

# ALL POINTS BULLETIN



VOLUME 1, NO. 2, 1991

## COP KILLERS:

### *Who Are They? What Do They Use?*

Say hello to a 16-year-old girl from a broken home. An 82-year-old man. A slight, boyish young man in his early 20s. A former honors student.

Diminutive in stature. Passive. Retiring. When a police officer is on the scene, these individuals are so compliant that the officer either exerts minimal control or merely ignores them, focusing instead on a larger, more belligerent suspect. The officer may cut corners with the complaint.

Cuff them in front instead of behind the

back. Place them in the front seat of patrol cars or otherwise close by . . . where one in every five of all cop killers suddenly wrest the officer's gun from the holster with tragic results. According to FBI research, the least threatening are the very criminals who claim the lives of our law enforcement officers.

The FBI's Uniform Crime Reports Division has just concluded an exhaustive study of 50 convicted cop killers. Using an inquiry procedure developed by the FBI Academy's Behavioral Science Unit, Quantico, Va., agents have been able to analyze the backgrounds of serial killers, rapists and child molesters.

"Each murderer fits the pattern," said FBI UCR National Training Represen-



tative Edward F. Davis. "A wholly dependent personality, an overly controlled emotional life with little capacity to 'act out.' The cop killers are overly depen-

***"The typical cop killer is the last person the average citizen or law enforcement officer would classify as a threat . . ."***

dent. Inadequate. Passive. The typical cop killer is the last person the average citizen or law enforcement officer would classify as a threat, but they are indeed the threat of first priority."

The as-yet-unreleased FBI UCR study sheds new light on the personality of the typical criminal who claims the lives of police. Through the study, the FBI knows more today about the circumstances which join killer and victim and the unique interaction between the two. Above all, said Davis, "we know more about the typical victim officer. Like the perpetrator, the victim officer fits a pattern."

And, Davis added, just as we dismiss a 16-year-old girl as a non-threat, we

have faulty preconceived notions about the type of officer whose personality and procedures may provoke a fatal attack.

"The victim officer is *not* the 'John Wayne' type of aggressive officer — nor the 'Casper Milquetoast,'" FBI Special Agent James W. Vaughn points out. "From departmental records and comments of supervisors and co-workers, the victim officers are usually those who are friendly to everyone, well-liked by the community and hard-working. They also tend to use less force than other officers feel they would in similar circumstances." Davis says the new FBI study approaches the problem from a new perspective. "Past reviews have looked at the officer's be-

havior. They question procedures only — without factor-

ing in the *nature* of the offender and the victim. The problem with this approach is the emphasis placed on the officer's mistakes," Davis says. "But we all make mistakes. The question we hope to answer with this study is, what made this particular interaction different? Why was it fatal?"

Fact: *None* of the 50 victim officers studied was the domineering or "aggressive" officer.

Fact: *None* of the 50 victim officers or their partners apparently viewed the perpetrator as a threat prior to the attack.

Fact: In almost all of the cases studied, there was *some significant lapse* in procedure, such as weapons retention and

*continued on page 2*



***“Poor threat evaluation — dismissing a passive, compliant individual as non-threatening — is a finding that reoccurs in case after case.”***

*continued from page 1*

control or proper search procedures.

Fact: The 50 cases were chosen to provide a varied mix of conditions (some from each region of the country, each type of agency, each type of assignment such as two and one-man patrols). Therefore, the study can only suggest the “average” weapon used. Nonetheless, there was no use of the “military-style” semiautomatic rifles typically proposed for banning. In one case, an illegally imported, fully automatic AK-47 was criminally misused. By and large, the study suggests that the criminals’ gun of choice is anything they can get by any means. For example, in 11 of the 50 cases, the murderer accessed the police officer’s own weapon.

Poor threat evaluation — dismissing a passive, compliant individual as non-threatening — is a finding that reoccurs in case after case, Davis said.

Example: Two armed robbers who had been hitting hotels and motels were apprehended in a motel lobby. Although the lookout was for *two* armed robbers, the responding officers did not search the passive woman accomplice who had a gun in her miniskirt pocket. Both officers focused on the belligerent male. When their backs were turned, the woman, evaluated as non-threatening, fired, claiming an officer’s life. When interviewed by the FBI for the study, she expressed the belief that her partner, on whom she was overly dependent, was being abused, and needed for help. “That’s very typical,” said Vaughn. “The killer is an overly dependent personality type. If you see one suspect who is belligerent and a partner who is retiring and passive, that should sound an alarm in the minds of the officers on the scene.”

To Davis, the FBI report is a gold mine for training.

“Individual departments and agencies should determine the state of train-

ing in key areas uncovered by the study,” he said. These areas include conflict resolution skills, procedures for approaching known armed felons and emergency medical planning.

“In 11 of the 50 cases we profiled,” Davis replied, “the murdered was not the subject of the victim officer’s initial attention. It’s fair to ask, what should the procedures be for approaching multiple suspects? How is vigilance maintained? Again, threat evaluation is the key,” he emphasized.

Another pressing training question is

the issue of team training — pairing a team of officers who patrol together on the shooting range. “Only one in 10 backup officers ever fired at the perpetrator,” Vaughn observed. “Doesn’t that communicate a training requirement? Isn’t it desirable to have, say, a two-man team fire at the same target?”

Davis and Vaughn are busy briefing law enforcement circles on the results of their new study. The message is clear: Be as vigilant of the passive as you are of the belligerent. Develop procedures for key situations discussed above. Be firm. Follow procedures. Stay alive. And train, train, train.

*Reprinted with permission of The Badge*

*Published by The National Rifle Association of America, April, 1991*

## FSA 1991 Regional Training Seminars

Each year, FSA sponsors training seminars across Florida, dealing with Civil Process, Finance and Personnel issues. The schedule below shows the dates, times, locations, and topics for this year. If you need additional information, please feel free to contact Mr. Gary Perkins of FSA staff at 904/877-2165.

### \* WEST PALM BEACH:

Tues., August 13, 1991	8 a.m. - 12 noon	Civil, Non-Enforceable
	1 p.m. - 5 p.m.	Civil, Enforceable

### PUNTA GORDA:

Mon., August 12, 1991	9 a.m. - 4 p.m.	Finance and Personnel
Wed., August 14, 1991	8 a.m. - 12 noon	Civil, Non-Enforceable
	1 p.m. - 5 p.m.	Civil, Enforceable

### GAINESVILLE:

Mon., August 19, 1991	8 a.m. - 12: noon	Civil, Non-Enforceable
	1 p.m. - 5 p.m.	Civil, Enforceable
Wed., August 21, 1991	9 a.m. - 4 p.m.	Finance and Personnel

### LAKELAND:

Tues., August 20, 1991	8 a.m. - 12 noon	Civil, Non-Enforceable
	1 p.m. - 5 p.m.	Civil, Enforceable
Thurs., August 22, 1991	9 a.m. - 4 p.m.	Finance and Personnel

### TALLAHASSEE:

Mon., August 26, 1991	8 a.m. - 12: noon	Civil, Non-Enforceable
	1 p.m. - 5 p.m.	Civil, Enforceable
Wed., August 28, 1991	9 a.m. - 4 p.m.	Finance and Personnel

### \*\* CRESTVIEW:

Tues., August 27, 1991	8 a.m. - 12: noon	Civil, Non-Enforceable
	1 p.m. - 5 p.m.	Civil, Enforceable

\* Counties assigned to this location should attend Punta Gorda dates for subjects: Finance and Personnel

\*\* Counties assigned to this location should attend Tallahassee dates for subjects: Finance and Personnel



## Caller ID gets nod, could start up July 1

Caller ID, the service, which raises issues of individual privacy, permits the display of the phone number of an incoming caller on the equipment of the person receiving the call.

The Florida Public Service Commission voted unanimously on April 18, 1991, to allow Southern Bell to begin a controversial service known as Caller ID, as long as callers could prevent their phone numbers from being disclosed.

Southern Bell, which has tried for two years to get approval on the new service, wanted Caller ID approved without per-call blocking.

"Those who want to continue misusing telephone service through harassing calls will still have a convenient means to do so," Bell representative Spero Canton said Thursday. "We're disappointed in their decision."

The company said it received 91,000 calls from customers complaining about harassing calls in 1989, the most recent year for which statistics were available.

Caller ID is an optional feature that would permit the display of the phone numbers of incoming callers on the equipment of the person receiving the call. Caller ID, which has prompted national debate about an individual's right to privacy, would be offered to customers for a \$7.50 monthly subscription beginning July 1, if Bell goes ahead with the service.

The commission required Southern Bell to refile its tariffs to offer free per-call blocking before starting the service. The company's original tariff did not include free blocking.

"We are now studying the cost of software modification as well as what new equipment will be needed to determine whether it would be economically feasible for Southern Bell to offer Caller ID in Florida," Canton said.

The commission followed its staff recommendations earlier this month that

## EDITOR'S CORNER

By Tom Berlinger



In the previous edition of **APB**, we solicited articles from sheriff's offices from across Florida.

Given that we have only had one **APB** published to date, we feel pretty good about the response we received. You'll find some of those articles scattered throughout this issue.

We experienced a few problems with a few articles which were submitted. We'll outline those problems in hopes of avoiding them in the future.

- One agency submitted an article which had no reader interest outside the county in which it occurred. **APB** is distributed to all 67 counties. Keep in mind that articles ought to have statewide relevance.

- Another article was typed in all caps. That's a problem for us. FSA has a high speed optical scanner with which we can read the typed text you submit, and place it directly into the newsletter without the need for us to retype it. Therefore, please type your articles, preferably double-spaced, just as if you were typing it for publication. Again, if available, you are encouraged to submit your articles on a 5 1/4" MS-DOS diskette, in lieu of printed text. It aids us in the editing of your submission.

- Photographs are encouraged. Preferably clear contrast black and white. Be sure to provide a caption with each photo, including identification of the persons who appear in the photo.

★★★★★

On another note, the Annual Conference of Florida's Sheriffs will occur in early July. One of the items on the agenda is the awarding of the FSA Deputy Sheriff of the Year plaque and prize. All nominations are in, and the screening committee will be diligently reviewing them during the next few weeks. In the next issue of **APB**, we'll profile this year's winner.

### FLORIDA SHERIFFS ALL POINTS BULLETIN

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phone companies be required to offer free per-call blocking to callers who don't want their numbers displayed.

"I think they (PSC) were trying to balance the privacy issue," Canton said. "People who do not want their numbers to be divulged have retained that privacy."

Per-line blocking will be given only to law enforcement and other agencies that intervene in domestic-violence cases.

Reprinted from **Tallahassee Democrat**  
April 19, 1991



## D.A.R.E Students Meet President Bush

Thirteen students from Sugarloaf Elementary School presented jackets and other gifts to President and Mrs. Bush during the first family's recent vacation stay in the Florida Keys. The students are part of the drug abuse resistance education program (DARE) taught by School Resource Officers with the Monroe County Sheriff's Office. The students gave the President and first lady personalized jackets to thank them for their



public support of the DARE program. School Resource Officers, Deputies Lester Marder and Lisa Winegarden and Sheriff Rick Roth accompanied the 13 lucky students. DARE is taught in the sixth grade at Sugarloaf, Key Largo, Stanley, Switlik, Plantation Key and Horace O'Bryant Schools. Over 800 students in the Keys will complete the program, which teaches kids how to resist peer and societal pressure to take drugs and alcohol.

## Don't Look for an Excuse for not Buckling Up!

*By Kathleen Teague  
Executive Director  
Florida Coalition for Auto  
Safety Now*

Law enforcement officers face special risks each day that makes the use of their safety belt extremely important.

Think about it — you often spend more time on the road than do people in other professions. This fact exposes you to more chances of being involved in collisions. You are often on the road at night, when drunk drivers are most likely to be encountered, and drunk drivers have crossed center lines and hit patrol cars.

Officers often are required to drive at high speeds, during pursuits and in responding to emergency calls. High speed increases the likelihood of crashing and increases the severity of a crash when it does occur. Because of the nature of your job, you are required to observe other vehicles and drivers to detect violations that may be occurring, therefore, you may be more distracted than civilian drivers. All of these factors elevate you into a high risk category

when it comes to the potential of being involved in a motor vehicle crash.

If you are not buckling that safety belt each and every time you are in your patrol vehicle in order to reduce your risk of being killed or injured, then WHY NOT?

Often, the answer is that the special equipment you wear makes the use of your safety belt something that is just too much trouble. But is it, really?

Let's look at some of the equipment and circumstances that serve as excuses for not buckling up.

**Excuse:** "The belt catches on my badge, weapon, radio, etc." Sure, you have special equipment that can interfere with the belt — cause it to catch when you release it, but if you take a few minutes adjusting the belt at the beginning of the shift, and find that right adjustment, it will make your entire shift more comfortable and safe. The simple habit of reaching over with your right hand and releasing the belt and then letting the shoulder belt run across your arm as it is retracting stops it from catching up on anything. No problem, just try it and that movement becomes a habit that will prevent the catching of the belt. Wearing a safety belt is no different than wearing a protective vest. It's well worth the effort!

**Excuse:** "I'm in and out of the patrol car too often." Of course you are, but safety belts only take approximately 3 seconds to fasten, and a fraction of a second to unfas-

ten. Even if you exit your vehicle 20 times a day, you will only spend a little over a minute fastening and unfastening your safety belt. Isn't your life and health worth that small amount of time each day? Once wearing the belt becomes a habit, you will do it automatically, and won't even notice wearing it.

**Excuse:** "The safety belt prevents me from getting out my weapon? If you feel that the need to reach your weapon while in the vehicle exists, you can release the belt as you are slowing to a stop rather than waiting until the vehicle has come to a full stop. Remember, safety belts can be released in a fraction of a second. Your chances of being in a crash are much greater than your chances of being shot.

Another important factor to consider regarding belt use for law enforcement officers is that the vehicle itself can contribute to officer injuries. Think about it, today's cars are built with "friendly interiors" — padded dashes, recessed knobs and switches, recessed door handles, padded doors and roofs, collapsible steering columns and other safety features.

But what about the patrol vehicle? Additional equipment is installed in the patrol car that negates those "friendly interiors". Such items as radios, PA sirens, spotlights, cages, additional control switches, shotgun mounting brackets, consoles, radar units, flexible lights with clipboards, and hangers for ticket books to name a few are installed in your vehicle. Then there are also loose items in the car that can fly around during a crash and become lethal weapons: PR 24 batons, briefcases, coffee mugs, books and papers, portable car desks, and of course, your partner if he/she is not buckled up.

Let's face it, you are more at risk than the civilian driver, and you no longer have a "friendly interior" but instead have very little protected space in your patrol car. Safety belts reduce your chances of being killed or injured by better than 50%. Sure, special circumstances exist for you because of the



*continued from page 4*

equipment you must wear, but special risks exists as well. Don't use equipment or circumstances as an excuse for not buckling up. On the contrary, the number of hours you spend driving, and the special equipment in your vehicle should be the reason you do buckle up every time your vehicle moves.

## Officer of the Year, Monroe County

The Monroe County Sheriff's Office recently held the 1991 Cormier Memorial Officer of the Year Awards Ceremony in Marathon. The ceremony had two purposes: to honor Deputy Sam Hockett as our Officer of the Year, and to remember the man for whom this awards ceremony is named, David Cormier. David was a Monroe County reserve officer who died honorably in the line of duty in November 1989.

Deputy Hockett is the type of officer who gives his all to his job every day, and then gives that little bit extra that makes him special. He spends many of his days off bettering his community through special projects, and asks for nothing in return for his effort. In 1990, Sam was responsible for tackling several major clean up projects. He organized and coordinated the clean up of the 41st street area in Marathon, an area well known for its drug sales, and crack houses. During his clean up operation, he was able to organize the destruction of several of the crack houses, and also got the neighborhood itself interested in keeping its streets clean. In addition, he rolled up his sleeves and gave Sue Moore Elementary School in Marathon a much needed face lift, with the help of several residents serving community service hours. The school got a new paint job, and other work was done around the school grounds during the clean up.

The Monroe County Sheriff's Office, under the direction of Sheriff Rick



Deputy Sam Hockett is shown holding his plaque, in front of a painting of David Cormier, the officer killed in the line of duty in 1989, who this award is named for. To the left of Deputy Hockett is Sheriff Rick Roth and a representative of TIB Bank. To the right of him stands the family of David Cormier, and Captain George Simpson, Commander of District Two, in Marathon.

Roth, has adopted community oriented policing as the best way to protect and serve the citizens of Monroe County. Community oriented policing, allows the deputy to work in his own neighborhood, and encourages him or her to get to know citizens on a one to one basis. Law enforcement is not just a job for members of our Sheriff's Office — the community we protect is our own community, and the families we help are our

neighbors and friends.

Sam is a shining example of a community oriented law enforcement officer, and is well deserving of this honor. We are proud to have him working here in Monroe County. As Officer of the Year for 1990, he receives a check for \$1,000 from TIB Bank, as well as a plaque, presented by the family of David Cormier, who came from Michigan to honor the recipient of the award.

## Florida Chapter Southern Police Institute Alumni Seeks Scholarship Applicants

The Florida Chapter SPIAA seeks candidates for the Lt. William M. "Kim" Dunn Memorial Scholarship. The scholarship will provide the **tuition** for one Florida police administrator, manager, or supervisor to attend the Southern Police Institute's twelve week Administrative Officers Course. The recipient's class will be held during the Spring of 1992 at the University of Louisville, Belknap Campus, located in Louisville, Kentucky. The recipient or their agency will need to provide housing, per diem, travel, and other related costs.

Interested candidates must take the entrance examination and submit a com-

plete application to the Southern Police Institute **no later than September 1, 1991**. Candidates must be recommended and endorsed by their agency head. For further information or an application, contact Ms. Shirley Beck, Admissions Coordinator, Southern Police Institute, 502/588-6561 or Acting Captain Rick Staly, Past President Florida SPIAA, 407/836-3787.





## If you have detained a foreign national, Here's what to do!

The U.S. is obligated under international treaties and customary international law to notify foreign authorities when foreign nationals are arrested or otherwise detained in the U.S.

- Immediately inform the foreign national of his right to have his government notified concerning the arrest/detention.

- If the foreign national asks that such notification be made, do so without delay by informing the nearest consulate or embassy.

- In the case of certain countries, such notification **must** be made without delay **regardless of whether** the arrestee/detainee so wishes. These are:

Antigua	Mauritius
Bahamas	Nigeria
Barbados	Philippines
Belize	Poland
China (Peoples' Republic)*	Romania
Costa Rica	Seychelles
Cyprus	Sierra Leone
Czechoslovakia	Singapore
Dominica	South Korea
Fiji	St. Kitts & Nevis
The Gambia	St. Lucia
Ghana	St. Vincent & Grenadines
Grenada	Tanzania
Hungary	Tonga
Jamaica	Trinidad & Tobago
Kiribiti	Tuvalu
Kuwait	United Kingdom**
Malta	U.S.S.R.
	Zambia

\*When Taiwan nationals (who carry "Republic of China" passports) are detained notification should be made to the nearest office of the Coordination Council for North American Affairs, the unofficial entity representing Taiwan's interests in the United States.

\*\*Please contact this consulate or embassy when nationals of Anguilla, British Virgin Islands, Hong Kong, Bermuda, Monserrat and Turks & Caicos are detained.

- Foreign consular officials have the right to visit their arrested/detained nationals unless the arrestee/detainee objects to such visits.

Inquiries concerning the foregoing should be addressed to the Assistant Legal Adviser for Consular Affairs, Department of State, Washington, D.C. 20520. (Telephone 202/647-4415)

*Courtesy of Attorney General  
Bob Butterworth*

### 1991 Second Quarter Report

## Florida Sheriffs Association Statewide "Crack" Cocaine Task Force Update

*By Detective Jimmy Knight  
Broward County Sheriffs Office*

The first Tri-State attack on crack cocaine in the United States was conducted between November 19, 1990 - February 23, 1991, by the Florida, Georgia and South Carolina Sheriffs Associations.

An estimated 5,000 Deputy Sheriffs, assisted by Federal, State, and Local police agencies, conducted simultaneous drug interddictions on the main highways in all three states. Other operations included search warrants, arrest warrants, and air, land and sea operations. The goal was to impact street level drug traffic in every part of the Southeast United States through a coordinated, unified effort.

The TRI-STATE operation resulted in the arrests of 13,593 drug violators and the seizure of 51,676 cocaine "crack" rocks, 1,708 pounds of cocaine powder, and 1,867 pounds of marijuana. Officers seized 649 vehicles, and 1,003 firearms, including seven (7) machine guns.

The arrests by state were broken down as such:

FLORIDA	7,229
GEORGIA	3,469
SOUTH CAROLINA	2,876

The sheriffs associations intend to send a distinct message to every street dealer, every supplier and every user of crack cocaine. The sheriffs, as the chief law enforcement officers in their counties, are unanimous in a policy of zero tolerance towards anyone who attempts to peddle drugs.

Operation "CRACK ATTACK" is only the first phase of a continuing multi-state effort. In fact, since the culmination of this first historic operation, several other states have expressed their desire to also participate in upcoming enforcement operations. Some of the states that have made inquiries are North Carolina, Tennessee, Alabama and Arkansas.

The Florida Sheriffs Association will pursue a program of training, intelligence gathering, and exchange of information among its members to create continuity of effort against the epidemic that is crippling our communities.

### Narcotic Update

Evidence is once again in that the "CRACK" epidemic is far from over, in fact New York officials report that a suspect with a \$1,400 a day "crack" habit is responsible for as many as 200 muggings in that city. The majority of victims were women. The suspect reportedly robbed as many as fifteen (15) people a day until he was apprehended March 12, 1991.

Throughout the State of Florida, intelligence indicates that **L.S.D.** seizures appear to be on the increase. There is some indication that this drug has become increasingly more popular in and around our high schools. Officers should take special precautions (i.e. gloves) when handling this drug, as it can be easily absorbed through the skin.

The Federal Drug Enforcement Administration - South Florida Region, reported that six pounds of **Hash Oil** had been seized recently in an ongoing investigation. This seizure was termed as significant for the South Florida region, by D.E.A. officials.



## Legislature Approves Off-Duty Deputy Employment Legislation

*By Maury Kolchakian, Esq.  
FSA General Counsel*

The right of Florida Sheriffs to operate and administer an off-duty employment program for their deputies is no longer a matter of questionable fact, it is now a matter of law.

After twelve years of formal and informal legal opinions from the Auditor General, Florida's Attorney General and various sheriff's legal counsel regarding the limitations imposed on the sheriffs to get involved in the management of off-duty employment, the 1991 Florida Legislature finally resolved the issue with the enactment of remedial legislation giving the state's sheriffs the statutory authority they have needed for years on this issue.

The legislation which was proposed by the sheriffs' legal advisors and drafted by Hillsborough County Sheriff's Chief Legal Counsel, Paul Marino, was filed in the legislative session. FSA legislative coordinator Mark Herron immediately went to work to find a bill on which to attach the needed remedial legislation.

In the eleventh hour before passage, the Florida Police Benevolent Association expressed concern for the wording of that portion of the legislation regarding workers compensation which bill drafter, Paul Marino, quickly adjusted to avoid any controversy that could affect passage of the bill this year.

The new legislation (which has not yet been assigned statutory numbering) contains the following provisions:

1. Sheriffs may operate a program to contract deputies, off-duty, for public or private security services.

2. The public or private employer will be responsible for the acts or omissions of the deputy while employed off-duty including for workers compensation protection.

3. If, however, a deputy is injured while enforcing the criminal, traffic or penal laws of the state, the deputy will be regarded as being on-duty for workers compensation purposes.

4. Deputies working off-duty need not comply with the licensure procedures required for private security officers.

The questions regarding the authority of Florida Sheriffs to use public resources to operate or maintain off-duty employment programs for deputies was addressed by Florida's Attorney General Bob Butterworth last August at the request of Charlotte County Sheriff Richard Worch. Sheriff Worch asked General Butterworth specific questions regarding the scope or limitations imposed on sheriffs which allow the use of public resources such as vehicles, uniforms, radios, etc. by off-duty deputies employed by the private sector, and for a sheriff to administer an off-duty employment program.

In an eight page opinion, the Attorney General reiterated a 1979 legal opinion issued by his predecessor. The Attorney General restated the principal axiom of law governing county constitutional officers, namely, when the general law is absent of expressed or implied authority to perform a particular function, such activity is prohibited. In addressing the questions posed by Sheriff Worch, the Attorney General restated that portion of the Florida Constitution which expressly prohibits the state, counties or any agency from using public funds to aid any private interest.

Notwithstanding the new enabling legislation, sheriffs are well advised not to lose sight of these fundamental principles of the Florida Constitution in designing or redesigning a program to administer or operate off-duty employment of their deputies. This is especially important in allowing the use of motor vehicles or other depreciating public assets during off-duty employment.

## Commercial Drivers and D.U.I.

The Uniform Classified Commercial Driver's License Act (chapter 89-282, Laws of Florida) imposes additional restrictions on the use of alcohol by drivers of commercial vehicles. Effective April 1, 1991, a driver of a commercial vehicle will be guilty of a non-criminal moving violation, punishable by a fine of \$52, if found driving with any alcohol in the blood (BAC greater than 0.00%). The driver also will be placed out-of-service for 24 hours (s.322.62, F.S.). In addition, if the BAC level is 0.04% or greater the driver will be disqualified from operating a commercial vehicle for one year (three years if hazardous materials are being transported) (s.322.61, F.S.). Two incidents of driving with a BAC of 0.04% or greater, or such an incident in addition to separate occurrences of certain other serious violations, will result in permanent disqualification from operating a commercial vehicle (s.322.61(5), F.S.). Disqualification would be in addition to any DUI penalties which may apply. Commercial drivers who are disqualified will still retain their privilege to operate non-commercial vehicles if that privilege has not been revoked for violation of another statute.

By accepting a commercial driver's license, drivers will be considered to have given consent to chemical or physical tests for alcohol and controlled substances. Law enforcement officers may request a test if they have reason to suspect the presence of alcohol or a controlled substance. Refusal to submit to testing will result in disqualification from operating a commercial vehicle for a period of one year for the first refusal or permanently for a second refusal in addition to penalties which may apply if the driver was arrested for driving under the influence (ss.322.63 and 322.64, F.S.).

The sanctions in Florida law con-  
*continued on page 8*



*continued from page 7*

form to the minimum standards established by the federal government. Penalties for alcohol use are at least as severe in all jurisdictions in the United States.

*Reprint from Traffic Crash Facts  
Florida Dept. of Highway Safety &  
Motor Vehicles, February, 1991*

## NSA Offers Jail Correspondence Courses

Many individuals working within Florida's county jails are unaware of the self-development courses available to them through the National Sheriffs' Association.

The first course, entitled, "Jail Officers Correspondence Training Program" is available to officers at the line level who have not had the opportunity to work in a supervisory position.

Those individuals who successfully complete this course are eligible to participate in the Jail Officers' Certification Program, also sponsored by NSA.

On May 3, 1991, NSA announced that a new program is now available for enrollment. "The First/Second Line Jail Supervisors' Correspondence Training Program" was developed specifically for the supervisor and covers such topics such as management of infectious diseases, supervising crisis situations, principals of budgeting, working with the news media, report and records management, and the like.

Materials for each course are between \$50-100 each, including all manuals and examinations. Certificates are issued by NSA for successful completion of each course.

If you have any questions or desire further information about these programs or the rest of NSA's jail training videos and manuals, please call Mr. Jim Marcil, Chief of Jail Operations and Training Division of NSA at 1-800-424-7827.

Please note well that these courses

were designed to be purchased by individual officers for their own personal growth and self-development. Although some of your respective agencies may be in a position to pay for all or part of the course fees in your behalf, it is not implied or suggested that they do so. You are urged to check with appropriate supervisors within your agency who are authorized to make such a determination.

## Lake County uses unique evidence

### DNA steers officers to rustling suspect

Dead men may not tell tales, but dead cows do, as a Umatilla man — accused of being part of a poaching and rustling ring — has learned to his sorrow.

Scott Truax, 31, was sentenced to 15 years in prison Wednesday on several charges, including selling stolen beef. What makes the Truax case a groundbreaker, prosecutors said, is the way they linked the butchered beef to its former owner.

Scientists used complex genetic codes found in the cells of the meat and matched them to genes of cows owned by the East Lake County farmer that investigators suspected was the owner of the cattle. The tests proved that the butchered cow belonged to the same herd, Assistant State Attorney Harold Southard said.

DNA evidence is just beginning to show up in local sexual-battery cases. But this is absolutely the first time cow genes have been a factor in a Lake County trial, Southard said.

"I'm told this is the first case in the world where this has been used," Southard told Circuit Court Judge Don Briggs during Truax's sentencing.

"I'm honored," Briggs murmured.

Truax pleaded no contest to more than a dozen felonies, including two counts of selling stolen meat, one of burglary, another of selling stolen guns and a Marion County case that involved sale of stolen

beef and poached venison.

Truax is not charged with actually stealing the cows. Southard said police couldn't gather enough evidence to prove that charge.

Truax is the first of 12 defendants officials say are involved in the ring. Florida Game and Fresh Water Fish Commission officers, working with Lake and Marion County sheriff's deputies, worked several months undercover to catch the men, records show, and bought stolen meat from them at least twice. One of those transactions was even videotaped, Southard said.

Prosecutors aren't sure that Truax was the leader of the gang that stole the cattle, but the tape seems to point that way, Southard said. "If he's not the ringleader, he's one of the ringleaders," he said.

Briggs sentences Truax to 15 years in prison on most of the counts, with smaller sentences for others. But all the sentences will be served at the same time, Briggs said.

Truax was also ordered to pay nearly \$5,000 in restitution to the various victims of his crimes.

Assistant Public Defender Michael McDermott said Truax could have faced even more time. Prosecutors had threatened to tag Truax with a habitual offender label, which could double his jail time, McDermott said.

By accepting a plea, Truax also cut down significantly on legal bills the county will have to pay. If the case had gone to trial, McDermott said, the defense would request another expert on cow DNA to help them.

"We probably would have had to go to Kansas to find one," McDermott said.

*Courtesy of Krys Fluker,  
Leesburg Daily Commercial  
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