



RON DESANTIS  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

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## THE FLORIDA SENATE

In re: Executive Order of Suspension, Number 19-14  
Suspension of Mr. Scott Israel, Sheriff  
Broward County, Florida

### GOVERNOR DESANTIS' MEMORANDUM

COMES NOW, the Executive Office of Governor Ron DeSantis ("EOG"), by and through Deputy General Counsel Nicholas Primrose, pursuant to Special Master Goodlette's direction on June 10, 2019, respectfully submits this memorandum regarding the arrest of former Broward Sheriff Deputy Scot Peterson ("SRO Peterson"), in the matter of Executive Order 19-14, Suspension of Scott Israel ("Israel"), Broward County Sheriff.

The issue in front of the Florida Senate is limited to Executive Order 19-14, the suspension of Israel from his office as Broward County Sheriff ("BSO") for neglect of duty and incompetence. Extraneous matters, including the investigation and arrest of SRO Peterson, have no bearing on the sole issue related to Israel.

Israel asks the Florida Senate to delay any final decision on his removal or reinstatement until he can obtain all documentary evidence collected by the Florida Department of Law Enforcement ("FDLE") or other agencies relating to the arrest of Peterson. Israel claims he "will learn of a number of previously unknown and unidentified material witnesses and evidence." Israel also explains once he can "fully articulate specific witnesses by name and documents by description" he will present a supplemental witness and exhibit list. Israel claims due process demands delay until he can review all materials on the chance anything may be additional exculpatory testimony or evidence.

First and foremost, EOG, including the undersigned counsel, is not in possession any of the materials collected as part of the FDLE investigation of SRO Peterson<sup>1</sup>. Furthermore, the undersigned counsel has not reviewed, nor asked for, any of the material collected as part of the FDLE investigation of SRO Peterson. The only documents the undersigned counsel have reviewed related to the FDLE investigation into SRO Peterson are the redacted Affidavit and Arrest Warrant that Israel disclosed as his exhibit number 37.

Any argument that EOG, or the undersigned counsel, has an unfair advantage or is withholding material evidence related to SRO Peterson is meritless and should be given zero consideration. This

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<sup>1</sup> As a cursory matter, Israel misconstrues the relationship between FDLE and the Executive Branch, including the undersigned counsel. FDLE is not under the sole direction of EOG. Rather, oversight of FDLE is statutorily committed to the Florida Cabinet. FDLE is headed by an executive director who is appointed by the Florida Cabinet—not at the sole discretion or control of the Governor. *See* § 20.201, Fla. Stat.

matter is not analogous to the criminal context cited by Israel's counsel wherein a State Attorney has evidence they have not disclosed to a criminal defendant. EOG is not withholding evidence. EOG has not disclosed evidence late or too close to the Final Hearing to allow Israel to prepare. Therefore, none of the cases cited by Israel are applicable to this unique proceeding.

Contrary to Israel's assertion, due process does not require a delay until *all* information can be reviewed related to the investigation and arrest of SRO Peterson. Israel has already identified numerous witnesses who have provided exculpatory, self-serving testimony during this Senate hearing process. Israel has specifically listed witnesses favorable to his presentation of evidence. These witnesses have provided extensive testimony regarding the active shooter policy in place during the Marjory Stoneman Douglas High School shooting and the training BSO deputies, including Peterson, would have received. Israel has also previously listed numerous exhibits, obtained through his own efforts, that will be presented as exculpatory evidence.

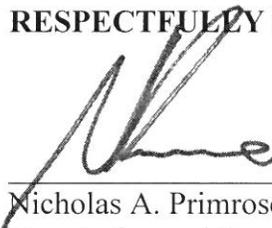
Undersigned has reviewed the redacted Affidavit and Arrest Warrant (Israel Exhibit No. 37), which Israel claims demands further inquiry. However, the Affidavit and Arrest Warrant, as presented, does not identify new witnesses that would not have been previously known to Israel. A claim that unknown witnesses *may* have provided statements or testimony is not enough to claim a violation of due process. Furthermore, it is unlikely that any additional information would be provided that has not already been discussed through the witnesses or already known to Israel.

Essentially, Israel is asking the Senate to give him a second bite at the apple due to the arrest of SRO Peterson. Israel should be held to his voluntary choice to list certain witnesses or exhibits, including the decision to not include certain individuals or exhibits. Furthermore, SRO Peterson is charged for criminal conduct due to his acts or omissions, not BSO or Israel. While certain testimony or evidence may tangentially address issues related to Israel's failed leadership, Israel has failed to show that the evidence is likely to rise to the level of violating Israel's due process rights. Similarly, any number of future lawsuits related to the shooting at Marjory Stoneman Douglas High School could bring new documents, new testimony, or new witness perspectives—these developments would still not require a delay of the Florida Senate's role in the removal or reinstatement of Israel.

### **Conclusion**

EOG respectfully requests the Florida Senate not grant Israel's request to delay this proceeding or impending vote on Israel's removal until they can obtain information related to Peterson's arrest and subsequently claim an unlimited number of "new" witnesses or exhibits. Rather, the Florida Senate should maintain the disclosure deadlines that have already expired for witnesses and exhibits and hold a vote once the Special Master's Report has been received after the Final Hearing.

**RESPECTFULLY SUBMITTED,**



Nicholas A. Primrose  
Deputy General Counsel  
Executive Office of Governor Ron DeSantis