

FLORIDA SHERIFFS ALL POINTS BULLETIN



VOLUME 20 • NUMBER 4 • FALL 2010

Joint Operation Grim Reaper Nets 22 Arrests

A week-long, joint undercover operation that involved more than 700 hours of chat time with sexual predators targeting children for sex resulted in 22 arrests. Called "Operation Grim Reaper," for its proximity to Halloween, the operation was deemed a "complete success" by organizers.

Using an Inverness address for the staged meeting place, Grim Reaper was spearheaded by the Citrus County Sheriff's Office and involved Central Florida Internet Crimes Against Children, Florida Department of Law Enforcement and Hernando, Orange, Polk and Sumter County Sheriffs' Offices.

Video from the operation, posted on WTSP Channel 10, showed numerous clips of unsuspecting males ringing the doorbell, only to have it sprung open by armed deputies dressed in fatigues and bulletproof vests. As the perpetrators bolted, deputies tackled and wrestled them to the ground, and one of the deputies shouted, "Relax! Sheriff's Office."

A proud Sheriff Jeff Dawsy of Citrus County met the cameras October 29th, saying it's a rare opportunity when a Sheriff's Office can demonstrate that they saved 22 young people in one operation. He also used the forum to warn other would-be predators, "This particular enforcement action is going on the road and we may be



Citrus County Sheriff's Det. Jon Seffern and Analyst Sherry Cook get prepared for Operation Grim Reaper.



Above, one of the online sexual predators gets taken down. At right, 22 men took the bait and all 22 were arrested.

coming to a town near you. You just don't happen to know when we're coming."

The defendants ranged in age from 20 to 47 and resided in Florida or were temporarily employed in this state. Their occupations included: engineer, substitute teacher, firefighter, volunteer youth minister and a prospective recruit for the U.S. Navy. Collectively, they traveled from Polk, Marion, Sarasota, Hillsborough, Alachua, Pinellas and Orange counties, to name just a few. Only one was a Citrus County resident.

As the suspects were led handcuffed in the house, shock was still etched on their faces, including the man wearing a T-shirt that read, "Beer is my life."

Two of the suspects took a taxi to the house, and 18 of the 22 brought condoms. Several of the suspects have children of their own.

Groundwork sets the stage

As far back as September, detectives with the Citrus County Internet Crimes Against Children (ICAC) unit began planning for the special undercover operation. Training was conducted at the CCSO Emergency Operations Center for newer "chatters" that included instruction on how to initiate undercover chat investigations and establish undercover profiles and identities.

Operation Grim Reaper offi-

Continued on page 4

Partnerships Make Training More Available, Affordable

Roy P. Hudson Jr.
Law Enforcement and Training Coordinator

The Florida Sheriffs Association embarked on a new journey this year. After receiving our new strategic plan it was clear that the Sheriffs of Florida wanted the FSA to put together a comprehensive training program.

The FSA management team discussed things that would be of value to our Sheriffs and their personnel, and help them receive training in a manner that would be the most cost effective. The following were factors in designing the program:

1. Provide high-quality training on issues important to all phases of Sheriff's Office Operations.
2. Provide training statewide to ensure that Sheriffs can send their folks to training locally and save on hotel and travel expenses.
3. Make this training available at no cost or as cost effective as possible.
4. Develop traditional training programs as well as distance learning programs.

With these objectives in mind we surveyed the Sheriffs' Offices to find out who would be willing to partner with FSA to provide training locations and which ones had classroom facilities available. The response was great. Our Sheriffs have many progressive and eager

training Deputies who were excited to make this work.

Recruiting expertise

At this point we reached out to several of the best known providers of high quality law-enforcement training around the country to find out what courses were available and the best way to secure them for Florida. We worked out agreements with organizations such as the National Sheriff's Association, the Multi-Jurisdictional Counterdrug



Roy P. Hudson, Jr.

Task Force Training program, Talon International, The Homeland Security program at TEEX (Texas A&M) University, The Rural Domestic Preparedness Consortium at Eastern Kentucky University, The Rural Policing Institute at FLETC, The Florida Council Against Sexual Violence, ManTech and many more.

FSA, in conjunction with these partners and our Sheriffs, set up the traditional programs around the state with the kickoff starting in May of 2010. From May until November of this year we have provided traditional training from the Panhandle to the Keys and trained hundreds of law-enforcement personnel.

A special note of thanks on the traditional training program is in order. Sheriff Robert C. (Bobby) Haddock of Washington County felt there was such a need for leadership training that he reached deep into his pocket to bring in first-class training to his agency and then opened it up at no cost to other Sheriffs around the state. This unselfish act exemplifies the giving spirit of our Sheriffs.

Another major accomplish-

ment was the start of our online training program. The Model Jail Standards Board under Sheriff H. Edward "Ed" Dean Jr. of Marion County had let us know of the critical need of recertification of Jail Inspectors around the state. FSA staff, along with the Model Jail Standards folks (special thanks to Lt. Kathy Brown of Pasco County), put together a program and made online recertification for Jail Inspectors a reality

Continued on page 4

FLORIDA SHERIFFS ALL POINTS BULLETIN Volume 20, Number 4 Fall 2010

Publisher Steve Casey
Executive Director
Florida Sheriffs Association

Editor Julie S. Bettinger
E-mail: jbettinger@flsheriffs.org

Graphic Design Frank J. Jones

All Points Bulletin is published quarterly by the Florida Sheriffs Association in spring, summer, fall and winter.

The content of APB is intended to reflect the opinions of various criminal justice professionals and those who serve law enforcement, which means articles do not necessarily reflect the opinion of the Florida Sheriffs Association.

FSA's by-laws prohibit the association's endorsement or guarantee of any product, service or company represented in the articles or advertisements in this publication.

We welcome articles and topics of interest to the law enforcement and corrections practitioner. To request writing guidelines or information on advertising, please e-mail the editor (address above) or contact us at the address below.

Florida Sheriffs Association
P. O. Box 12519, Tallahassee,
FL 32317-2519
Web site: <http://www.flsheriffs.org>
Toll Free: 800-877-2168
Local: 850-877-2165

AUTO • HOME

Don't just buy insurance.
Take ownership in Star & Shield.®

**THOUSANDS
HAVE
JOINED.**

If you haven't already,
it's time to call for **YOUR** auto
or homeowners quote today!

IF YOU ARE ALREADY A MEMBER, THANK YOU!

866-942-9822

STAR & SHIELD® CALL CENTER HOURS (EST):
8AM-8PM, MONDAY-THURSDAY • 8AM-6PM FRIDAY

STAR & SHIELD®
Insurance Exchange. Member-Owned.

Promotional material for descriptive purposes – insurance coverage subject to policy terms.
See StarandShield.com for details on eligibility.

Applicants individually written, some may not qualify for insurance. Star & Shield Insurance Exchange (Star & Shield®) is a Florida reciprocal insurer authorized by the Florida Office of Insurance Regulation. Membership subject to the Subscribers' Agreement and Power of Attorney, contingent on underwriting guidelines and policy ownership, and subject to change. Products available in states where Star & Shield® is authorized. Star & Shield Services LLC is the authorized agent for Star & Shield® products. Policies are non-assessable per Florida law 629.261. Membership does not imply legal ownership or rights to insurance products.



Dedicated to serving
**Law Enforcement/
Corrections and
Fire Rescue/EMS**

- Join thousands of fellow members
- Owned by its policyholders (members)
- 24/7 Claims Service



Find **Star & Shield** on Facebook • www.StarandShield.com

Continued from page 1

cially started on Monday, Oct. 11, and concluded on Sunday, Oct. 17. Chat sessions were conducted during the earlier part of the week, with undercover detectives posing either as juvenile males or females, or parents of minors actively looking for sexual instruction for their teens.

Personals ads were posted on several online dating sites, including Craigslist. They allegedly featured a young mother who was seeking subjects to teach her teenage daughter how to please a man and share in intimate family fun. In a nod to Craigslist officials, the ads didn't stay posted on the site for very long.

Surprise on arrival

Arrests began on Thursday, with undercover chatters giving the suspects driving directions to an undercover residence located in Inverness where they were to meet.

Two arrests were made on Thursday, four on Friday, six on Saturday and 10 on Sunday. Seven vehicles were seized for forfeiture. One handgun, 26 cell phones, 19 personal computers and four cameras also were seized. Eighteen of the 22 men arrested brought condoms to the rendezvous site in anticipation of sexual activity with a minor. Other arrests are anticipated, and search warrants are pending on phones and computers taken into evidence. Forensics analysis will follow.

The men arrested are facing multiple violations of the state's Computer Pornography and Child Exploitation Prevention Act, ranging from traveling to meet a minor

to engage in unlawful sexual conduct with a child to transmitting material harmful to minors to a minor by electronic device or equipment.

"We couldn't be more satisfied with the results of this special operation," said Lt. Dave DeCarlo, who supervises the agency's ICAC unit. "This was the first operation of such magnitude conducted by the Citrus County Sheriff's Office, and it took the combined efforts of several different agencies to make Operation Grim Reaper the success that it was."

DeCarlo offered thanks to the assisting agencies for pledging their support to keep children safe, not only in Citrus County, but around the state. He especially recognized the guidance provided by the Polk County Sheriff's Office, the agency he says created the template for these types of operations, plus the resources available from the Central Florida ICAC Task Force.

Citrus County Sheriff Jeff Dawsy says he is looking forward to assisting other agencies in future operations and sharing his agency's experience. The operation is also part of the Florida Sheriffs



Association's cyber-safety initiative, included in the 2010-2012 strategic plan.

FSA Assistant Executive Director of Operations Tim Cannon says the Florida Sheriffs Task Force is laying the groundwork for future joint undercover operations targeting sexual predators. He says they expect to have at least four of them in 2011, which will be coordinated through the Task Force's Command Advisory Teams.

For more information on Operation Grim Reaper, contact: Gail A. Tierney, Citrus County Sheriff's Office Public Information (352) 341-7460, or email gtierney@sheriffcitrus.org. For information on future operations, contact Tim Cannon, Florida Sheriffs Task Force, 850-877-2165 or via email: tcannon@flsheriffs.org.

Continued from page 2

Partnerships Make Training More Available, Affordable

starting in May. This program has saved Sheriffs time and money with their staff able to recertify from their own desk.

FSA is moving forward next year with the opening of the "FSA Training Institute." This program will offer a wide variety of training online as well as our continued traditional training.

We at FSA are committed to

making this the finest Law-Enforcement training program in the country.

Contact Roy Hudson via email: rhudson@flsheriffs.org or call 1-800-877-2168, ext. 226.

APB Insider is authored for law enforcement, by law enforcement. It will be used to spotlight issues of concern for today's Sheriff's Office.

“A Look inside the Criminal Mind”

The Sumter County Sheriff’s Office is sponsoring two important training programs in May. Course No. 1, “Advanced Criminal Investigative Analysis” will be held May 9-11, 2011 and Course No. 2, “Child Molesters – Pedophiles – Internet Predators,” will be May 16-17, 2011. Registration is limited – and organizers say the classes will *not* be cancelled.

Course No. 1 will provide criminal investigators, uniform patrol officers, police supervisors, arson investigators, probation officers and parole officers with new insight and a better understanding of violent criminal offenders and their behavior. Course No. 2 will provide a better understanding the behavioral dynamics of the child molester/pedophile.

The instructor is Inspector Marx Howell, a 32-year veteran of the Texas Department of Public Safety. Howell is a graduate of the FBI National Academy, holds a bachelors degree in Criminal Justice and served in the U.S. Marine Corps. He has 48 years of law-enforcement experience working first as a state trooper, being promoted through the ranks to Captain in the Criminal Law Enforcement Division and then to Inspector. He gives numerous presentations annually.

Download a full description of the courses, plus registration form, from the Florida Sheriffs Association website: www.flsheriffs.org – choose the “Law Enforcement” link. You may also contact Detective Athena Ross by calling: (352) 568-6653 or email: aross@sumtercountysheriff.org.

Nominations Sought: Correctional Officer of the Year

The Florida Sheriffs Association is seeking nominations for the annual “Correctional Officer of the Year” award. The act(s) for which a nomination is made should have been primarily accomplished during the 2010

calendar year, with the exception of lifetime achievement and service.

Nominations are coordinated through the Sheriff, and each Sheriff’s Office may nominate one individual, with the exception of a team effort by two individuals. The criteria may include, but is not limited to:

- One or more heroic acts
- High personal standards and service above and beyond the call of duty
- “Technical” excellence (Corrections-oriented)
- Innovation/initiative in creating a new or innovative jail management program(s)
- Lifetime achievement
- Other exemplary performance as deemed by the Sheriff

The 2011 winner will be invited, along with a guest, to the 2011 FSA Mid-Winter Conference banquet and will receive a handsome plaque and check for \$1,000. FSA will also pick up one night’s lodging for the winner at the conference hotel. The banquet is scheduled to be held on Tuesday evening, January 25, 2011, at the Amelia Island Plantation in Nassau County.

Download more information and a nomination form from the FSA website: www.flsheriffs.org, under the law enforcement link. Nomination deadline is Friday, December 10, 2010.

Have You Achieved 40 Years of Service?

The Florida Sheriffs Association has a special recognition program for those law-enforcement officers who have achieved 40 years of service in law enforcement. FSA awards a “Lifetime Honorary Membership” to individuals who meet the following criteria:



- Have a total of 40 years of law-enforcement service in Florida
- Have been a paid employee (full or part-time status), not a volunteer
- Of the 40 years of service, have served at least 20 years and one day employed by a Sheriff’s Office.

If you meet this criteria and would like to receive this complimentary award, please contact your Sheriff or the Sheriff’s executive assistant. They have a form to return for the program. If you have any questions, please contact Patti Brigance, 850-877-2165, ext. 222 or email: pbrigance@flsheriffs.org.

Purchasing Alert!

The Florida Sheriffs Association recently posted a new Vehicle Bid Award Announcement on the FSA website. The effective date is October 29, 2010 through September 30, 2011. One of the posted bids includes pursuit, administrative, non-pursuit, utility vehicles, trucks, vans and other fleet equipment. There are also bids for Fire Rescue vehicles and related fleet equipment, plus tires and related services.

Find all award information online at: www.flsheriffs.org under the Vehicle and Tire Bid Awards link.

Florida Sheriffs Association Calendar of Events 2011



January 23 – 26, FSA **2011 Mid-Winter Conference**, Amelia Island Plantation, Amelia Island

Find more information on these and other training opportunities through our website: www.flsheriffs.org Training and Events calendar links.

What You Should Know About Probation and Performance Evaluations

Gordon Graham here again and thanks for taking the time to visit my little corner of this publication where I get the opportunity to give you my thoughts on law enforcement – and what is going on – and more importantly what we can do to improve the quality of our efforts and better protect our personnel, our communities and our profession.

And I am aware that most of the people reading this publication are associated with a Sheriff's Office in Florida – and I personally have great respect for what you are doing as a group there in the Sunshine State – so please do not jump to any conclusions that I am of the opinion that you need “ground up restoration” in your operations.

As with anything else I write or preach, I am trying to validate many of the things you are already doing, point out some potential problem areas, and provide “solutions” to some problems that might be “lying in wait” in some law enforcement organizations.

If this is the first time you have read any of my work in this magazine – it may be necessary to get hold of some of the past issues where I laid out my thought process on why things go right and wrong in law enforcement operations – and what the causes of our tragedies are. Find them on the FSA website, under the Law Enforcement link.

In the last article I recapped my thinking on “The Five Pillars of Success” – getting and keeping good PEOPLE, developing

Popular speaker and trainer Gordon Graham is a former motorcycle cop-turned attorney and risk-management professional. He uses a combination of war stories and real-life lessons to help today's law-enforcement professional better manage risks. This is the fourth of a series of training articles he will author for APB.



good POLICY, making sure you have a good TRAINING program in place, assuring that supervisors are doing what they get paid to do – SUPERVISION – and when rules are not being followed that the deviation be addressed with appropriate DISCIPLINE.

And my focus in the last piece was the PEOPLE component – and I left off by promising you that in this issue I would continue in that vein with some thoughts on Probation and Performance Evaluations.

First – let's talk about Probation. You have done your recruitment, you have done your background investigation, you hire the employee and now they are on Probation. My guess is that the length of probation may vary from agency to agency in Florida – but regardless (and for my Lieutenant friends who might be reading this – “irregardless”) of the length of the period – remember this: Probation, as defined, is part of the hiring process.

So with that in mind, here is a thought. If you have a woman or a man on probation who can't

or won't do the job – get rid of them!! They will not get better over time. This is not a fine wine from the Napa Valley – this is wine from the chill box of your local Quick Stop! Trust me on this – he/she will not get better over time.

Again, I am aware of how seriously you take this issue in your Sheriff's operations – and that when you hire a young woman or man and spend a ton of money and time on development you want that person to be successful – and most of them are. But every now and then we are going to get a candidate who “slips” through some of our existing control measures – and gets too far in the process. These few individuals need your attention.

I could tell you a thousand stories from a thousand departments around America regarding this issue – but here is my favorite. And my guess is that you might have a better one – but this is my column so I will use my story that came out of a major west coast law enforcement organization.

It all started off with an agency here on the opposite side of America that was doing some “hurry up” hiring – “you have to get 100 more uniforms by the end of the year” – and that is always a ticket to tragedy. Hustling up the hiring process is like hustling up a door kick or a felony stop – nothing but bad is going to happen. Anyhow, they hired this kid who, with three weeks off of probation, gets assigned to a “street race” call – and during this call manages to get himself in front of one of the racing vehicles – and not to

Continued on page 8



MEARS
MOTOR
LEASING

A FINANCIAL DIVISION OF

The Bancorp Bank

MEMBER FDIC

- **Municipal Financing**
Vehicle and Equipment Lease/Purchase
- **Closed-End Flexible Lease Plans**
Administrative Vehicles
Undercover Vehicles
Police Pursuit Vehicles/Up-fitting



Contract Holder

FSS Contract GS-30F-0019P

FOR MORE INFORMATION CALL 407-253-4464
OR EMAIL MUNI@MEARSLEASING.COM

Continued from page 6

digress but what were the unintended consequences when we took physics out of high school 30 years ago?

Anyhow the little boy wonder – not being aware of Mr. Newton or any of those silly rules of physics – launches a round from his pistol at the approaching car and manages to hit the right front passenger and the car speeds off and the boy wonder just off probation..... FORGETS TO MENTION THIS SHOOTING TO ANYONE!

You can imagine the nastiness that followed including the injured kid in the car, the criminal indictment of the officer, the lawsuit against the department, the organizational embarrassment, the internal investigation and all the rest. After the fact – we learn that every one of his FTOs had made what recommendation? Get rid of him – he is too stupid!

Here is my point. Please understand what probation is – and how to properly utilize this probation process and please take this seriously. And again I am aware that the Sheriffs in Florida are taking this seriously – but we must continue to be vigilant on this issue.

On to the second portion of this brief article – Performance Evaluations. Let me make this short and sweet – and while I am not licensed to practice law in Florida I will nonetheless give you some legal advice – and here is said advice.

DO AWAY WITH PERFORMANCE EVALUATIONS! BURN ALL CURRENT RECORDS. PURGE ALL COMPUTER FILES OF PERFORMANCE EVALUATIONS AND DISCIPLINE ANYONE WHO EVER

MENTIONS THEM AGAIN!

Obviously I am not being serious – well not totally serious. But here is another version of “unintended consequences.”

What were the unintended consequences when we started preparing documents on word processors? Sadly, with the advent of the “word processor” performance evaluations in too many law enforcement agencies have turned into an annual “search/replace” exercise where the supervisor prepping the eval pulls up last year’s document and asks the important question – “How much do I have to change to make it look fresh?”

If you think I am full of baloney here, I encourage you to pull 10 performance evaluations prepared in 2009 at random from your files. Then go back and pull the same 10 evaluations written in 2008. Hopefully, the 2009 document will be “fresh” and apply to what was going on with that employee during that reporting period.

Sadly though, I have seen agencies around America where at least one of the ten will be essentially a “mirror image” document (a copy of the 2008 version) with few or no changes.

In my live lectures, I ask law enforcement leaders from around the world the following. Give me a drinking budget and let me take out the Sergeants who actually wrote the evaluations – and let me get them into the .15/.16 level BAC (the loose lips sink ships range) and then I will ask them what their opinion is of some given employee.

I bet them a lunch (that is two lunches I have a wager on now) that many of the supervisors while talking honestly (alcohol tends to

do that) will give you a much lower opinion of the employee than they gave them on the evaluation.

Why the bias?

There are many reasons why some law enforcement supervisors “overrate” people including bias, laziness and status quo – but overrating employees is not a good idea. Some supervisors (and the mere fact that you are reading this publication would suggest to me that this does not apply to your department) are creating documents that will “lie in wait” and will come back to haunt you in ways you have never even imagined.

Here is a quote for you. “Ill prepared performance evaluations today are sowing the seeds for major employment law problems in the future.” And to back that up I will tell you this. I have not been involved in an employment law case in the last 20 years in which performance evaluations were not a principal part of the plaintiff employee’s case.

Here you are three years from now trying to fire some employee for cause – and they have a half dozen evaluations that say that the employee is the best employee in the history of the department. And again, I can back this up with a thousand stories from a thousand agencies to prove this – but you probably have your own experiences and thoughts about this issue.

So there you have it – some thoughts over the important task of “getting and keeping” good people. Until we meet again, thanks for all you are doing to improve the quality of our profession.

Florida LE Accreditation Update

Peg Gant, Executive Director of the Commission for Florida Law Enforcement Accreditation, Inc., reported that the Florida Accreditation fall conference was held October 11-15 in Jacksonville.

The Florida Corrections Accreditation Commission, Inc. reviewed and re-accredited the Okaloosa County Department of Corrections and Santa Rosa County Sheriff's Office Division of Corrections.

At the conference, the Commission for Florida Law Enforcement Accreditation, Inc. awarded initial accreditation to the Neptune Beach



Peg Gant

Police Department. The following Sheriffs' Offices were re-accredited: Citrus County, Collier County, Lake County and Santa Rosa County. The following Police Departments were re-accredited: Boynton Beach, Cape Coral, Delray Beach, Largo, Palm Bay, Palmetto, Port Orange, Port St. Lucie and the University of South Florida.

The Division of Inspector General, Palm Beach County Clerk and Comptroller have recently entered into the "self-assessment" phase of accreditation.

In other news, the Orange County Sheriff's Office became the first recipient of the newly-created "Excelsior

Agency" designation. To be eligible, OCSO had to complete five CFA reaccreditations with no conditions. The designation was created to recognize agencies that remain committed to state accreditation and consistently demonstrate professional excellence.

The Commission also introduced a new web-based program developed by Innovative Data Solutions that can be used to manage the accreditation process. This means that Florida will have the first paperless law-enforcement accreditation process in the nation.

The next conference will be at the Marriott Hutchinson Island in Stuart, January 31 – February 4, 2011. For more information, visit the website: www.flaccreditation.org.

School Resource Deputies: Get On Board the Teen Driver Challenge

When the Teen Driver Challenge (TDC) was launched in 2007, the Sheriffs of Florida pooled their resources to make it happen. That investment is paying off. Now the program, which was developed to combat the high crash and fatality rate of teen drivers, is offered in more than half the counties of the state and has trained thousands of teens.

The TDC also has a headline sponsor – State Farm Insurance – a strong website, Facebook page and Twitter presence. Perhaps best of all, the program is receiving fan mail from the teenagers who are crediting the training for helping them avoid major crashes and save lives.

During National Teen Driver Safety Week, October 17-23, the Florida Sheriffs joined State Farm and Students Against Drunk Driving (SADD) in support of the Florida Department of Highway Safety and Motor Vehicles (DHSMV) campaign to White Out Teen Crashes. On October 19th, press conferences – organized by the DHSMV – were held throughout the state and

students wore white T-shirts in support of campaign. Several of the gatherings involved distribution of pamphlets, demonstrations with DUI Goggles and more.

While recent statistics are encouraging, car crashes remain the No. 1 killer of American teens.

Additional resources

State Farm and the Children's Hospital of Philadelphia have produced a social media announcement, "Not Now, I'm Driving," to help spread the word about teen driver safety and the importance of refraining from texting while driving.

For more information, check out the TDC website: www.teendriverchallenge.org or contact Phil Rivers, 850-877-2165, ext. 246. Email: privers@flsheriffs.org.



In July, 2010, FSA President Sumter County Sheriff Bill Farmer (second from left) presented the Florida Sheriffs Association's "President's Award" to State Farm. The honor was to show appreciation for outstanding service to the Florida Sheriffs and its Teen Driver Challenge. Receiving the award on behalf of State Farm are (from left), Public Affairs Specialists John Pisula, Michael Hidalgo Grimes and Jose Soto. Photo by Jon Singley/sheriffphoto.com



Past experience. Current leadership. Forward thinking.

PHS partners with you to serve your specific correctional healthcare needs with unparalleled experience and innovation. Our combination of time-tested best practices, management strength and forward-thinking technology delivers safe, effective and cost-efficient care. Learn more at 800-729-0069 or www.PHSCorrections.com.



RAPID-ID

by
DataWorks Plus

Now on the Florida State Contract!
Your identification solution is only a click away:
www.dataworksplus.com/Florida/flist.htm

DataWorks Plus can provide **FALCON RAPID-ID edge device software** to capture and submit fingerprints to FDLE for biometric identification of a suspect. RAPID-ID supports retrieval of the suspect's criminal history information, outstanding warrants, and can indicate if DNA is on file for the suspect.

More than 2,800 RAPID-ID devices from DataWorks Plus are currently being used in Florida. Contact DataWorks Plus today to find out why agencies such as the Florida Highway Patrol chose RAPID-ID as their mobile identification solution.

RAPID-ID Positive Identification Applications:

- Inmate booking, transport, and release
- Court room appearances
- Prior to serving a warrant
- Medical Examiner's office
- Crime scene investigation
- DNA confirmation
- Roadside stops



For more information or a demonstration, please contact:
Rick Johnson Ph: 864.430.7981 / Fax: 864.672.2787 / rjohnson@dataworksplus.com
728 North Pleasantburg Drive, Greenville, SC 29607.

Jax Detective Reston Receives U.S. Medal of Valor

U.S. Vice President Joe Biden and Attorney General Eric Holder honored 14 public safety officers with a medal of valor in Washington, DC, September 22, 2010. At



Det. Jared Reston

the ceremony, Jacksonville Sheriff's Office Detective Jared T. Reston became one of only 55 officers to receive a medal since the first recipients were honored in 2003.

The incident he was recognized for took place on January 29, 2008. Detective Reston was working off-duty at the Regency Square Mall when he received a call about two shoplifters. One suspect had been taken into custody, but the other had fled on foot. Detective Reston ran after the fleeing suspect and caught up with him in the 9400 block of Atlantic Boulevard, where the suspect turned and shot Reston several times with a Glock .45 pistol. In spite of his wounds, Detective Reston managed to regain his focus and, while lying on the ground, drew out his service weapon and returned fire, striking the suspect several times and ending the pursuit.

The President of the United States awards the Medal of Valor, which was authorized by the Public Safety Medal of Valor Act of 2001, to public safety officers cited by the Attorney General. Public safety officers are nominated by the heads of their employing agencies and recommended by the Medal of Valor Review Board.

Learn more about the Medal of Valor award on the OJP's website: www.ojp.usdoj.gov/medalofvalor.

Retirement = 133 Years at Citrus SO

On September 30, 2010, the Citrus County Sheriff's Office said goodbye to five law-enforcement veterans with careers spanning a combined total of 133 years of service. Congratulations go to: Capt.

Fred Moran (28 years), Investigator Bruce Haslett (21 years), Investigator John Plevell (30 years), Deputy John Buddenbohm (25 years) and Sgt. Bill Tomkins (29 years). Thank you for your service, gentlemen. What a great accomplishment.



Investigator John Plevell

Bay County Sheriff's Office Bids Fond Farewell to Chief Deputy Holloway

After 42 years in law enforcement, Bay County Sheriff's Office Chief Deputy J.B. Holloway is hanging up his holster – this time for good.

It's actually the second retirement for Holloway, 62, who first retired as Chief of the Panama City Beach Police Department (PCBPD) in 2001. He was quickly called back into service by then-Bay County Sheriff Guy Tunnell, who asked him to be his Chief Deputy. When Bay County Sheriff Frank McKeithen succeeded Tunnell in 2003, he asked Holloway to stay.

Holloway managed to build an enviable career between the two agencies. He began his law-enforcement



Chief Deputy J.B. Holloway

career with the Bay County Sheriff's Office (BCSO) Auxiliary in 1969 under Sheriff Doc Daffin. After a year, he went to work for the PCBPD, where he served four years before returning to the BSCO under Sheriff Tullis Easterling. He stayed at the Sheriff's Office until 1978, returning to the PCBPD where he served 23 years, eventually becoming Chief.

While serving the citizens of Bay County, Holloway helped establish the surf flag system to warn swimmers about dangerous conditions in the Gulf. He also helped create the Spring Break Court, which allowed visitors on Spring Break to be held responsible for their crimes but avoid being burdened with a criminal record.

"You can't tell how many people that flag system has saved," Holloway told reporters.

Co-workers describe him as being humble, fair, dedicated, innovative, knowledgeable, dependable, caring, firm and a man of integrity. Holloway seemed to create an environment that challenged employees to be their best, providing direction and encouragement along the way. He also

"Pay close attention to technology and advance your education at every opportunity to stay ahead of the criminals." – retiring Chief Deputy J.B. Holloway

never failed to voice his appreciation at their resulting success. Employees from entry level to command staff knew they could trust him to lead with a fair but firm hand.

In departing, Chief Deputy Holloway had some advice for up-and-coming law-enforcement officers: Pay close attention to technology and advance your education at every opportunity to stay ahead of the criminals.

BCSO Maj. Tommy Ford assumed the duties of chief deputy following Holloway's departure.

What You Need to Know About The Hatch Act

Federal “Resign to Run” law has become a weapon against Sheriffs and their personnel. Being aware of the pitfalls can help you avoid becoming its next victim.

By Wayne Evans, Joseph Summerill and Caitlin Stapleton

The Federal Hatch Act, like Florida’s “Resign to Run” Law, places restrictions on the political activities of certain government employees. Florida’s law, however, does not require the resignation of a deputy sheriff who campaigns for the office of Sheriff, if the incumbent is not seeking reelection. The Hatch Act, if applicable, would require a deputy sheriff to either resign or withdraw from the campaign.

Sheriffs should be aware of the potential application of the Hatch Act to members of their agencies who campaign for public office and whose positions are connected with federal funding. Recent election seasons have seen an increase in reported complaints of Hatch Act violations and investigations of members of Sheriffs’ offices who are candidates for public office.

Although the Hatch Act was intended to ensure the political neutrality of the workforce in federal, state, and local public sectors, its usefulness seems outdated. Recently, it appears that the Act is being misused by certain political candidates to further their campaigns, rather than being properly used as a means to neutralize politics in public employment.



Attorney Joseph Summerill, Greenberg Traurig, LLP



Attorney Wayne Evans, Allen Norton & Blue

This article provides an overview of the Act and discusses its questionable applicability to Florida Sheriffs. Because Sheriffs are not explicitly included in the executive branch of state or local government, their deputies and employees should not be subject to the Act’s provisions. Therefore, arguably, Hatch Act investigations of Sheriffs who are political candidates exceed the scope of authority of the Hatch Act enforcing agency, the United States Office of Special Counsel (OSC).

Even so, until Sheriffs are determined through litigation or legislative reform to be exempt from the Hatch Act, they can continue to expect alleged violations of the Act during political campaigns.

Some background

In response to the political scandals of the 1936 and 1938 campaign seasons, Congress enacted “An Act to Prevent Pernicious, Political Activity,” commonly known as the Hatch Act, in 1939. The Act initially restricted the political activities of federal employees.

In 1940, the Hatch Act was extended to state and local employees whose jobs were funded or connected to funding by the federal government. Congress later

narrowed the Act’s proscriptions in 1974 by merely prohibiting state and local employees from campaigning for a partisan political office.

As amended, the Hatch Act required state or local employees seeking election in a partisan campaign to resign their employment. An unpaid leave of absence has been found insufficient to satisfy the resignation requirement.

Currently the Act defines a state or local officer or employee who may be subject to the Act’s provisions as an individual employed by a local agency whose principal employment is in connection with an activity that is financed in whole or in part by federal grants. A local agency is defined as the executive branch of a state, municipality or other political subdivision of a state, or an agency or department of the state.

Significantly, the Act was intended to exempt elected officials, including state or local officers who were elected to their positions and not appointed. Governors, mayors, elected executive heads of departments, and “individuals holding elective office” are specifically excluded from the prohibition against being a candidate for elective office. Because a Sheriff similarly holds an office by election, the same exemption should apply.

Although the Act has been challenged as infringing upon First Amendment rights as well as interfering with the internal affairs of a state, its constitutionality has been consistently upheld. In upholding the Act, the Supreme Court recognized that its purpose is to achieve “better

OUR VIEW

public service by requiring those who administer funds for national needs to abstain from active political partisanship.” The means sought to achieve that end, ruled the Court, neither violated an employee’s freedom of expression in political matters nor improperly coerced a state to accept funding with strings attached.

How is the Hatch Act enforced?

The OSC enforces the provisions of the Hatch Act. Investigations by the OSC may be conducted both during and after an election. Once the OSC concludes its investigation, it will inform the candidate of its determination by issuing a written opinion. The OSC cannot mandate that disciplinary action be taken against the offending employee, but it can file a complaint with the Merit

Systems Protection Board (MSPB), the adjudicatory body for Hatch Act violations.

The MSPB will conduct an evidentiary hearing concerning the reported violation. If the MSPB finds that a violation exists, it may request the employing agency to remove the offending employee for a period of 18 months. Failure to separate the employee will result in a loss of federal funding amounting to twice the amount of the employee’s salary. To date, though the OSC has found violations of the Hatch Act in a few instances involving members of Sheriffs’ offices, no complaint has been filed with the MSPB, because in each case the OSC has concluded that the violations were not “willful.”

Does the Hatch Act apply to Florida Sheriffs?

Assuming that the requisite federal funding exists, the Hatch Act prohibits Sheriff’s office employees whose positions are supported by federal funds from:

- Using their official authority or influence for the purpose of interfering with or affecting the results of a partisan election or a nomination for a partisan office;
- Directly or indirectly coercing, attempt to coerce, command or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for partisan political purposes;
- Becoming a candidate for public office in a partisan

Continued on page 15



Contact Us:

(949) 484-4444

www.lexipol.com

Florida Let's Talk About Safety for Your Agency...

Our services have helped over 950 agencies across the country put successful risk management solutions in place.

We understand your agency has unique needs and we provide solutions.

Policy Manual
Service

Daily Training Bulletin
Service

Procedures
Manuals

Legally Defensible

Fully Editable

State Specific Content

“Predictable is Preventable”



Making Government Transportation Easier.

With Enterprise Fleet Management, you'll benefit from full-time professionals implementing solutions for your transportation needs. Enterprise provides services that are an asset in any government fleet's tool kit.

Local Services

Enterprise provides value-oriented fleet management solutions to help lower fleet costs. We enable you to lower your costs in the areas of fleet management and help bridge your capital budgets to your capital needs.

Vehicle Acquisition

Our new vehicle selection may provide a wider choice than is available through the State.

Funding Programs

With our Municipal Lease or Lease Purchase, we can give you the flexibility of your owned fleet while providing a consistent way of cycling your vehicles at their best economic point. Our flexibility enables you to pay only for your use of the vehicle.

Maintenance Programs

By utilizing fixed cost for maintaining some of your light-duty vehicles, we allow you to focus on your core service needs. We fix the cost of maintaining your fleet needs.

Customized Programs

- Short and Long Term Flexibility
- Undercover Vehicle Management
- Light Duty Car and Truck Fleet
- Personal Use Vehicles
- Pool Fleet Options and Alternatives
- Reimbursement Expense Control
- Satellite Offices
- Seasonal and Event Fleet Needs
- Grant Reimbursement Programs
- Maintenance Programs and Other Fleet Programs Available

Enterprise stands ready to compete with what we believe is the best value for your transportation needs.

John Toma
Jacksonville
904 265-4352

David Withee
Orlando
407 770-0751

Brett Frazee
South Florida
954 354-5410

Andy Miller
Tampa
813 885-5636



efleets.com

©2010 Enterprise Fleet Management, Inc. A06186 4/10 MJ

Continued from page 13

primary, general, or special election.

However, nothing in the Act precludes an employee from voting for the candidate of his or her choice or expressing an opinion on political subjects or candidates.

Several issues are raised when determining whether the Hatch Act applies to a member of a Sheriff's Office who is alleged to have violated the Act. First, did a Sheriff agree to comply with the Act as a condition of a grant? Second, are deputies or employees considered executive branch employees under the Hatch Act? Third, if they are considered executive branch employees, are they sufficiently participating in a program that is federally funded to be required to comply with the Hatch Act's "resign to run" requirement?

In resolving the first issue, it should be noted that a Sheriff may agree to abide by the provisions of the Hatch Act as a condition of receiving federal funding in a federal grant agreement. Therefore, federal grant agreements should be reviewed to determine if such a condition applies.

If a Sheriff has not agreed to be subject to the Hatch Act, the Act should not apply to the Sheriff's deputies or employees because a Sheriff is not part of the executive branch of state government. In *Special Counsel v. Phillips*, 104 M.S.P.R. 570 (MSPB 2007), a majority of the MSPB upheld an administrative law judge's decision that the Act did not apply to an employee of the Sheriff's department. The Board agreed that the complaining party had not proven by a preponder-

ance of the evidence that the Sheriff was part of the executive branch. Therefore, the Board held that the deputy was not subject to the Hatch Act.

For similar reasons, the Hatch Act should not apply to Florida Sheriffs. A Sheriff should not be considered as part of the executive branch of the state or the county because of the independent and constitutional nature of the office of Sheriff. Of all the branches of state or local government, a Sheriff has the closest ties to the judicial branch because of a Sheriff's designation as the executive officer of the courts and related functions. However, a Sheriff is not included in any of the three branches of government, due to the unique status of a Sheriff as a county official whose office is constitutionally based.

And what of the deputy or employee?

Aside from the issue of whether a Sheriff is included in the executive branch, the Hatch Act's "resign to run" requirement does not apply if the deputy or employee has only a minimal connection to federally funded activities. The Act applies only if, as a normal and foreseeable incident to their principal position or job, the deputy or employee performs duties in connection with an activity financed in whole or in part by federal monies. If the connection with federally funded activities is merely an incidental or accidental occurrence of employment, the Hatch Act should not apply.

Something more than a minimal connection to the federally-funded activity must be proven, and the inquiry is very fact-specific. For example, a deputy who uses equipment that has been paid for

by federal funding should not be subject to the Hatch Act if the deputy's salary was not federally funded. However, if the position of a deputy or employee is funded by a federal grant, the OSC would likely find a sufficient nexus to investigate a Hatch Act violation.

Also, we are aware of at least two occasions where the OSC has applied the Hatch Act to chief deputies who indirectly supervised agency personnel involved in grants procurement or administration. Even though no direct supervision was involved, the OSC found this connection to be sufficient to implicate the Act.

CONCLUSION

Unless the jurisdictional issues of the Hatch Act are finally resolved in favor of Florida Sheriffs, more complaints and OSC investigations can be expected. Sheriffs should be mindful of the Act's provisions and should inform agency members who intend to campaign for public office of its potential application.

Attorney Wayne Evans is a partner in the law firm of Allen Norton & Blue in Tallahassee. He can be contacted at revans@anblaw.com. Joseph Summerill and Caitlin Stapleton are attorneys in the Washington, DC office of the law firm of Greenberg Traurig LLP. Summerill can be contacted at SummerillJ@gtlaw.com.

**Reach
Law Enforcement
With Your Message!**
To advertise in APB
contact:
Mary Jo Phillips
Ph: 1-800-877-2168
Email: mjphillips@flsheriffs.org

FLORIDA SHERIFFS ASSOCIATION
Tallahassee, FL 32317-2519

Return Service Requested



NONPROFIT ORG.
U.S. POSTAGE
PAID
TALLAHASSEE, FL
PERMIT NO. 94

A practical approach to the **legal issues** facing sheriffs

In today's world, sheriffs require integrated legal services from a multidisciplinary team with the strategic business, legal and political experience required to address increasingly complex law enforcement issues. At Greenberg Traurig, our team includes senior lawyers who have served as chief legal officers at federal agencies and have years of experience addressing complicated issues in political and legal environments. Whether it is protecting the constitutional powers of the Office of Sheriff; defending against a federal Hatch Act accusation; or contracting with the U.S. Marshals Service or Immigration Custom Enforcement; we understand the legal issues facing sheriffs.

Joseph Summerill
202.331.3177
summerillj@gtlaw.com

Greenberg Traurig, LLP
2101 L Street, N.W., Suite 1000
Washington, D.C. 20037
202.331.3100

GT GreenbergTraurig

www.gtlaw.com

[1800 ATTORNEYS IN 32 LOCATIONS° | USA LAW FIRM OF THE YEAR, CHAMBERS GLOBAL AWARDS[§]]

Greenberg Traurig is a service mark and trade name of Greenberg Traurig, LLP and Greenberg Traurig, P.A. ©2010 Greenberg Traurig, LLP. Attorneys at Law. All rights reserved. *These numbers are subject to fluctuation. §Greenberg Traurig was selected by Chambers and Partners as USA Law Firm of the Year, 2007. 10416