

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1885 (HB 1885) Criminal Justice Standards and Training Commission
SPONSOR(S): Public Safety & Crime Prevention
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1000

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Public Safety & Crime Prevention</u>	<u>15 Y, 0 N</u>	<u>Cole</u>	<u>De La Paz</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The Criminal Justice standards and Training Commission (CJSTC) consists of a nineteen member panel appointed by the Governor for a term of four years to improve the delivery of quality training, ensure job-relatedness in employment and training standards, and increase the professionalism of criminal justice officers throughout the state. The Commission is composed of sheriffs, police chiefs, law enforcement and corrections officers, correctional institution administrators, one training center director, one Florida resident with no affiliation to law enforcement, the Attorney General, the Commissioner of the Department of Education, the Secretary of the Department of Corrections, and the Director of the Florida Highway Patrol. The bill changes the make up of the Commission by removing the one Florida resident position and replacing it with another law enforcement officer who holds the rank of sergeant or below. The bill also makes all five of the law enforcement officers on the Commission hold the rank of sergeant or below, instead of allowing one of them to hold a rank above sergeant.

HB 1885 limits the types of disciplinary actions that CJSTC can review. Section 943.1395, F.S., delineates the types of violations CJSTC may review in cases involving perjury, making a false statement, or violations of the good moral character statute. In cases where an officer is reinstated or continues his or her employment as the result of a disciplinary appeal procedure, grievance procedure, arbitration, civil service appeal, or administrative hearing, the bill provides that CJSTC will only be able to review the results of the appeal and determine if the punishment imposed conforms to, or is less than, the penalties prescribed by CJSTC. If an officer has not received any other punishment from CJSTC in the last three years, they will send a letter of acknowledgment to the officer and the employing agency and take no further action. If the officer has received some type of punishment by CJSTC within the last three years, the officer and employing agency will receive written notice that further action will be taken against the officer by CJSTC.

There does not appear to be any fiscal impact to state or local government.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1885.pscp.doc
DATE: April 17, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

CJSTC currently consists of a nineteen member panel appointed by the Governor for a term of four years and is tasked to improve the delivery of quality training, ensure job-relatedness in employment and training standards, and increase the professionalism of criminal justice officers throughout the state. The Commission is composed of sheriffs, police chiefs, law enforcement and corrections officers, correctional institution administrators, one training center director, one Florida resident with no affiliation to law enforcement, the Attorney General, the Commissioner of the Department of Education, the Secretary of the Department of Corrections, and the Director of the Florida Highway Patrol.

The primary responsibilities of the Commission include establishing uniform minimum standards for the employment and training of all aspects of law enforcement and corrections officers. It establishes and certifies training programs and certifies officers who complete recruit training. It administers administrative sanctions ranging from "no punishment" to "revocation" of an officer's state certification for disciplinary violations. The Commission is responsible for a wide variety of other areas dealing with records, training issues, and testing as it affects the field.

In 2002, CJSTC heard 344 cases involving law enforcement officers, correctional officers, correctional probation officers, and those with concurrent certifications covering 430 separate violations. Twenty-two cases were dismissed. 322 cases resulted in some form of discipline from CJSTC. Forty-two officers received probation, twenty two officers had their certification suspended, one officer was reprimanded, fourteen officers had certification denied, ninety-eight officers voluntarily relinquished their certification, and the commission revoked 145 certifications (46 law enforcement, 91 corrections, 4 correctional probation, and 4 concurrent). In all, .31% of all law enforcement officers, .61% of all correctional officers, .23% of all correctional probation officers, and .24 percent of all those holding concurrent certifications were disciplined by the commission. Of the total 78,706 certified law enforcement, corrections, correctional probation, and concurrent certified officers statewide, only .41% received discipline from CJSTC.¹

The bill amends s. 943.11(1)(a), F.S., to limit the disciplinary actions provided for under s. 943.13(6) and (7), F.S., dealing with perjury, making a false official statement and commission of any felony, and violations of s. 943.13(7), F.S., regarding violations of the good moral character statute, that CJSTC will hear.² The Commission is currently notified of each instance of these type of violations, whether or

¹ *Criminal Justice Professionalism Program Quarterly Update*, Spring 2003, p. 17-18.

² "Good moral character" is defined by CJSTC in Rule 11B-27.0011 as the unlawful use of any controlled substance, commission of any felony (prosecuted or not), excessive use of force, any crime committed outside of Florida that would constitute a violation of the rule, and many others. These are but a few examples. When looking at these types of cases,

not an agency plans to discipline an officer. This bill limits the types of action that CJSTC will be able to take when enforcing its rules. It limits CJSTC to reviewing the records of officers who are retained or reinstated by a type of disciplinary appeal procedure, grievance procedure, arbitration, civil service appeal, or administrative hearing. It limits a CJSTC probable cause panel to only reviewing sustained charges and discipline that results from the disciplinary appeal. The panel will determine whether or not the discipline imposed by the agency meets or is less than that prescribed by CJSTC rule. If an officer has not received any other punishment from CJSTC in the last three years, the Commission will send a letter of acknowledgment to the officer and the employing agency and take no further action. If the officer has received some type of punishment by CJSTC within the last three years, the officer and employing agency will receive written notice that further action will be taken against the officer by CJSTC.

C. SECTION DIRECTORY:

Section 1: Amends s. 943.11(1)(a), F.S., relating to the make up of the Criminal Justice Standards and Training Commission.

Section 2: Amends s. 943.1395(8), F.S., relating to CJSTC procedures for officer misconduct notifications.

Section 3: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: See Fiscal Comments.
2. Expenditures: N/A.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: N/A.
2. Expenditures: N/A.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: N/A

D. FISCAL COMMENTS:

The bill does not appear to have any negative fiscal impact on either state or local government.

the Commission takes into account the severity of the violation, the existence of any pecuniary benefit gained by the officer, any intent to harm, deceive, or defraud, any materiality of any false statements, disciplinary action taken by the employing agency, and any previous disciplinary action taken by the Commission. In cases where an employing agency has followed the guidelines set out by CJSTC, the Commission will merely review the record and send a letter of acknowledgement to the officer to let them know that they have been notified, but the agency will be handling the discipline in this particular case. In a case where an agency does not follow the guidelines set out by CJSTC, the Commission can, and has, impose a more severe punishment than the employing agency. This is rare, but it does occur.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: N/A.
2. Other: N/A.

B. RULE-MAKING AUTHORITY: N/A/

C. DRAFTING ISSUES OR OTHER COMMENTS: N/A.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The Public Safety and Crime Prevention Committee adopted an amendment to the original PCB draft which eliminates the civilian member of the commission and replaces them with a law enforcement officer who holds the rank of sergeant or below. The amendment also provides that CJSTC will review cases when an officer is retained or reinstated by a disciplinary appeal procedure, grievance procedure, arbitration, civil service appeal, or administrative hearing. The Commission will only review whether or not the discipline imposed by the employing agency meets, or is less than, the penalties prescribed by CJSTC rules. If the discipline meets, or is less than, that prescribed, CJSTC will send a letter of acknowledgement to the employer and officer. If an officer has received a letter of acknowledgement within the last three years, both the officer and employing agency will be notified in writing of any further action to be taken by the Commission.