

ALL POINTS BULLETIN



VOLUME 11, NUMBER 2, 2001

Jon Potter: the 2001 National and Florida Deputy Sheriff of the Year

Each year for about a decade, the Florida Sheriffs Association has invited sheriffs from Pensacola to Key West to nominate the individual they feel should be named the FSA Deputy Sheriff of the Year.

The reasons for nominating a deputy sheriff have reached far and wide. In past years, we have had nominees that were honored for a lifetime of meritorious service; some that excelled in various kinds of detective work or technical excellence; one female detective that went undercover for months to gain the confidence of a suspected murderer, then arrest him; and there were yet others that took courageous action without regard for their own personal safety.

The person chosen as the FSA Deputy Sheriff of the Year for the year 2001 is Deputy Jonathan Potter of Brevard County.

Jonathan Potter was born in Lanark, Scotland. He and his family emigrated to the United States in 1981, initially settling in Lawrence, Massachusetts.

Potter graduated from high school in 1987. Two years later, while attending Salem College, Jon became a citizen of the United States.

In 1994, Jon and his wife, Paula, moved to Palm Bay, Florida. A year



Ponte Vedra Beach – Brevard County Sheriff Phil Williams (left) shares a proud moment with Deputy Jon Potter and his wife, Paula. As FSA's Deputy Sheriff of the Year, Potter received a handsome plaque and a check for \$1,000. A few weeks prior to this presentation, Potter was also named the "Deputy Sheriff of the Year" by the National Sheriffs Association - the #1 deputy sheriff from over 3,100 sheriffs' offices across the entire country!

later, Jon graduated from the Brevard Community College Police Academy, and shortly thereafter, Jon started his career with the Brevard County S.O.

A consistent and industrious worker, Deputy Potter has been named Brevard's Deputy Sheriff of the Month on no less than five different occasions. In each instance, these honors were given to him for outstanding performance in high profile cases involving an arrest.

In 1999, Jon Potter received the Brevard S.O. Meritorious Service Award for saving the life of a woman that was kidnapped by her estranged boyfriend. For that life-saving deed, Jon was later named as Brevard County's Outstanding Law Enforcement Officer of the Year by V.F.W. Post 10131.

Deputy Potter's greatest test,

Continued on page 2

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though, came on the morning of November 19, 2000.

At about 2:00 AM. Brevard County's 911 Center received a call from an hysterical female who reported that her estranged boyfriend was shooting through her front door. As a known danger before this incident, a court had already issued an Injunction for Protection against the boyfriend that ordered him to stay away from her and her home.

The suspect in this shooting was no stranger to Deputy Potter. In fact, Potter had arrested the subject for domestic violence on the same woman about two weeks before this call came in.

Within two minutes of being dispatched, Deputy Potter arrived at the scene.

Seconds later, Deputy Terry Bartnik and Sgt. Gregory Shea arrived on scene as well. They found that the front door of the woman's residence contained several bullet holes, confirming the original report. Now, though, the front door to the woman's apartment was also smashed open and ajar.

Armed with the knowledge that an armed suspect was inside with the woman, the three deputies felt that they had to immediately enter the apartment to rescue her.

Upon entry into the apartment, Deputy Potter encountered the suspect face-to-face as he was attempting to drag the victim from the bedroom to the living room. When he saw Deputy Potter, the suspect fired his .44 cal. handgun at the back of the woman's head. She avoided death by a fraction of an inch when the bullet traveled through her right ear and went on to strike Deputy Potter in the right forearm.

Although wounded by a large caliber bullet, Potter and the others returned fire as the victim fell clear of the suspect. The suspect dropped and died almost instantly as a result of the wounds he sustained.

When the shooting stopped and the suspect lay dead, Jon Potter told the other deputies to not worry about his injury, but to go ahead and care for the woman until the EMT's arrived.

Paula Potter, Jon's wife, is also employed at the Brevard County S.O. as a telecommunications officer. As fate would have it, Paula was on duty in the dispatch center on the night of the shooting.

As the FSA Deputy Sheriff of the Year, Jonathan Potter was recently awarded a handsome plaque and a check for \$1,000 at the Annual Statewide Conference of the Florida Sheriffs Association held in Ponte Vedra Beach.

About a month prior to this presentation, Deputy Potter was also present at the National Sheriffs Conference that was held in Fort Lauderdale this year. He was there to be honored as their national Deputy Sheriff of the Year for the entire United States! What an honor to be chosen as the year's best from over 3,100 sheriff's offices that are located across the country!

We're proud of you, Jon! Keep up the great work!

Runners-up also chosen: Deputy Robert Parker, Lake County

Deputy Robert Parker is known as a "model" law enforcement officer. The incident that earned him a finalist award, though, occurred in February while he was working a truancy detail.

On that day, Parker rolled up on a crash involving several vehicles and was the first responder. Upon his arrival, Parker observed one vehicle overturned and another vehicle fully involved in flames. After calling for Clermont Police, the fire department and EMS, Parker grabbed his fire extinguisher and ran to the vehicle on fire.

Upon approaching the vehicle, Deputy Parker's worst fears were realized. A young boy (two years old) was in the back seat of the burning car screaming his lungs out. Parker tried to squelch the fire with his fire extinguisher, but to no avail. He then leaned into the vehicle and tried to grab the child, but was unsuccessful.

So, he ran back and got his issued fire blanket from the trunk of his cruiser, leaned into the burning car and wrapped

the blanket around the head and shoulder area of the baby to keep the baby from burning further. Parker then stayed with the baby until help arrived. The baby had to be cut from the car, and was saved.

Parker sustained minor first-degree burns on both arms and a laceration to the inside of his left arm, along with smoke inhalation.

Deputy Gary Price and Deputy Terry Eller, Lee County

Back on August 4, Deputies Gary Price and Terry Eller responded to a home in North Fort Myers to serve an arrest warrant for domestic violence. Upon arrival, they received permission to search the residence. They had reason to believe that the suspect was in the house, but did not immediately locate him there.

So, Deputy Eller hoisted Deputy Price into the attic where Price located the suspect hiding under the attic insulation. Price ordered the suspect to come out. But, in a flash, the suspect responded by jumping out from his hiding spot and taking aim at Deputy Price with a small caliber handgun. The suspect began firing, striking the deputy in the leg and the foot, leaving the deputy with no choice but to return fire.

Deputy Price made it out of the attic only to discover that during the course of the gun battle, Deputy Eller also suffered a gunshot wound to his back. Though injured, both deputies maintained their composure and target acquisition on the attic that prevented an escape.

When the shooting stopped, neither deputy knew that the suspect was already dead in the attic. So, other deputies that arrived on the scene set up a perimeter. Though injured and bleeding, Eller began evacuating nearby residences. Eller and Price were then removed from the scene by ambulance and taken to Lee Memorial for treatment of their gunshot wounds. ★

EDITOR'S CORNER

By Tom Berlinger



What a difference a day makes

For the better part of the last decade, whenever sheriffs and/or our lobbyists had nothing more than a chance encounter with lobbyists for the Florida PBA, the Miami-Dade PBA, and to a lesser degree, the state's Fraternal Order of Police, you could cut the tension in the air with a knife.

It's not hard to understand.

Let's face it, in many ways our groups are from two different political planets. Each group represents different lines of thought, different goals and objectives, and we have had very little in common in the scheme of the legislative process.

Over time, it went from bad to worse. The situation debilitated to the point where, a few years ago, the Miami-Dade PBA drug FSA into court on anything they could dream up while still keeping a straight face. They knew and we knew that their primary objective was to antagonize us.

And, when they weren't busy loading us up with legal challenges just for laughs, they took every opportunity to call sheriffs and our lobbyists every name they were allowed to print in their statewide publications.

We took our public shots as well. We

suggested that the police unions wanted nothing more than to collect dues to feather their political nests, and to protect "bad cops" from being disciplined or fired.

In recent times, though, the two sides have buried the personal hatchet, put the past behind them and have actually found lots of common ground that was always there but never explored. For the past two legislative sessions, the sheriffs and the union officials have found a common fight that they could fight together. We needed to pass a bill that would provide the 3% FRS retirement reinstatement for special risk members that were dealt a raw deal by the legislature in the years between 1978 and 1993.

And something else happened as well.

Rather than fight year in and year out in the legislature, they decided to take the issue of collective bargaining into a courtroom arena and let the chips fall where they may, effectively putting an end to an annual political battle in Tallahassee.

For reasons that even he can't adequately explain without grinning and shaking his head in self-amazement, Brevard County Sheriff Phil Williams took the unbelievably courageous step of allowing his name to be used in the Florida Supreme Court "test case" that will once and for all decide the collective bargaining issue. One way or the other, the court case will be decided later this summer, but back to my original theme.

With a crystal clear memory of recent history, it's been quite a sight to see our president, our lobbyists, other sheriffs, and particularly the sheriffs on our legislative committee (including Sheriff Phil Williams,

our legislative committee chairman) standing shoulder to shoulder with the PBA and FOP leaders in support of a common goal.

Even more remarkable were those "down times" when we weren't jointly testifying at legislative hearings.

During breaks, it was not uncommon to see sheriffs and our lobbyists enjoying a laugh, coffee or eating lunch with the union officials. Many times they were "jiving" each other as groups of cops tend to do when they're in a social setting, and they were having a genuine good time in the process.

I can show you just how far it's come.

After session was over and the 3% reinstatement bill for DROP and retirees was signed by the governor, Florida PBA President Ernie George wrote the following lines in his column that appeared in their statewide newsletter:

"Thanks to the joint efforts of concerned parties: PBA, Florida Sheriffs Association, firefighters and FOP lobbyists, and Senator Locke Burt, this legislation had a rebirth during the last week of session. In particular, I must thank the Florida Sheriffs Association and their lobbyists. Without their efforts I don't believe the legislation could have been reborn. I know Sheriff Beary of Orange County personally contacted Governor Bush seeking support for this legislation, and through those efforts, all the concerned parties met with the Governor, who lent his full support to the project...."

In future years, there is no question that on certain issues, we will agree to disagree. But, while we may have professional differences, I predict that now and in the future that many sheriffs will forge personal friendships with those once-hated union officials.

The evidence I've seen tells me that some of those friendships have already started and that some have the potential of lasting a lifetime.

There are more than I have space to mention here, but on a personal note, I want to particularly thank Ernie George and David Murrell of the Florida PBA; John Rivera and Rick Kolodgy of the Miami-Dade County PBA; and FOP lobbyists David Ericks, Lisa Henning and Ron Bartholome.

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It was nothing less than a pleasure to work with each of you these last two sessions.

On a sorrowful note, Marvin Clayton, 68, a great and honorable man that doggedly pursued the 3% legislation with us in behalf Florida's Firefighters, has died. A personal friend to many sheriffs for years, Marvin recently suffered a heart attack at his desk and never recovered.

It's a shame that it takes the shocking news of someone's death to remind us just how high everybody's regard was for them. We will think of him often and when we do, the memory of him and his kind and gentle demeanor will bring a smile to our faces. May he rest in peace....forever. ★

Former Sheriff writes autobiography

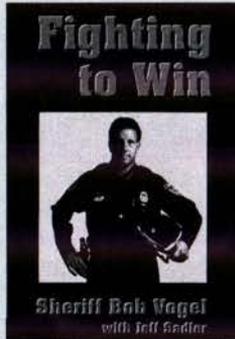
We've never done a book review in APB before, but except for former Broward Sheriff Nick Navarro, we've never had a Florida Sheriff (or former sheriff) write a book before either.

Former Volusia County Sheriff Bob Vogel has written in interesting behind-the-scenes look into campaigning for office, serving as sheriff, and being a regular target of the media and investigations by outside agencies.

The opening chapter provides a poignant look into the difficult childhood that Vogel endured. It was those travails, though, that would no doubt prepare him for what was to come later...survival in Vietnam...and the thick skin needed for survival in the political arena, particularly during regular attacks by the news media.

Some of the pointed comments that Vogel has made in the book have created a firestorm of controversy that makes this a "must read" for those of us that know him well, and an interesting insight into the life of a Florida Sheriff for the rest who do not.

If you want to secure a copy, call Turner Publishers, toll-free at 1-800-788-3350. Cost \$24.95, credit cards accepted. ★



Legislative Report:

Sheriffs' persistence to the bitter end paid off for public safety in 2001 legislature

By: Frank Messersmith,
FSA Governmental Consultant,
Metz Houser & Husband Attorneys

Without question, the big win for Sheriffs and their families of officers was the restoration of the 3% high risk retirement for those persons already retired or in the DROP program (see related article elsewhere in this edition).

Gov. Jeb Bush and Lt. Gov Frank Brogan were heroes in this effort and actually made this happen in the last three days of the session. Additionally, the FSA would not have made it past the opening bell if Sen. Locke Burt had not filed SB 252 (which later became SB 2), and Rep. Gus Bilirakis had not filed HB 261 on our behalf. Those two legislators carried the ball for us throughout the session and provided us the backstops when we needed them.

And, of course, the FSA had a great team to make things happen. FSA President Don Eslinger became a regular resident of Tallahassee and was an impressive speaker in committees, and a solid mediator on behalf of the Sheriffs. Legislative Chairman, Sheriff Williams, also piled up the mileage spending significant time in Tallahassee assisting with the management of the issues for a second year in a row.

Sheriffs Kevin Beary and Charlie Wells, through their personal friendships with the Speaker of the House and the President of the Senate, provided us with crucial, timely input for the Legislative leadership. Joe Saviak, Sheriff Beary's

Chief of Staff, was a solid anchor for our issues here in Tallahassee, providing ideas and legal review and research.

In addition to the 3% FRS issue, the FSA was involved with numerous legislative issues, some for, some against, and some just interested. They included the following:

Personnel Background Checks: SB52 by Sen. Jim King (R-Jacksonville), and HB261 by Rep. Stan Jordan (R-Jacksonville), was also a priority, and an effort to provide a process by which detailed, personnel information could be made available without threat of litigation. This bill originated with Jacksonville Sheriff Nat Glover and after several years of effort, the bill passed on the second to last day of session.

Racial Profiling: SB84 by Sen. Kendrick Meek (D-Miami), and HB321 by Rep. Bendross-Mindingall (D-Miami), became a vehicle that was amended by the FSA to provide a proactive process of education and training regarding racial bias and improper profiling. This legislation should be a national model for law enforcement to demonstrate its efforts to assure our citizens of their concern for any instances of improper profiling which may exist today.

Educational Requirements for law enforcement officers: HB97 by Rep. Allen Trovillion (R-Winter Park), was an effort to require law enforcement officers to secure a two-year college degree before being certified for work. While the FSA did not oppose the principle of the legislative proposal, it did oppose the legislation due to the difficulties it could create in the personnel management of many small rural counties. Rep. Trovillion, who did not have a Senate companion, ultimately withdrew the



Sheriff Eslinger



Sheriff Williams

bill, but is expected to refile it again next session.

Parole Commission Resolution: The FSA adopted a resolution supporting the Florida Parole Commission to remain as is currently operating and opposing its merger within the Department of Corrections. The Commission survived the session without change.

Domestic Violence Sentencing: SB1778, by Sen. Anna Cowin (R-Leesburg) and H1673 by Rep. Bruce Kyle (R-Ft. Myers) requires the court to sentence a person to 5 days in the county jail for an offense of domestic violence that involves physical injury to another person, unless the person is imprisoned for the offense.

Counterfeit Checks: HB531 by Rep. Andy Gardiner (R-Orlando) and SB1282 by Sen. Locke Burt (R-Ormond Beach), passed this session, makes unlawful the counterfeiting of payment instruments with intent to defraud. The bill provides a third degree felony penalty, and specifies prima facie evidence of intent to defraud. The law also exempts law enforcement agencies for investigative or educational purposes. This bill originated from Sheriff Kevin Beary in Orange County and the FSA lobbied the issue.

Two-Way Communication/Crimes: HB1349 by Rep. David Mealor (R-Lake Mary) and SB1198 by Sen. Daniel Webster (R-Winter Garden) passed this bill relating to providing that it is a third-degree felony to use a two-way communications device, including a portable two-way wireless device, to facilitate or further the commission of a crime. This bill also originated with Sheriff Beary and was picked up by the FSA. ★

Editor's note: Frank Messersmith is an independent FSA Governmental Consultant (not a lawyer) for the Metz Houser & Husband law firm in Tallahassee.

Sheriffs Thank Lawmakers

Each year, the Florida Sheriffs Association recognizes lawmakers who played prominent roles in public safety legislation. Many of the legislators and politicians attend the annual Summer Conference to receive their accolades and plaques. We invite all members of the Florida Sheriffs Association to join us in commending the following senators and representatives for their hard work and persistence.

Receiving Year 2001 FSA Legislative Leadership Awards:

Florida Gov. Jeb Bush
Florida Lt. Gov. Frank Brogan
Rep. Gus Bilirakis (R-Palm Harbor)
Sen. John McKay, President of the Senate (R-Bradenton)
Rep. Tom Feeney, Speaker of the House (R-Oviedo)
Rep. Jerry Melvin (R-Ft. Walton Beach)
Sen. Jim Sebesta (R-St. Petersburg)
Rep. Randy Ball (R-Titusville)



Ponte Vedra Beach – Senator Locke Burt (left) shares the moment with Sheriff Don Eslinger as he is named an "Honorary Sheriff" by the Florida Sheriffs Association.

Special thanks to Sen. Locke Burt

It is very rare for the Florida Sheriffs to bestow their highest honor – that of Honorary Sheriff – on any politician. But there is one lawmaker who truly stands out from the rest.

You have read about his tireless efforts to work on behalf of public safety and other legislative issues important to Sheriffs for the past few years. And, it is probably no surprise to our members that the Florida Sheriffs voted to name **Sen. Locke Burt** (R-Ormond Beach) an Honorary Sheriff in 2001.

Our hearty congratulations go to Senator Burt and his tremendously effective staff. Thank you for all you do to protect the citizens of Florida and visitors to this great state.



Chris Knight named new director of FHP

Christopher Allen Knight, age 44, and a 20-year veteran of the Florida Highway Patrol was appointed as the director of the Florida Highway Patrol effective July 2.

A graduate of Venice High School, Col. Knight received his B. S. degree in Criminology from Florida State University in 1979. Knight is also a graduate of the 171st Session of the FBI National

Academy, the 2nd Session of the North Carolina State University Administrative Officers Management Program, and the 20th Session of the FDLE Law Enforcement Chief Executive Seminar.

Knight was a member of the Florida Highway Patrol's 61st Recruit Class. He was elected president of his recruit class, and graduated with high academic honors. After receiving his initial training at the FHP Academy, he began his career as a trooper in Naples, and later served in Venice. As Col. Knight progressed through the ranks of FHP, he was stationed in Miami, Bradenton, Palatka, and Tallahassee in various positions, including a stint as Commander of Troop H, Tallahassee. He also served as Chief of Training at the FHP Academy.

Colonel Knight is a member of the State Law Enforcement Chiefs Association, the International Association of Chiefs of Police, the Florida Sheriffs Association, and the Florida Police Chiefs Association. ★

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Sheriff nabs pot smoker trying to impress his daughter

DAYTONA BEACH — A motorist trying to impress a teen-age girl in another vehicle by lighting up a pot pipe picked the wrong girl, said Volusia County Sheriff Ben Johnson.

That's because the girl was Johnson's 13-year-old daughter, Casey.

She was in the passenger seat and the sheriff himself was behind the wheel of the unmarked sport utility vehicle when a young man in a Camaro pulled alongside them one recent Sunday on U.S. 92 about a mile west of I-95.

Sheriff Johnson was not impressed with the stunt.

"I passed him first and then he caught up with me," Johnson said recently. "When he got side by side with my daughter, he pulled out this glass pipe and lit up. Finally, I called in the signal 31 (narcotics) and turned on my lights and pulled him over."

Steven Fierro, 20, of Port Orange, was stopped and charged with possession of marijuana under 20 grams and possession of drug paraphernalia, both misdemeanors.

Johnson said when Fierro pulled into the parking lot of a gas station, he flung the glass pipe out a car window. It was later retrieved by deputies who responded to the sheriff's call for backup.

A small amount of marijuana in a plastic bag also fell from Fierro's pants pocket when he got out of the car, according to a sheriff's report.

When the deputies told Fierro "the man behind the wheel was the sheriff, he looked at me and he was dumbfounded," Johnson said. "He didn't know what to say. What bad luck to light up next to the sheriff."

Fierro was released from the Volusia County Branch Jail later that evening after posting \$1,000 bail. ★

Courtesy of the Daytona Beach News Journal (7/17/01)

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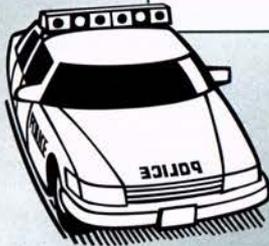
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With the stroke of a pen... Governor Bush erases an injustice



TALLAHASSEE – Talk to any professional actuary that knows about the life-expectancy of the people that live in America, and they'll probably also be able to tell you that engaging yourself in certain "pressure-cooker" jobs will shave a decade or more off your life.

That's the exact reason why years ago, the Florida Legislature made a conscious decision to better the retirement benefit for law enforcement officers, correctional officers and firefighters that were members of the Florida Retirement System (FRS).

The legislature designated them as members of the "FRS Special Risk Class," and by doing so, they were basically saying, "Statistically, these individuals will not live as long as the rest of the general population, so we need to give them a better annual accrual rate for retirement calculation, and we need to let them retire (if they want to) after 25 continuous years of service, regardless of their age."

In short, FRS Special Risk retirement benefit is calculated as follows:

1. Determine the average of your highest five years of wages under FRS.
2. Give a 3% credit for each full year of service, and multiply that by the number of years that you worked.

Under this scenario, if your highest five years came to \$45,000 a year, and you worked 25 years within Special Risk Class, your annual benefit would be calculated as follows: (25 years X 3% = 75%) (75% X \$45,000) equals \$33,750

"This year's bill reinstated the lost 3% accrual benefits to those law enforcement officers, firefighters and correctional officers who worked between 1978 and 1993, but who had already retired and were left out of the 2000 legislation for reinstating benefits."

a year as a retirement benefit. Pretty simple plan.

But, in 1978, everything fell apart for the Special Risk members because FRS was going broke.

To make matters worse, the teachers in all 67 counties from Pensacola to Key West were added into the state pension system at around the same time, causing an additional temporary shortfall.

In looking for a place to "balance the FRS budget," panicky legislators narrowly focused their budget axe on Special Risk Class. They decided to lower the "accrual rate" for Special Risk Class from 3% back to 2%, which doesn't sound like much until you figure that it's a one-third reduction in benefit! That's equal to a 33% cut in retirement pay!

With this cut, the same person used in the aforementioned example would be retiring on \$22,500 (instead of \$33,750) a year, a loss of almost \$1,000 a month in retirement benefits.

As the FRS became more solvent in later years, the legislature reinstated the full 3% accrual rate beginning in 1993.

By the time calendar year 2000 rolled around, though, the FRS pension fund enjoyed a surplus of more than \$13 Billion over anticipated expenditures.

It was at that time that Governor Jeb Bush and the legislature decided to "right the wrong" that was dealt to Special Risk Class members over two decades before.

Last year, Governor Bush signed a bill that gave back the 3% accrual rate for all of the "lost years" (1978-93) to members of Special Risk Class that had not yet retired.

And on June 20 of this year, through the efforts of Governor Bush, Lt. Governor Frank Brogan, Senator Locke Burt (the Senate sponsor) and Rep. Gus Bilirakis (the House sponsor), Senate Bill 2 was signed by Governor Bush.

This year's bill reinstated the lost 3% accrual benefits to those law enforcement officers, firefighters and correctional officers that worked between 1978 and 1993, but whom had already retired and were left out of last year's bill, as well as those active duty members that are still working and in the DROP program.

"If we all stood and applauded for the next month without stopping, it would not adequately express the gratitude and thanks that we feel in our hearts," noted Sheriff Don Eslinger, then president of the Florida Sheriffs Association.

"With the stroke of a pen, the Governor and the legislature erased an injustice that was inflicted on thousands of individuals and spread over two decades," said Eslinger.

"And the best part is, correcting this injustice didn't cost the taxpayers of Florida one single penny, because it was funded through wise investment of the FRS pension fund in the last few years," he said with a grin.

"It doesn't get any better than this."

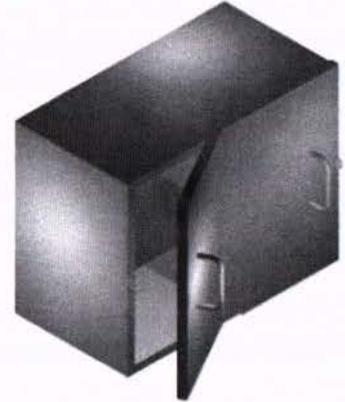
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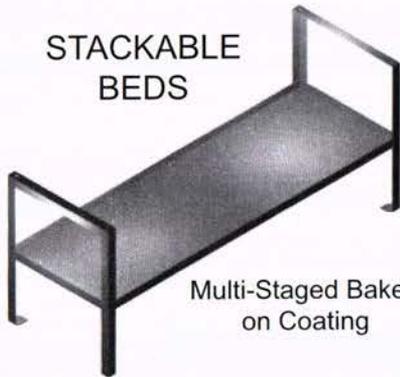
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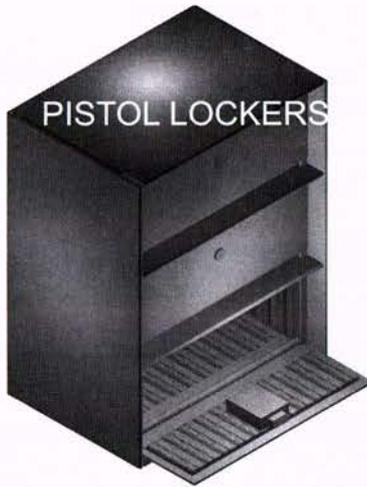


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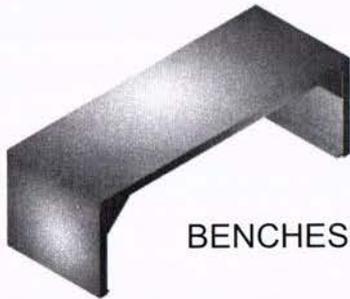


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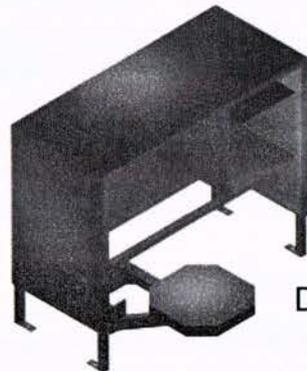
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Training targets driving dangers: Virtual reality system provides safe training for deputies

By Jim Lejedal,
Broward Sheriff's Office Media
Relations Unit

Like is the case at other police agencies, driver safety is a high priority issue for the Broward County Sheriff's Office (BSO), and for good reason. The department's last two line-of-duty deaths were both the result of car crashes. In the past four years, two deputies have been killed and two others were permanently disabled, including one who suffered the loss of both legs. Dozens of deputies have sustained crash-related injuries ranging from minor to critical.

Driving is the most dangerous routine activity that police officers everywhere engage in every day. Nationwide, motor vehicle accidents account for most serious injuries to officers and dozens of deaths. In 2000, nationally, 51 officers were shot to death while 47 died behind the wheel. Weapons training is mandatory and ongoing, although most police officers never fire their guns, yet they drive their cars everyday, sometimes at higher than normal speeds and under adverse conditions. Recognizing these facts, Broward County Sheriff Ken Jenne directed BSO's Training Division to take action.

"Training is so important today, to protect our deputies, individually, as well as the agency, as a whole," Sheriff Jenne said. "Our people need to be prepared to deal with dangerous situations, whether they are facing an armed and dangerous criminal or a sudden emergency in



heavy traffic."

As a result of these concerns, and after conducting extensive research into training options, the agency acquired a custom-built, dual position I-Sim driver training system. The I-Sim system consists of two driving simulators similar to airplane cockpit simulators that have been used to train pilots for 40 years.

The driver sits behind the wheel of a Ford Crown Victoria (BSO's patrol car), gazes at a wrap-around virtual reality screen, and is subjected to a variety of driving experiences controlled by a computer console. The simulator is equipped with power steering, ABS brakes, lights & siren, police radios and a laptop computer – the same equipment that deputies have to utilize on the job. While they're "driving," deputies will hear road noise and will see other cars in front of them and in their rearview mirrors. They have to adjust and respond to the same distractions they encounter on real roadways.

The simulator has several advantages over traditional test-track training: bad weather does not mean that driving class must be canceled, but inclement weather can be simulated. Drivers can be subjected to hazards that are too dangerous to replicate in actual driving, even on a test track. There is no pollution and no fuel is used – an increasingly important factor with today's soaring fuel prices. There is no wear-and-tear on patrol cars and the mobile system can be moved to any substation in the county, cutting travel time and down time for deputies. ★

Cal Henderson named FSA president



Sheriff Henderson

At a ceremony recently held at the Annual Summer Conference of the Florida Sheriffs Association, Hillsborough County Sheriff Cal Henderson was installed as FSA's new president.

A native of Tampa, Sheriff Henderson holds BA and MA degrees in Criminal Justice from the University of South Florida. He's also a graduate of the FBI National Academy as well as the FDLE Chief Executive course.

Sheriff Henderson served for two years as a police officer for the city of Tampa, 18 months as a US Border Patrol officer, and a year with the Central Intelligence Agency prior to joining the Hillsborough County Sheriff's Office some 31 years ago.

He was first elected sheriff in 1992, and he ran unopposed in 1996. If somebody would've made a movie out of the 2000 election that Sheriff Henderson was in, nobody would believe it. You see, his opponent spent much of the time before, during and after the election as an inmate in the Hillsborough County Jail on charges unrelated to the campaign. (That's almost as bad as the guy a few election cycles ago that ran for sheriff in Citrus County, that paid his qualifying fee to the elections supervisor with a rubber check.)

Prior to being elected as the 2001-2002 president, Sheriff Henderson served terms as FSA's chairman of the board, treasurer, secretary and vice-president.

"It's an honor to be elected to serve as president of an organization that has such a rich history....this is one of the highlights of my career," the sheriff said.

As president, he and his lovely wife, Jeanne will be representing FSA at a number of national events during the coming year. ★



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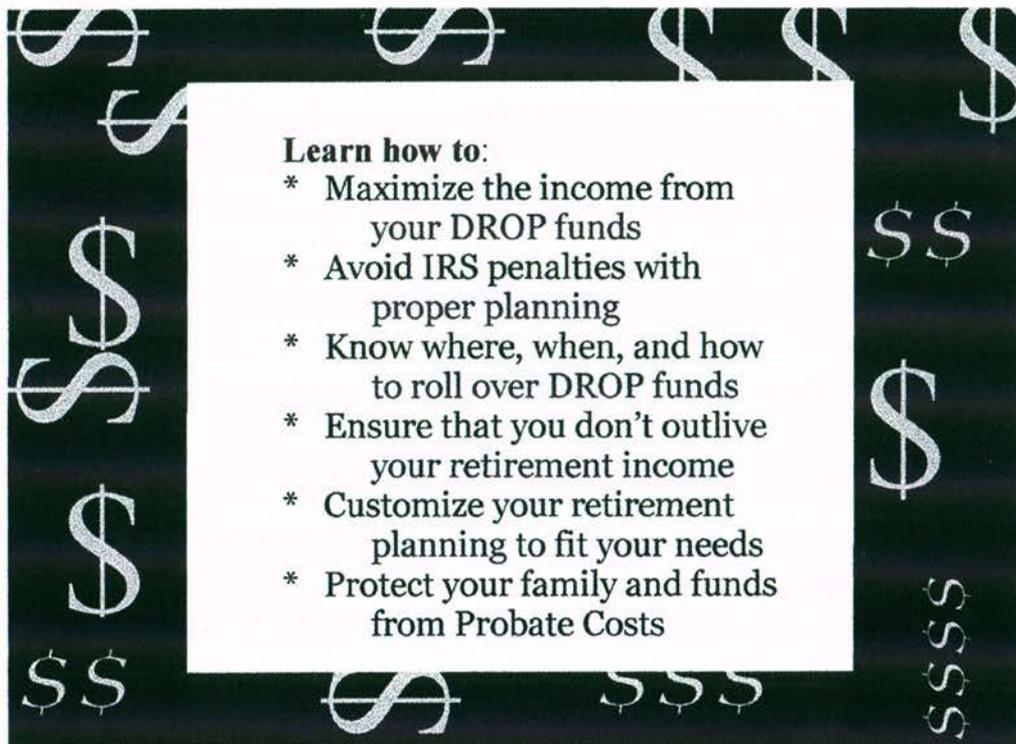
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“Changing the Course of Untreated Mental Illness in Florida”

By Mary Zdanowicz, Executive Director and Rosanna Esposito, Attorney Treatment Advocacy Center

The Admiral saw an ominous image on the radar screen indicating his ship was on a collision course with another vessel. He radioed ahead, “We are on a collision course; change your direction 10 degrees to the North.” A message radioed back, “Yes we are on a collision course; change your direction 90 degrees to the South.” The now irritated Captain radioed a new message, “I am an Admiral; change your direction 10 degrees to the North.” The message came back, “I am a seaman second class; change your direction 90 degrees to the south.” Even more enraged, the Admiral radioed back, “This is a battleship; change your direction 10 degrees to the North!” The message came dispassionately back, “This is a lighthouse; change your direction 90 degrees to the South.”

This story is analogous to the situation that sheriffs face in Florida with untreated mental illness. In the crisis of untreated mental illness, the law enforcement and corrections community is the lighthouse; the burden falls on you to get the mental health community to change course. Many sheriffs recognize that untreated mental illness is adversely impacting their deputies and communities. Consider the following: More than 300,000 Floridians have a severe and persistent mental illness, like schizophrenia and manic-depressive illness. At any given time 40%, or more than 150,000, are not receiving adequate treatment.

Increasingly, law enforcement and corrections communities are on the front line dealing with the untreated mentally ill in crisis. In New York City, for example, the number of police responses to complaints about “emotionally disturbed persons” rose dramatically from 20,843 in 1980, to 46,845 in 1988, to 64,424 in 1998. There are nearly 5 times more mentally ill people in



jails and prisons than in state psychiatric hospitals in this country.

Since 1955, we have effectively closed more than 91% of state psychiatric hospital beds. But, this is not a thing of the past. Twice as many hospitals closed in the 1990s than in the previous two decades combined. In the 1990s, the number of state psychiatric beds was nearly cut in half. Last year several states, including Florida, announced more closures. This problem is going to get worse before it gets better.

Thirty years ago, laws governing treatment of the mentally ill were radically reformed. The most significant change was the requirement that if a person refuses treatment, they must become dangerous before they can be treated. So what typically happens? A family calls the mental health professionals because their son stops taking his medication and they tell the family, “we can’t do anything until your son becomes dangerous.” Florida’s mental health law, the Baker Act, allows the son to refuse treatment until he becomes dangerous, leaving the mental health workers unable to intervene. When he deteriorates to the point where he is dangerous, the mental health professionals say, “we can’t deal with it now, call the police.” That means that deputies are the ones on the front line when a person’s mental condition deteriorates to the dangerous levels dictated by the Baker Act. Deputies are also called in when a person with mental illness is symptomatic but the mental health system cannot respond because the person is not yet “dangerous.”

These encounters too often turn deadly. Emblematic of this problem is the tragedy that occurred in 1998 in Seminole County when Sheriff’s Deputy Gene Gregory and Alan Singletary, a man with paranoid

schizophrenia were killed. That same year, at least 10 law enforcement officers and 35 people with mental illness also were killed in these encounters. When we compare the statistics with the general population, we begin to appreciate how significant this problem really is. In 1998, justified homicides by police in the general population occurred at a rate of 1.4 per million. But, for individuals with severe and persistent mental illness, the rate was 5.3 per million, nearly 4 times more. Moreover 8 of those 35 police shootings, or 20%, were in Florida where there is less than 6% of the country’s population.

The most important point to consider is that when people with severe mental illness are being treated they are no more violent than the rest of population. But, treatment non-compliance significantly increases the risk of violence.

Untreated mental illness has other adverse impacts. Deputies respond when there is a suicide and we know from speaking with officers that this is one of the most difficult parts of the job. The National Institute of Mental Health indicates that 72% of people who commit suicide had severe and persistent mental illness. Furthermore, this population is victimized at a rate nearly 3 times higher than the general population. At least 1/3 of the homeless in Florida are mentally ill.

All of this is particularly tragic because today we have a greater understanding of and ability to treat these illnesses than ever before. We now know that the illnesses, in fact, are biological brain disorders just as Alzheimer’s, Parkinson’s and other brain diseases. We have a broader array of medications so that, in most cases, side effects can be managed. So why do so many people stop taking medications? One of the most common reasons is particularly significant.

Nearly half of individuals with these illnesses suffer from a neurological deficit called “anosognosia” or “lack of insight.” People whose insight is severely impaired do not recognize that they are ill and need treatment. We used to call it “denial” but we now know it is part of the illness. If a person does not believe that they are ill, they are not likely to accept treatment willingly.

Continued on page 14

"Changing the Course of Untreated Mental Illness in Florida"

Continued on page 13

Why is this issue being presented to the sheriffs rather than the mental health community? The reason is that the mental health community is not likely to take the lead in advocating the kind of change that is needed. This has been true in most other states where there have been reform efforts. A state attorney general, a chief justice of a state supreme court, and a state legislator took the lead.

State mental health administrators rarely support this reform. If sheriffs keep taking care of the most severely ill, then Department of Children and Families (DCF) can keep its budgets down. While Governor Bush is asking DCF to cut its budget, you can't expect them to take the lead in Baker Act Reform - it is as unlikely as them clamoring at the doors of your jail for your mentally ill inmates or offering to handle all Baker Act calls.

We also should not expect community mental health providers to lead this charge either. Their reality is a different problem - the people in this state who are voluntarily seeking services that are too scarce. Naturally, they are going to advocate filling that void first. But, new services are not going to help unless there is some way to make sure the people that sheriffs are dealing with get the benefit of those services.

For people who refuse treatment, the biggest problem is the Baker Act. There have been several cases that illustrate the point in Florida over the last year, but the most compelling is the following:

Alberto Serrano, age 33, was diagnosed with schizophrenia. He was admitted to hospitals 10 different times in a period of 10 years. His admissions were caused when he stopped taking his medication.

Before proceeding with this story, it is important to recognize that revolving door hospitalizations are not unusual for people who refuse to take medication. They are often in and out of hospitals and jails. Florida is one of only 9 states where nothing can be done to make someone, like Mr. Serrano take his medication in the community if he refuses. In 41 other states, courts are allowed to order persons to participate

in treatment in the community, including taking medication. Studies show that the vast majority of people comply with treatment when told they must do so. The studies also show that assisted outpatient treatment (AOT), or court ordered treatment, significantly improves treatment compliance. If Mr. Serrano was one of the minority that do not comply with a court order, several steps could be taken. But, if noncompliance continued, a doctor could order that Mr. Serrano be hospitalized. None of us like the hospital, and the prospect of being hospitalized is usually sufficient incentive to encourage compliance. *Patients who fail to comply are not taken to jail.* For example, New York's AOT law provides that a person who fails to comply with court ordered treatment cannot be held in contempt of court. It is the mental health system, rather than the criminal justice system that must deal with these treatment issues.

Researchers at Duke University in North Carolina found that long-term AOT (180 days) with services, reduced hospital admissions by 57%. For people with psychotic disorders like Serrano, hospitalizations were reduced 72%. While jailing has not been studied directly, it is likely that there would be similar results. In fact, the Duke researchers found that for people with multiple arrest histories, long-term AOT reduced the risk of arrest by 74%.

But, in Florida, Serrano could not be ordered to take medication. In April, while off medication, he assaulted several people and was taken to the hospital - he was finally deemed dangerous enough. At the hospital, he assaulted a patient and was taken to jail. A hospital spokesperson later explained they had a "non-tolerance procedure for violence... our psychiatric staff treats violent people in jail." (I hope everyone else sees the irony of this: Serrano could not be taken to the hospital under the law until he was dangerous, but then he was too violent to be in the hospital and was taken to jail.) He was released from jail the next day. A few days later he was at another hospital. This time he attacked and killed a nurse and 3 patients.

Florida is one of a diminishing number of states that rely on dangerousness as the sole criteria for involuntary commitment. More than half of states consider other fac-

tors like a person's psychiatric history or deteriorating condition. These more progressive standards allow for early intervention and treatment that can help prevent the tragedies like the Serrano case, and reduce the risk of harm to law enforcement officers.

These standards can be used for assisted outpatient treatment as well. Mr. Serrano might not have become violent in the first place had that option been available. The Duke study also looked at the effect of AOT on the risk of violence and it was shown to reduce the risk of violence by 36%. But among the seriously violent, those who like Serrano committed violent acts within 4 months prior to study, long-term AOT reduced violence by 50%. This makes sense. On long-term AOT, individuals stay on medication long enough to appreciate the difference between being psychotic and being well. Then they have a better chance of continuing to take their medication. And being on their prescribed medication reduces risk of violence.

There is existing precedent for sheriffs to support this kind of reform. In December 1999, Sheriff Nat Glover convened a task force seeking to enhance the local response to crisis situations involving mentally ill persons. One of the recommendations in the task force's final report was that the scope of the Baker Act be expanded to mandate participation in outpatient mental health services. Six months earlier, the National Sheriffs' Association issued a resolution in favor of assisted outpatient treatment.

The Baker Act is a significant obstacle to getting people who refuse medication the treatment they need. Sheriffs are the lighthouses that can lead us away from the peril of untreated mental illness. Reforming the Baker Act will lead to safer waters for both law enforcement and those they seek to help.

Editor's notes: The Florida Sheriffs Association recently passed a resolution that recommends serious reform of Florida's Baker Act system. The Treatment Advocacy Center is a non-profit organization located in Arlington, Virginia (www.psychlaws.org) ★

Operation 3-D: Don't Drink & Drive in Hillsborough County



By Lorelei Bowden
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Hillsborough Sheriff's Office partners with the FDOT to combat DUI

After learning that Hillsborough County in year 2000 again led the state in the greatest number of alcohol-related traffic fatalities, Sheriff Cal Henderson vowed to crack down on local DUI offenders. At the time, the Hillsborough S.O. had sixteen full-time DUI investigators, in addition to its law enforcement staff of over 1000. HCSO deputies made almost 5200 DUI arrests during 2000. Despite this emphasis, Hillsborough County continued to lead the state in both alcohol-related crashes and alcohol-related deaths. To Sheriff Henderson, this proved that even more resources had to be dedicated to battling DUI.

In April 2001, Sheriff Henderson submitted a concept paper to the Florida DOT's State Safety Office proposing a program that would dramatically increase DUI enforcement within unincorporated Hillsborough County. The proposal requested funding to help the HCSO establish a ten-person Anti-Drunk Driving Task Force entitled: "**Operation 3-D: Don't Drink & Drive in Hillsborough County!**" Sheriff Henderson based his program on the premise that law-enforcement interdiction alone may not be enough to permanently reduce the number of impaired drivers on public roadways. The "Operation 3-D" proposal sought to attack the problem of drunk driving through a multi-systemic approach. It combined an expansion of currently successful DUI activities with the establishment of new strategies that exhibit a proactive approach to drunk driving.

As part of the 3-year program to reduce alcohol-related crashes and fatal-

ities, "Operation 3-D" proposed the following goals:

- **Dramatically increase the frequency of Checkpoints and Blitz Patrols, and coordinate these initiatives with other local law enforcement agencies.**
- **Greatly increase DUI-related arrests.**
- **Separate repeat-DUI offenders from their vehicles, in accordance with s. 322.34, Florida Statutes.**
- **Increase the number of alcohol vendors within Hillsborough County that adhere to "Responsible Vendor" requirements. (F.S.S. 561.702 - 706).**
- **Help increase the number of "Sting Operations" scheduled by the Fla. Dept. of Alcoholic Beverages and Tobacco for alcohol vendors.**
- **Couple all enforcement efforts with appropriate public information efforts to raise the perceived risk of arrest (to accompany the increase in actual risk of arrest.)**
- **Partner to provide training to DUI-certify all "Operation 3-D" deputies, Field Training Officers (FTOs) and Accident Investigators.**
- **Partner with the State Attorney and County Judges to produce more efficient and effective case preparation and prosecution of offenders.**

Recently, Sheriff Henderson received notice that "Operation 3-D: Don't Drink & Drive in Hillsborough County!" was approved for funding. In fact, the FDOT was so supportive of the program that it gave HCSO the largest award it had ever granted a local law enforcement agency for DUI enforcement. The grant will provide the "Operation 3-D" program with first-year funding of \$668,365 and a potential three-year program award of more than \$1.2 million.

Already, the "Operation 3-D" program has generated great interest and support. Roger Doherty, Program Manager for the FDOT says that "the Hillsborough County Sheriff's Office has proposed a multifaceted strategy to combat

impaired driving that looks promising, targeting high crash areas, repeat DUI offenders, and people that sell alcohol to underage persons." Linda Unfried, the co-founder and VP of the Hillsborough Co. Chapter of Mothers Against Drunk Driving (MADD) believes "partnerships in education and awareness are essential to combat the problem of impaired driving. The "Operation 3-D" program will certainly facilitate the various partnerships necessary to reduce the number of deaths and injuries on our highways."

Sheriff Henderson feels that "stopping those who would drink and operate a motor vehicle is a priority shared by all Florida law enforcement agencies. The creation of the "Operation 3-D: Don't Drink & Drive in Hillsborough County!" task force will provide my agency with a powerful tool to provide greater safety for the men, women and children traveling the roadways of Hillsborough County. Ultimately, the work of this new task force will save lives in Hillsborough County."

The program is scheduled to begin in October 2001. ★

Seminole S.O. uses fake golfer to nab speeders

The Seminole County Sheriff's Office has added a speed trap to the sand traps at Rolling Hills Golf Course.

Motorists have been zipping along side streets near the private course, using them as cut-throughs between two busy highways, said Sheriff's spokesman Steve Olson.

On a recent afternoon, Sgt. David Lohr dressed up as a golfer and positioned himself in a borrowed golf cart between a fairway and a street.

When a speeding car passed by, Lohr used laser-guided radar to record the speed and radio ahead to waiting marked units, which then made the traffic stop.

Officers issued 27 speeding tickets. One driver was recorded at 57 mph in the 30-mph zone.

The initial operation in June also netted 27 speeding tickets and one warrant arrest. ★

Courtesy of the Associated Press

Crime Stoppers Hotline for Inmates

TALLAHASSEE - Inmates can help take a bite out of crime with a new hotline they can access from any state prison.

The state Department of Corrections (DOC) will set up a toll-free Crime Stoppers telephone hotline where inmates can leave anonymous tips on criminal activity they have observed inside the prison or know about on the outside.

The hotline should be operational by September, officials said.

"This is an untapped information source," said Corrections Secretary Michael Moore. "We know that there is valuable information out there. A lot of offenders know what is happening in the community."

Tipsters who call in will be given an automatic identification number and can check back with the hotline to see if the information resulted in an arrest. Successful tips could bring reward money to those who phone it in.

Several homicides have been solved in Texas because of a similar program, Moore said.

"Criminals know criminals. It's a simple concept," said Fred Schuknecht, DOC's inspector general. "We're trying to be a good law enforcement partner."

The department also plans to use its closed-circuit prison television system to run videos submitted by law enforcement agencies or put together by Corrections officials that highlight unsolved crimes. ★

Courtesy of the Associated Press

Internal affairs seminar planned

American High-Tech Transcribing and Reporting is holding their first-ever Florida Internal Affairs Investigations Seminar November 7 and 8 at the Holiday Inn Sunspree Resort in Clearwater Beach.

The purpose of the course is two-fold. First, they want to provide the most up-to-date information for IA investigators. Second, they plan to explore the establishment of a state association of IA investigators so that a network can be established for the benefit of all members.

There is no attendance fee, but there will be a lunch charge of \$10 each day on both the 7th and 8th.

FDLE Commissioner Tim Moore will be one of the keynote speakers. For more information, call Mickey Segal at 727-535-1066.

Would-be parolee had some bad days as a crook

By Tom Berlinger, Editor

I have previously written about the fact that I testify almost weekly at hearings held by the Florida Parole Commission here in Tallahassee in cases that involve folks that have either killed or feloniously assaulted a law enforcement or correctional officer.

Recently, I testified against Joseph Cozzi, a career criminal that was hopeful of getting an earlier release date. As I write, Cozzi, age 58, is housed at Union Correctional. Aside from his 2008 release date, he's got a 15 year detainer in South Carolina, followed by a 55 year detainer in Georgia. To say that he's had a hard time staying straight is putting it mildly.

One of the stickups he pulled is reminiscent of Al Pacino's character in the movie "Dog Day Afternoon." Shows that just like the rest of us, crooks have good days...and they have bad days.

The year is 1973. Cozzi and an accomplice drive to a Winn-Dixie store to rob the store. The accomplice sits in the car outside the back of the store with the motor running. Cozzi heads inside armed with a gun.

Cozzi apparently took his sweet time, because the cops were outside waiting for him when goes out the back door. Cozzi cranks off a few rounds, one of which wounds a police officer. Cops return fire. Cozzi then jumps in the getaway car and screams to his partner to "Drive...drive...drive!"

However, the getaway car driver is afraid that the police will shoot him if he moves the car, so he sits there frozen with fear.

Cozzi then tells the driver, "If you don't start driving right this minute you won't have to worry about the cops...because I'll shoot you myself..."

The driver doesn't move a muscle.

Yep, you guessed it. Cozzi then shoots his getaway car driver.

I am pleased to report that the parole commission did not reduce his sentence. ★

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