

"Officer Down" Memorial Dedication

(See photo timeline on next two pages)

PBA's "Officer Down" memorial on the State Capitol Plaza was unveiled and dedicated on March 9. The master of ceremonies for the event was **John Rivera**, President of both Florida and Dade County PBA's, and the keynote speaker was **Governor Charlie Crist**. Also speaking to the large crowd were **Lt. Governor Jeff Kottkamp, Charles Bronson, Commissioner of Agriculture and Consumer Affairs, Senate President Jeff Atwater, Representative William Snyder**, and **Senator Victor Crist**. Numerous other legislators were in attendance, as well as the Florida PBA leadership team, several hundred PBA members, survivors of officers killed in the line of duty and a number of other officials from Florida's law enforcement community. The memorial features two impressive life size, bronze

statues and a smaller scale version on the side which is ADA accessible and friendly (words are in Braille, for example). Imbedded within the male statue are three time capsules which are filled with information about all fallen officers in Florida. Even more poignantly, families and co-workers submitted pictures and information about their particular fallen officer. Most heart rending were the written messages sent to their loved ones. To the survivors, our hope is that they will find solace in the fact that a part of them, a part of their loved one, is present in this memorial dedicated to those who gave their all. To past, current, and future law enforcement officers, our hope is that this "Officer Down" Memorial will be an inspiration and reminder of the courage, honor and sacrifice which go with the calling of being a law enforcement officer. ●

By
David
Murrell

Bronze



"Officer Down" Sculpture

26"L x 12"W x 12"H

\$2,500 plus Tax & S/H

Michael Jernigan, Sculptor, call 850-877-4332

Newspaper Headlines That Make You Think...

- Man Kills Self Before Shooting Wife and Daughter
- Something Went Wrong in Jet Crash, Expert Says
- Police Begin Campaign to Run Down Jaywalkers
- Panda Mating Fails; Veterinarian Takes Over
- Miners Refuse to Work after Death
- Juvenile Court to Try Shooting Defendant
- War Dims Hope for Peace
- If Strike Isn't Settled Quickly, It May Last Awhile
- Cold Wave Linked to Temperatures
- Enfield (London) Couple Slain; Police Suspect Homicide
- Red Tape Holds Up New Bridges
- Man Struck By Lightning: Faces Battery Charge
- New Study of Obesity Looks for Larger Test Group
- Astronaut Takes Blame for Gas in Spacecraft
- Kids Make Nutritious Snacks
- Local High School Dropouts Cut in Half
- Hospitals are Sued by 7 Foot Doctors
- Typhoon Rips Through Cemetery; Hundreds Dead

PBA Brings Stop To Citizens Review Board Investigations

On May 29, 2009 the Fifth District Court of Appeal brought an end to investigations of alleged police misconduct by the Orange County Citizens Review Board finding that such investigations were unconstitutional and in direct conflict with the Law Enforcement Officers' Bill of Rights. The decision, **Demings v. Orange County Citizens Review Board**, was the result of a lawsuit filed by the Florida PBA on behalf of an Orange County deputy sheriff who was subpoenaed to testify before the review board which was investigating him, even though he had already been cleared of any misconduct charges by the Sheriff's Office.

As many of you know, the creation of local citizen review boards is an increasingly popular "political" solution to allegations of police misconduct. More and more local governments (and local politicians) view these boards as a way to avoid criticism of the manner in which a local law enforcement agency handles its internal affairs investigations, specifically allegations of excessive force or misuse of police authority. Obviously, the benefit to the politicians is the avoidance of the wrath of voters and other special interest groups by establishing the boards to do a "fair and objective" investigation.

This was just the situation in the **Demings** case in which the review board subpoenaed an Orange County deputy sheriff to testify before it. When the deputy refused to honor the subpoena based upon the advice of the PBA, a lawsuit was filed to enforce the subpoena. The deputy, through the PBA, responded claiming the investigative powers of the board were unconstitutional because they were in conflict with the LEO Bill of Rights. The Sheriff's Office, to its credit, supported the deputy, joining in the lawsuit and claiming that, in addition to the conflict with the bill of rights, the board's powers were in conflict with the Sheriff's authority as a constitutional officer.

The PBA and the sheriff lost the first legal battle before the circuit court, but the result from the district court was far better. The district court found that language of the LEO Bill of Rights made it clear that, except for limited circumstances, the investigative procedures outlined in the statute were the **exclusive** procedure for investigating officer misconduct. The court held that the citizens review board's investigative authority conflicted not only with the LEO Bill of Rights, but also with the independence of the Sheriff. It concluded the investigative authority granted to the board is unconstitutional and void.

While the Florida PBA is hopeful that the litigation on this issue will end, in all likelihood this is just the second stage of the litigation with the next stop being the Florida Supreme Court. In the meantime, the decision will provide valuable ammunition for opponents of the citizen review board process. As explained by **Florida PBA President John Rivera**: "Our members have always been opposed to the concept of these boards manned by civilians who know little, if anything, about police work. The PBA felt action was necessary to stop them, so we took that action. That is why we are the PBA."

A special thanks goes out to **Stewart Cohen**, counsel for the Central Florida PBA, and **Hal Johnson**, General Counsel for the Florida PBA, for their hard work on this case. Also, another thank you goes out to **Sheriff Demings** and his attorney, **Eric Dunlap**, for continuing the fight alongside the PBA in this legal battle. ●