

From the Second Vice President of the FDLE Agents Association



James Futch

Why Law Enforcement Officials Need Legal Protection

An FDLE Special Agent and PBA member, who was assigned to a Violent Crime squad, was investigating a series of armed bank robberies. The investigation was a joint venture that included law enforcement officials from FDLE as well as the FBI. The FDLE agent received partial tag information as well as a suspect vehicle description. Working with a FDLE analyst, the agent utilized various tag number combinations and developed a suspect vehicle, the registered owner, as well as individuals having access to the suspect vehicle. The agent determined that the suspect vehicle was owned by a local law enforcement officer and that the suspect participating in the robberies was the local law enforcement officer's son.

The agent had a longstanding professional relationship with the Chief of Police of the agency where the local law enforcement officer was employed. As a courtesy, the agent informed the Chief of Police that the suspect vehicle utilized in many of the armed robberies was owned by one of his officers and that the officer's son was apparently utilizing the vehicle to assist in the perpetration of the robberies. The Chief of Police revealed this information to no one, the case moved forward and within days, the suspect was arrested and charged federally with seven bank robberies. The law enforcement officer's son was tried and convicted and is presently serving time in a federal penitentiary.

Based on these facts, one would surmise the agent would be recognized for a job well done, but as you can now guess; there is more to the story.

The agent was "written up" and charged with violating policy and procedures pertaining to revealing or sharing confidential information with someone not entitled to possess it. The SAS in charge of the agent conducted the official "initial investigation," wrote up the alleged violation and sent the paperwork up the chain of command. After having been investigated by FDLE's Executive Investigations (EI) and EI sustaining the violation of policy charges, the agent was terminated. Please read that sentence again. THE AGENT WAS TERMINATED. The agent had not been disciplined prior to this incident. The agent had not been given a verbal reprimand, a written reprimand or placed on leave without pay for any prior violation. The agent did not violate a criminal statute and was never charged with committing a crime. The agent was terminated for a violation of policy and procedure. The agent exercised his/her contractual right to challenge the penalty and have the penalty mitigated by FDLE's command staff. This mitigation attempt was unsuccessful. The agent turned in all of the assigned FDLE equipment, was escorted out of the building and given a ride home by a co-worker and friend.

The agent sought and was provided legal assistance through the PBA. The PBA attorney assisted the agent in ultimately presenting the case to the Public Employee Relations Commission (PERC). The case was heard by a PERC hearing officer. The hearing officer concurred with

the agent's appeal and ruled that the termination was not warranted. FDLE indicated that it would appeal the hearing officer's decision to the full PERC board.

Had the case gone before the full PERC board as the result of an FDLE appeal, the board could have upheld the hearing officer's decision, overruled the hearing officer's decision or rendered a completely different decision. In other words, the full PERC board could have reinstated the termination decision rendered by FDLE. The agent decided that it was in his/her best interest to accept a suspension offer from FDLE equaling the amount of time he/she had already been off as a result of the termination, which totaled approximately forty-five (45) days. The agent was reinstated and continues to work for FDLE today. The case raises many concerns and questions.

Why would an organization terminate an employee for a policy or rules violation when the employee possessed no prior negative work related issues? Why was the concept of progressive discipline not utilized in this instance? What harm was created by the agent sharing the information with a Chief of Police that the agent had known professionally and personally for nearly thirty (30) years? The case was brought to a successful conclusion with an apprehension, charges, a conviction and incarceration. Why were these facts not taken into consideration when

"Based on these facts, one would surmise the agent would be recognized for a job well done, but as you can now guess; there is more to the story."

discipline was being determined? What if the employee had not been a member of the PBA and had been forced to acquire an attorney on their own to fight for their job? What was the true motive for the agent even being written up in the first place?

The point is quite simple. It can happen to you. Do not believe for a moment that you can not or will not become the subject of an Executive Investigation (Internal Affairs Investigation) because if you are out there doing your job, it can and will happen to you. Do not arrive at work everyday without the protection and assurance of being represented by a competent and knowledgeable legal team. The PBA has some of the best and most widely recognized labor attorneys on its staff to assist with situations such as the one described above. If you are not presently represented, discuss this fact honestly with your family. In today's law enforcement environment, law enforcement officials cannot afford to be without the insurance protection of an available, competent attorney. As a law enforcement official, you will be accused of wrongdoing by a suspect, a private citizen, a disgruntled friend or family member or by your own organization. With the potential for so many people to be possibly against you, be sure to have someone working for you and with you. Make sure you are represented by the best. "Don't leave home without it." In this case, "IT" is the peace of mind that comes with being protected by the availability of competent and professional legal representation.

Be safe. ●

All I Need To Know About Life I Learned From Fishing

- There is no such thing as too much equipment.
- When in doubt, exaggerate.
- If it feels good, it's fishing.
- Everyone has a story about the one that got away.
- It's good to be at the top of the food chain.
- Even the best lines get weak after they've been used a few times.
- Sometimes you've really got to squirm to get off the hook.
- Cast everything in the best light possible.
- Keep one eye on your bobber at all times.
- Life is a stream of consciousness thing.
- Take time to smell the fishes.
- I fish therefore I am.
- You never forget your first bite.
- A fishing line has a hook at one end and an optimist at the other.
- Fish always start to grow after they get away.
- Life is a can of worms.
- The fishing is always better on the other side of the lake.
- Good things come to those who wade.
- When the going gets tough, the tough go fishing.

**Need to contact the PBA?
Call: 1-800-733-3722**