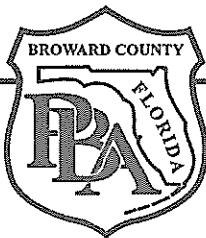


BROWARD COUNTY POLICE BENEVOLENT ASSOCIATION



DATE: March 6, 2015

TO: Chief Frank Fernandez
Chief of Police

FAX: 954-967-4313

FROM: Jeff Marano
BCPBA President

RE: Step # 1, Association Grievance

This is an Association Grievance being filed pursuant to Article 15 Grievance Procedure and Arbitration. This grievance is being filed pursuant to violation of Article 13: Police Officer's Bill of Rights.

ARTICLE 13

13.1 States in pertinent part: "The Police Officer's Bill of Rights, Florida Statute 112.532, is incorporated herein in its entirety as part of this Collective Bargaining Agreement.

112. 532. **Law Enforcement Officers and Correctional Officer's Rights** states: "All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.--Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that *could lead to disciplinary action*, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions:

(d) The law enforcement officer or correctional officer under investigation must be informed of the nature of the investigation before any interrogation begins, and he or she must be informed of the names of all complainants. All identifiable witnesses shall be interviewed, whenever possible, prior to the beginning of the investigative interview of the accused officer.

BROWARD COUNTY POLICE BENEVOLENT ASSOCIATION



The complaint, all witness statements, including all other existing subject officer statements, and all other existing evidence, including, but not limited to, incident reports, GPS locator information, and audio or video recordings relating to the incident under investigation, must be provided to each officer who is the subject of the complaint before the beginning of any investigative interview of that officer. An officer, after being informed of the right to review witness statements, may voluntarily waive the provisions of this paragraph and provide a voluntary statement at any time.

(g) The formal interrogation of a law enforcement officer or correctional officer, including all recess periods, must be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the interrogated officer, a copy of any recording of the interrogation session must be made available to the interrogated officer no later than 72 hours, excluding holidays and weekends, following said interrogation

(i) At the request of any law enforcement officer or correctional officer under investigation, he or she has the right to be represented by counsel or any other representative of his or her choice, who shall be present at all times during the interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement or correctional service.

BACKGROUND

On February 28, 2015, Hollywood Police Officer James Callari was officially notified that he had been found in violation of rules: 4.13.1 *Insubordination*, 4.3 *Conduct Unbecoming or Detrimental*, 4.29 *Public Comment/Criticism*, 4.29.1 *Publicly Criticizing*, 4.29.2 *Making Public Comment*, and 4.35 *While on Duty* of Hollywood Police Department Rules and Regulations. The Departmental action that preceded this sanction was conducted by Major Forrest Jefferies, in violation of Officer Callari's Police Officer's Bill of Rights. Specifically, Major Jefferies conducted an investigation of Officer Callari in the following manner. First, Major Jefferies failed to officially inform Officer Callari of the nature of the investigation before he interrogated

BROWARD COUNTY POLICE BENEVOLENT ASSOCIATION



Officer Callari. Second, Major Jefferies failed to inform Officer Callari of the names of the complaints that served as the basis for the investigation. Third, Major Jefferies failed to provide Officer Callari with any witness statements or recordings of any witnesses before interrogating Officer Callari. Fourth, Major Jefferies failed to record his interrogation of Officer Callari. And fifth, Major Jefferies failed to provide Officer Callari with an opportunity to secure counsel or representative while he was being interrogated.

REMEDY REQUESTED

It is requested that a formal investigation be commenced against Major Forrest Jefferies for violating Officer Callari's Bill of Rights; that this matter be forwarded to the Broward County State Attorney's Office for formal review of possible criminal charges; and that this formal "finding" be deemed null and void and not be permitted to ever be used as a basis for any future progressive discipline against Officer Callari. Any and all other remedy deemed appropriate by an arbitrator.

*The PBA reserves the right to amend this grievance at subsequent steps.