—	3 ⁴
Louisiana	12	6	—	1	1	—	—	—	1	—	—	3 ⁵
Maine	17	2	2	3	—	1	1	—	1	—	3	4 ⁶
Maryland	16	—	—	—	3	3	5	—	1	—	—	4 ⁷
Mississippi	13	3	1	1	5	—	—	—	1	—	—	2 ⁸
Montana	13	2	1	—	—	—	1	1	—	—	3	5 ⁹
Nevada	9	—	3	—	—	—	—	—	—	—	—	6 ¹⁰
New Hampshire	14	6	—	1	—	1	—	—	1	—	2	3 ¹¹
North Carolina	31	4	6	1	2	4	1	—	1	—	6	6 ¹²
Oregon	24	4	2	1	5	1	—	—	—	—	1	10 ¹³
South Carolina	11	4	—	3	—	1	—	1	1	—	—	1 ¹⁴
Texas	9	3	2	—	—	—	—	—	—	—	3	1 ¹⁵
Utah	17	6	—	1	1	1	—	—	1	—	4	3 ¹⁶
Virginia	15	2	—	1	3	3	—	—	—	—	—	6 ¹⁷
Wisconsin	15	2	4	1	—	—	—	—	1	—	1	6 ¹⁸
Wyoming	7	—	2	—	—	—	—	—	1	—	2	2 ¹⁹

- ¹ In appointing the three sheriffs, the Governor is required to choose each appointment from a list of six nominees submitted by the Florida Sheriffs Association. In appointing the three chiefs of police, the Governor is required to choose each appointment from a list of six nominees submitted by the Florida Police Chiefs Association. In appointing the five law enforcement officers and one correctional officer of the rank of sergeant or below, the Governor is required to choose each appointment from a list of six nominees submitted by a committee comprised of six members of three different collective bargaining agents. At least one of the names submitted for each of the five appointments who are law enforcement officers must be an officer who is not in a collective bargaining unit.
- ² Arkansas also includes one officer of the Department of Arkansas State Police; one educator in the field of criminal justice; and one member not actively engaged in or retired from law enforcement. The member shall be 60 years of age and represent the elderly, appointed from the state at large, subject to confirmation by the Senate, and be a full voting member.
- ³ Georgia also includes one appointee of the governor who is not the attorney general; the director of investigation of the Georgia Bureau of Investigation or his or her designee; the chairperson of the State Board of Pardons and Paroles or his or her designee; one city manager or mayor; and one county commissioner.
- ⁴ Idaho also includes one county prosecuting attorney or designee; the special agent in charge of the Idaho division of the Federal Bureau of Investigation or designee; and the director of the department of juvenile corrections or designee.
- ⁵ Louisiana also includes two district attorneys and the executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.
- ⁶ Maine also includes one educator who is not and has never been a sworn member of a law enforcement agency; one criminal prosecutor from the district attorney; one representative of a federal law enforcement agency; and one municipal official who is not and has never been a sworn member of a law enforcement agency.
- ⁷ Maryland also includes the secretary of Juvenile Services; one representative of the Department of Juvenile Services, designated by the secretary of Juvenile Services; one representative of the Federal Bureau of Prisons, designated by its director; and one president of a university or college in the state with a correctional education curriculum, appointed by the Maryland Higher Education Commission.
- ⁸ Mississippi also includes one district attorney and one representative of higher education.
- ⁹ Montana also includes one state law enforcement member; one tribal law enforcement member; one county attorney; and two members from the board of crime control.
- ¹⁰ Nevada also includes two members from Clark County, with one being from a metropolitan police department; one member from Washoe County; and three members from counties other than Clark and Washoe.
- ¹¹ New Hampshire also includes two judges of courts with criminal jurisdiction and the chancellor of the community college system.
- ¹² North Carolina also includes the president of the North Carolina Community Colleges System; one mayor selected by the League of Municipalities; one criminal justice professional selected by the North Carolina Criminal Justice Association; one district attorney selected by the North Carolina Association of District Attorneys; the president of the University of North Carolina; and the dean of the school of government at the University of North Carolina at Chapel Hill.
- ¹³ Oregon also includes one fire chief recommended to the governor by the Oregon Fire Chiefs Association; one representative of public safety telecommunicators; one district attorney recommended to the governor by the Oregon District Attorneys Association; the state fire marshal; the chief of the Portland Fire Bureau; one nonvoting member who is the special agent in charge of the Federal Bureau of Investigation for Oregon; one administrator of a municipality recommended to the governor by the executive body of the League of Oregon Cities; two members recommended by and representing the private security industry; and one member who is a non-management parole and probation officer employed by a community corrections program.
- ¹⁴ South Carolina also includes the director of the South Carolina Department of Probation, Parole and Pardon Services.
- ¹⁵ Texas also includes one member licensed under Texas Occupations Code Chapter 1701.
- ¹⁶ Utah also includes one incumbent mayor; one incumbent county commissioner; and one educator in the field of public administration, criminal justice, or a related area.
- ¹⁷ Virginia also includes a member of the Private Security Services Advisory Board; the executive secretary of the Supreme Court of Virginia; the attorney for the commonwealth representing the Association of Commonwealth's Attorneys; a representative of the Virginia Municipal League; a representative of the Virginia Association of Counties; and one member designated by the chairman of the Virginia Criminal Justice Services Board from among the other appointments made by the governor.
- ¹⁸ Wisconsin also includes one district attorney; two representatives of local government who occupy executive or legislative posts; the executive director of the Office of Justice Assistance; the secretary of Natural Resources or designee; and the special agent in charge of the Milwaukee office of the Federal Bureau of Investigation.
- ¹⁹ Wyoming also includes one representative of a state law enforcement agency and one person who is actively engaged in law enforcement training.

Source: 2012 International Association of Directors of Law Enforcement Standards and Training survey of peace officer standards and training agency certification practices and OPPAGA review of other state commissions with authority to discipline correctional officer certification.

Appendix E



Florida Department of
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Richard L. Swearingen
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September 30, 2015

Mr. Phillip Twogood
Coordinator
Office of Program Policy Analysis and Government Accountability
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Claude Pepper Building, Room 312
Tallahassee, FL 32399-1475

Dear Mr. Twogood:

The Florida Department of Law Enforcement acknowledges receipt of your draft report entitled *Review of Department of Corrections and Criminal Justice Standards and Training Commission Processes for Correctional Officer Misconduct*. Thank you for the opportunity to review, comment and suggest clarifications to the early draft.

As you noted in the report, the Criminal Justice Standards and Training Commission (the Commission) is comprised of 19 members. The Commission represents a diverse cross section of the state and local criminal justice community in Florida. While we recognize that only two positions (secretary of the Department of Corrections, or designated assistant, and State Correctional Institution Administrator) represent state correctional officers, it is important to note that seven of the positions represent correctional officers when the county correctional officer population is factored in. Those seven positions include the above two positions, three sheriffs, one county correctional administrator, and one correctional officer at the rank of sergeant or below.

We realize that there are many other individuals within federal, state and local government and the community who might add a broader perspective to the Commission. We remain committed to upholding the Commission's mission, which is to ensure that all citizens of Florida are served by criminal justice officers who are ethical, qualified, and well trained. In addition, we stand ready to work with the Legislature on any proposed membership changes to the Commission.

Thank you for the time and attention your staff provided in the development of this report.

Sincerely,

Richard L. Swearingen
Commissioner

RLS/gh