



# C . A . R . E . S .

SHERIFF MARCOS R. LOPEZ

## Meeting Minutes

**Date:** Tuesday, November 2, 2021

**Time Scheduled:** 6:00 p.m.      **Started:** 6:27 P.M.    **Ended:** 7:33 P.M.

**Location:** Osceola County Sheriff's Office Complex  
2601 E. Irlo Bronson Memorial Highway  
Kissimmee, FL 34744  
Training Rooms: B & C

**Welcome/Pledge of Allegiance:** Captain James Spain

**Invocation:** Chaplain Carl Foster

### 1. INTRODUCTION:

- a) Captain Spain welcomed the board members.
- b) Captain Spain turned the floor over to Chairman McCrimon to officially call the meeting to order.

### 2. CALL TO ORDER:

- a) Chairman McCrimon called the meeting to order at 6:29

### 3. ROLL CALL: Completed by: Captain James Spain

<u>Committee Members Present:</u>
<u>Committee Members Absent:</u>
<u>Speakers and Presenters:</u>

Mr. Ronald "Fred" McCrimon, Mr. Hector Acosta, Pastor Leonard Thompson, Mr. Owen McCurdy, Mr. Michael Bast

Ms. Lissette Campos, Mr. David Couch

Sergeant Jacqueline Molzer

### 4. APPROVAL OF MINUTES:

- a) Chairman McCrimon asked for a motion to approve the minutes. The minutes were approved unanimously.

### 5. HOUSEKEEPING AND UNFINISHED BUSINESS:

- a) Chairman McCrimon turned the floor over to Captain Spain to cover any housekeeping items.

- b) Captain Spain provided board members with a demographic breakdown of actual personnel hired which was requested by board member Owen McCurty in the October 5<sup>th</sup> meeting. He also provided the proposed dates for the 2022 meetings which are scheduled for the first Tuesday of each month.
- c) Chairman McCrimon asked for an approval of the dates. The dates were unanimously approved.
- d) Captain Spain invited board members to the OCSO Veteran's Day event held at Lake X.
- e) Captain Spain turned the floor over to Chairman McCrimon to discuss Unfinished Business.
- f) Captain Spain asked the board members if they had any recommendations on the Recruiting and Hiring process which was presented at the October meeting. The board had no recommendations.

## **6. NEW BUSINESS:**

- a) Sergeant Jacqueline Molzer presented a PowerPoint on the Internal Affairs Complaint Process which covered the following:
  - 1. Difference between Criminal and Internal Investigation- Internal investigations are subject to agency rules. Criminal investigations are not.
  - 2. Standard of Evidence (Preponderance of Evidence).
  - 3. Law Enforcement Officer's Bill of Rights F.S.S. 112.532- Lays out the rules of investigation to complaints of misconduct.
  - 4. F.S.S. 112.532(1) - Rights of LEO while under investigation.
  - 5. F.S.S. 112.532(4) - Notice of disciplinary action.
  - 6. F.S.S. 112.532(5) - Retaliation for exercising rights.
  - 7. F.S.S. 112.532(6) – Limitations period for disciplinary actions.
    - a) Investigation has to be completed within 180 days unless there is an exception.
    - b) Investigation may be reopened if significant new evidence has been discovered that is likely to affect the outcome of the investigation.
  - 8. Policy 325.0 - Internal Affairs investigations.
  - 9. Complaints.
  - 10. Investigative responsibilities.
  - 11. Employee notification.
  - 12. Confidentiality.
  - 13. Pastor Thompson asked how anonymous complaints are handled. Sergeant Molzer answered this by addressing that all complaints are investigated whether or not the complaint is known, or wants to be known.
  - 14. Mr. McCurty asked at what point the complainant gets feedback about their complaint and how the community can be sure that the Sheriff's Office is handling a complaint correctly. Sergeant Molzer stated that if the complainant provides contact information, the Investigator will reach out to the complainant with a certified letter of the findings, at the conclusion of the investigation. Also, all Internal Affairs Investigations are made public record.
  - 15. Mr. Acosta asked if the time to process a complaint is day to day. Sergeant Molzer confirmed that it is day for day and doesn't include holidays.
  - 16. Chairman McCrimon asked how long an inquiry takes. Sergeant Molzer advised there is not a preset window of time. An investigation can take more than 7 days to determine if there is a possible policy violation, based on the information given at the initial complaint. It also depends on the complexity of the case.
  - 17. Mr. Bast asked how long the Internal Investigation took that they were given an example of. Sergeant Molzer couldn't give the exact time, as she did not complete the Internal Investigation, but gave example times of other investigations.
  - 18. Mr. Bast asked if the employee being investigated gets paid during the investigation. Sergeant Molzer stated this decision is made by the administration to decide if the deputy remains on full duty. Investigators do not get input to stay impartial.
  - 19. Assignment of Investigations.
  - 20. Conducting an Administrative Investigation.

21. Inquiry- Inquiry is conducted by the employee's immediate supervisor to determine if a reasonable belief exists that a policy violation has been committed.
  22. Internal investigation.
  23. Categories of discipline.
  24. Types of Internals - Short Form.
  25. Pastor Thompson asked if the employee doesn't agree with the discipline, does that automatically trigger a full investigation. Sergeant Molzer advised, yes.
  26. Types of Internals - Long Form.
  27. Findings/Conclusions
    - a) Unfounded: Finding that the alleged incident did not occur or did not involve agency personnel
    - b) Exonerated: Finding that the incident occurred but actions taken were consistent the law and/or agency policy
    - c) Not Sustained: Finding that fails to discover sufficient evidence to prove or disprove allegations
    - d) Sustained: Finding that the allegation is true
  28. 11B-27.0011 Moral Character- If a certified officer commits a moral character violation, the Certified Training commission is notified. The commission holds a formal hearing to which the officer has to report. The Training Commission can revoke or suspend an officer's certification.
  29. Pastor Thompson asked if there is a question of moral character in an investigation, does it have to be sent for further investigation. Sergeant Molzer answered only if it's on the list.
  30. Chairman McCrimon asked if civilians are processed the exact same way. Sergeant Molzer responded, the Sheriff has elected to provide the same rights to civilian staff. Civilian and sworn are handled under the same policies and procedures.
- b) Review of Deputy Padilla I.A.
- On May 5<sup>th</sup>, Osceola Sheriff deputies searched for a stolen vehicle taken from inside a repair shop. Deputy Padilla located the possible stolen vehicle and conducted a traffic stop without back-up. He held the driver at gun point whilst waiting for back-up to arrive. The driver fled in the vehicle from the deputy's during the traffic stop. Deputy Padilla engaged in unauthorized vehicle pursuit. Deputy Padilla struck the rear of the vehicle intentionally on at least four occasions in an attempt to stop the vehicle. The findings of the investigation were sustained. The tactics used by Deputy Padilla were unauthorized by agency policy. He received a 40 hour suspension for the misconduct. The other deputies included in the internal investigation were exonerated.
  - Mr. Bast wanted to clarify about his sustained disciplined. Report states that it was sustained but does not include what disciplinary action he received. Sergeant Molzer advised Deputy Padilla was suspended for 40 hours and didn't lose his job.

## **7. PUBLIC COMMENTS:**

- a) There were no members of the public present for public comment(s).

## **8. OTHER BUSINESS:**

- a) Captain Spain asked the board members if they wanted to discuss the new I.A. review at this meeting. The board chose to discuss the I.A. at the next meeting.
- b) Mr. McCurty asked how the meetings are being marketed to the community. He advised we should be more aggressive about advertising, as he would like people to actually show up. Captain Spain advised the meeting dates are currently being posted to the Osceola County Sheriff's Office website. Captain Spain assured we will continue to come up with ideas to better promote the C.A.R.E.S Board.
- c) Mr. Bast suggested posting the C.A.R.E.S. Board on political online blogs for Osceola County and letting the community speak if they attend.

- d) Captain Spain advised that public comments must be about the topic at hand.
- e) Mr. Acosta asked if he can spread the word about the C.A.R.E.S. Board at his meetings. Captain Spain responded, absolutely.
- f) Chairman McCrimon spoke about the value of having the community there to ask questions.
- g) Captain Spain said that as a Supervisor, they receive a lot of “complaints”. But once they explain to the complainant why the Deputy acts a certain way, they generally understand how and why we do certain things as law enforcement.

**9. ADJOURNMENT:**

- a) The meeting was adjourned at 7:33 p.m.

**10. NEXT MEETING:**

- a) Tuesday, December 7, 2021 at 6:00 p.m.

---

Ronald “Fred” McCrimon  
Chairman

---

OCSO Staff Member