

Sheriff

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On February 1, 2021 Tammy McEnroe and I met with Michael Esposito for the purpose of inspecting the training files of Crescent City police officers Thomas Burger, Carlos Duran and Walter (Chad) Ward in an attempt to locate missing training documents which were addressed in the recent FDLE audit.

At the conclusion of our inspection of the training files, we relocated to the Crescent City Police Department building next door in an attempt to locate any additional training documentation and the fingerprint results record for Carlos Duran. Our search for additional training documentation, which would satisfy the mandatory training hours required for recertification, and the fingerprint results record for Mr. Duran were met with negative results.

The following is a report of what we observed.

Thomas Burger – For the mandatory retraining cycle 7/1/2015 – 6/30/2019, Burger's file contained the following documents within the qualifying time period – Juvenile Sexual Offender – 2 hours, Discriminatory Profiling and Professional Traffic Stops – 2 hours, Domestic Violence Investigations – 2 hours and FCIC/NCIC training – 2 hours for a total of eight (8) hours of required training. Although the file did include a completion certificate for Risk Protection Orders (1 hour), the date of completion was outside of the mandatory retraining cycle time period and is not included in the total training hours.

The instruction from FDLE should be followed.

Carlos Duran – Use of Force training will need to be completed by 6/30/2021 to meet the mandatory retraining hours for the cycle 7/1/2017 – 6/30/2021.

The fingerprint results record was not located during our visit and the instruction from FDLE should be followed.

Walter (Chad) Ward – The training certificates which were used to satisfy Ward's 2011-2015 mandatory retraining cycle before re-hire with the CCPD in 2016 do not indicate a date of completion and cannot be counted toward the forty (40) hours of mandatory retraining hours for this reason.

The instruction from FDLE should be followed.


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Executive Summary

Michael Esposito, City Manager of Crescent City, announced in a news release that he had placed all of the officers of the Crescent City Police Department (CCPD) on administrative leave effective December 4, 2020, after receiving verbal reports concerning the training records of the officers and other irregularities within the CCPD (Attachment 1). Mr. Esposito indicated to Sheriff H.D. DeLoach of Putnam County that he would like for Commission staff to conduct an audit of the training and employment files for the CCPD. On December 17, 2020, Bureau Chief Glen Hopkins and Training and Research Manager Terry Baker spoke with Mr. Esposito to confirm his request for an audit as well as explain the role Commission staff plays in conducting an administrative review of officer files within the CCPD.

In preparation for the audit, Manager Baker reviewed the CCPD's Current Employment report in ATMS. The report reflects six officers employed with the CCPD (Attachment 2). Four officers are registered as full-time law enforcement, one officer is registered as full-time concurrent, and one is registered as auxiliary law enforcement. On January 8, 2021, Manager Baker and Field Representative Kathy Myers, met Mr. Esposito at the CCPD to conduct the requested audit. The audit was moved to the city hall building. Mr. Esposito provided the training and employment files for all six officers. He indicated Auxiliary Officer James Troiano had resigned from the agency prior to this issue. Because Officer Troiano was still listed as an active officer with CCPD, his files were audited also.

Audit Results

The officer employment and training files were in separate folders and were generally well organized. Mr. Esposito indicated there may be additional records located in the CCPD building, but none were located or provided. Global profile sheets for each officer are attached to this report (Attachment 3).

Employment Files - The audit revealed one issue for one officer as outlined below:

Carlos Duran, Jr. – The employment record in ATMS indicates a fingerprint date of May 10, 2019. No processed fingerprint results corresponding with this date were located. A fingerprint card corresponding with the date was located indicating prints were taken. If the agency is unable to locate the fingerprint results, Officer Duran will need to be separated in ATMS effective May 10, 2020 and must be fingerprinted again with the results received by the CCPD prior to him being eligible to be registered as employed again. Because this would be a new employment entry, CCPD will be required to comply with Rule 11B-27.002(1), Florida Administrative Code, including completion of a new background investigation, physical examination, and drug screen.

Training Files - The audit revealed several issues. Each officer will be addressed below:

Thomas Burger – His most recent mandatory retraining cycle ended on June 30, 2019. The completion date entered in ATMS is May 22, 2019. The only supporting documentation located reflected the following training: Rick Protection Orders; Juvenile Sexual Offender Investigations; Discriminatory Profiling and Professional Traffic Stops; Domestic Violence Investigations, and local agency training for a total of nine hours. If additional training documentation cannot be located to confirm Burger completed 40 hours of training including Use-of-Force training, the completion date will need to be removed from ATMS and the mandatory due date set back to 6/30/2019. The current CCPD employment will need to be separated for failing to complete mandatory retraining with an effective date of 7/1/2019. To be employed again, Burger will need to complete the remainder of the mandatory retraining hours including Use-of-Force training with the entire mandatory retraining cycle documented on the Mandatory Retraining Report form CJSTC-74. Pursuant to Rule 11B-27.00212(6), F.A.C., once

the mandatory retraining is completed, CCPD will be required to comply with Rule 11B-27.002(1), F.A.C. including completion of a new background investigation, physical examination and drug screen.

Carlos Duran, Jr. – His most recent law enforcement mandatory cycle which was updated in ATMS, ends June 30, 2021. His current mandatory retraining due date is reflected as June 30, 2025. The completion date for his June 30, 2021 cycle was entered in ATMS as June 18, 2019. While more than 40 hours of training was documented, the file was missing Use-of-Force training for this cycle. If additional training documentation cannot be located to confirm Duran completed Use-of-Force training on or after July 1, 2017, the completion date will be removed from ATMS and the mandatory due date set back to June 30, 2021. Duran will have until June 30, 2021 to complete the Use-of-Force training.

Officer Duran's most recent corrections mandatory cycle which was updated in ATMS, ended June 30, 2019. His current mandatory retraining due date is reflected as June 30, 2023. Documentation was located that supported the completion of his June 30, 2019 cycle so no action is necessary for his corrections certification.

Timothy H. Frauenhofer – He was certified on August 16, 2017 and his first mandatory retraining due date is not until June 30, 2022. No action is necessary.

Ashley M. Moczul – She was certified on August 16, 2017 and her first mandatory retraining due date is not until June 30, 2022. No action is necessary.

James J. Troiano – He was not employed with the CCPD until June 4, 2019. His mandatory retraining is due by June 30, 2023. His record in ATMS indicates his mandatory retraining for his mandatory cycle which ended June 30, 2019 was updated on January 23, 2017 prior to his employment with CCPD. No action is necessary.

Walter C. Ward – His most recent mandatory cycle ended on June 30, 2019. The completion date entered in ATMS is May 20, 2019. His file contained certificates documenting 40 hours of training including Use-of-Force; Juvenile Sexual Offender Investigations; Discriminatory Profiling and Professional Traffic Stops; and Domestic Violence Investigations, however some of the certificates did not indicate a completion date but were grouped with others which contained completion dates. The employing agency will need to confirm the completion dates for the undated certificates. If the completion dates cannot be confirmed, the completion date will need to be removed from ATMS and the mandatory due date set back to 6/30/2019. The current CCPD employment will need to be separated for failing to complete mandatory retraining with an effective date of 7/1/2019. To be employed again, Ward will need to complete the mandatory retraining hours that could not be confirmed with the entire mandatory retraining cycle documented on the Mandatory Retraining Report form CJSTC-74. Pursuant to Rule 11B-27.002(6), F.A.C., once the mandatory retraining is completed, CCPD will be required to comply with Rule 11B-27.002(1), F.A.C. including completion of a new background investigation, physical examination and drug screen.

Recommendation

There were no issues noted in the training or employment files for Officers Frauenhofer, Moczul, and Troiano. They can return to duty at the discretion of Mr. Esposito. We recommend the remaining officers not work in a sworn capacity until the issues indicated are addressed and resolved.

Additionally, proof of compliance with s. 943.1717, Florida Statutes related to dart-firing stun gun training was not located during the audit. We recommend the CCPD ensure compliance with s. 943.1717, F.S. before allowing officers to utilize dart-firing stun guns.

Crescent City Police Department Employment and Training File Audit Attachments

1. Crescent City New Release
2. Crescent City Police Department Current Employment ATMS Report
3. Crescent City Police Department Officer Global Profile Sheets