



Monroe County Sheriff's Office

Weekly Rap Up

Editor's Note: *The Sheriff's Office Weekly Rap-Up comes out on Friday afternoon, and includes any announcements, important messages, or not so important messages that employees of the Sheriff's Office would like to communicate to the rest of the agency. If you have something you would like to communicate, please send it to me and I will be happy to include it. Send it to bekyherrin@keysso.net, or in the courier to Deputy Becky Herrin, Community Relations Division, Headquarters building on Stock Island.*

Legal Update: Civil Injunctions

Issue: As Deputy Sheriffs are required to serve civil injunctions from time to time, I have put together a brief discussion of some frequently asked questions and the relevant statutory citations regarding this important function.

We deal with two basic types of injunctions. Domestic Violence Injunctions are described in Florida Statute § 741.30. Repeat Violence, Sexual and Dating Violence Injunctions are described in Florida Statute § 784.046.

You are required by law to serve injunctions as soon as possible. "[T]he Sheriff...shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night." Florida Statute § 741.30(8)(a)(1).

You can serve a fax copy if it is certified by the Clerk of Court and verified. "When requested by the Sheriff, the Clerk of the Court may transmit a facsimile copy of an injunction that has been certified by the Clerk of the Court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the Sheriff must verify receipt with the sender before attempting to serve it upon the respondent." Florida Statute § 741.30(8)(a)(1).

You can serve the Petitioner's copy on the Respondent if it is certified by the Clerk of Court.

"A law enforcement officer shall accept a copy of an injunction for protection against domestic violence, certified by the Clerk of the Court, from the Petitioner and immediately serve it upon a Respondent who has been located but not yet served." Florida Statute §

741.30(8)(a)(2).

The Respondent shall be personally served with a copy of the petition, financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, prior to the hearing. Florida Statute § 741.30(8)(a)(2).

The fact of service will be an element that the State will have to prove in a criminal trial. See *Suggs v. State*, 795 So.2d 1028, 1030. (2nd DCA 2001). This usually means that the Deputy will be a necessary witness. What you say to the Respondent (Defendant), and more importantly, what he or she says to you, may be vital evidence later and should be documented.

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Chief Tommy Taylor and Sgt. Linda Simonet received an Appreciation Award from the Florida Keys Outreach Coalition for their efforts to provide inmate workers to help at the KOTS Shelter on Stock Island.

Florida Statute § 901.15 (6) provides for a warrantless arrest. "A law enforcement officer may arrest a person without a warrant when "...[t]here is probable cause to believe that the person has committed a criminal act according to s. 790.233 or according to s.741.31 or s. 784.047 which violates an injunction for protection entered pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, over the objection of the petitioner, if necessary." Please note, however that not every violation of an injunction is addressed by this section. There is a list at 741.31(4)(a) if the violation you are looking at is not on that list, it is not a criminal offense under this section and must be addressed with the court.

Out of State Injunctions are valid in Florida. Pursuant to Florida Statute § 741.315 (2) "...an injunction for protection against domestic violence issued by a court of a foreign state must be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as if it were the order of a Florida court...provided that the court had jurisdiction over the parties and the matter and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process. Please note you have to verify service and authenticity using "best efforts."

Under Florida Statute § 790.233 (1), "A person may not have in his or her care, custody, possession, or control any firearm or ammunition if the person has been issued a final injunction that is currently in force and effect, restraining that person from committing acts of domestic violence, and that has been issued under s. 741.30."

In cases where a there has been a previous arrest for Domestic or Dating Violence but an injunction has not been sought and/or served you may be able to make an arrest based on a violation of the court's order alone. (i.e. first appearance no contact order). See Florida Statute § 741.29(6) for Domestic Violence and Florida Statute § 784.046(15) for Dating Violence.

For your reading enjoyment, Florida Statute § 741.29, § 741.30, § 741.315, § 784.046, §784.047, §790.233, and Suggs v. State will be posted in Outlook, in the Legal Updates section. As always, if you have a question or an issue that you would like me to address please e-mail or call.

FRS changes

Thanks to Lt. Tom Brazil for keeping us up to date.

FRS reforms were finalized by the House and Senate conference committee this week. Representative Ritch Workman (Republican), Representative Seth McKeel (Republican), and Senator Lizbeth Benaquisto (Republican) agreed on the following changes to FRS. There will be no changes to those already retired, or already in DROP. Many of the most radical changes effect those hired after July 1, 2011.

1. Employees will contribute 3% to the pension. Contribution is pretax.
2. DROP will remain, but the new interest rate for members entering DROP on or after July 1, 2011 is 1.3%.
3. The COLA accruals for active members will be suspended from July 1, 2011 to June 30, 2016. After July 1, 2016, the COLA accruals will resume for the 3% annual increase in retirement.
4. New hires on or after July 1, 2011 will vest after 8 years.
5. New hires on or after July 1, 2011 will have a best 8 years of salary to calculate the AFC.
6. New hires in special risk will be required to work 30 years or until age 60 after vesting. Regular members will have to work 33 years, or until age 65.
7. Members will no longer receive the Cost of Living Adjustment on service after July 1, 2011. They are implying the benefit will return after July 1, 2016.

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Detective Deb Ryan was inducted into the Golden Key International Honour Society for her work at American Military University, where she is enrolled in a Criminal Justice Bachelor's

program. She has a minor in History and a current GPA of 3.8650. Great work, Deb!

The full votes by both chambers are expected any day now. We'll keep you up to date as things progress.

Hurricane Exemption time

For those of you required to stay in county and work during a hurricane, you have until May 24th to file for a hurricane exemption. If you have questions, or need a copy of the exemption form, you can call the Human Resources Division at 305-292-7045. The form must be completed, official documentation must be attached and it must be signed by your supervisor and returned by May 24th.

Investment issues to be discussed at lunch

Bryan Moskowitz of Merrill Lynch is inviting interested members to a lunch at noon on May 17th @ the Tropical Café mm 90.5 to discuss changes to the Florida Retirement System, DROP, investments and generally planning your financial future. Bryan has done these in the past and they are very informative. Anyone within 5 years of retirement should consider coming. There is no obligation just an informative



Cadets at Plantation Key School learned about Physical Fitness this week from SRO Deputy Larry O'Neill who took them to the Sheriff's Office gym. He taught them safe workout procedures, and introduced them to the activity with a light work out. They will be seeing more of this in the future as they learn the benefits of having a healthy body in addition to a healthy mind. Left to right, Chance Champagne, Tucker Wood and Noah Hane with Dep. O'Neill in front.

meeting with a certified financial advisor. Anyone interested needs to RSVP as soon as possible as seating is limited. RSVP to **Bryan_Moskowitz@ML.COM**.

Red Cross Update

"I don't know what we would have done without the Red Cross."

That's what we were told by a Key West family who had a fire this morning, and that is what is being said to the 13 volunteers from our area who are assisting those affected by the deadly tornados that hit throughout the South last week.

You have responded to help the Red Cross, and because you did, we are able to help our neighbors. You can read more about these disasters- and see how you have helped- at www.redcross.org

Thank you for all your support. You are enabling us to help today--in Japan, in Tennessee, and in Key West.

Job Postings

- Deputy Sheriff, District Seven
- Detective, District Six and Seven
- Detention Deputy, Marathon
- Detention Deputy, Key West

Call the Human Resources Division with any questions.

Need Triathlon Participants

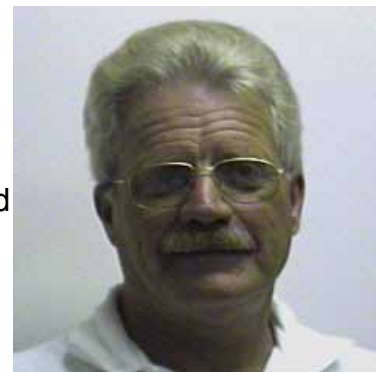
Lt. Jon Crane is recruiting people to participate in an upcoming Triathlon in the city of Key West. You can do all three legs: running, swimming and biking, or just do one as part of a team. Email him at jcrane@keysso.net or call him at 305-434-5680.

Services for Kippy Watson

There will be a memorial service for Kippy Watson on May 17th. A procession will begin at the Key West Airport at 9 a.m. and it will travel to the Marathon Hanger, where services will start at 10 a.m.

Remembering Russ Anderson

Many of you will remember Russ Anderson, who worked for the agency for many years in the upper Keys between 1980 and 1995. Russ died this week.



Fishing Tournament Fun for All!

By Captain Gene Thompson

On Sunday May 1st members of the Sheriffs Office participated in the Annual Big Pine Kids Fishing Tournament at the Old Wooden Bridge on No Name Key.

Dep. Linda Kohout was inspirational in garnering donations from the community and assisted with coordinating efforts from volunteers. MCSO Bomb and SWAT team members provided a static display along with showcasing the Sheriffs new bomb robot which the kids enjoyed. Thanks to Sgt Bobby Randolph with Bomb and Deputies Chris Fraser and Trevor Wirth SWAT for their contribution and time.

Communications Officer Lynn Faircloth was our official photographer for the event and captured the kids with their catch and prizes.

Sgt. Charlene Sprinkle-Huff volunteered with traffic control and assisted the kids while receiving their JR Deputy pin and prizes. (she had just ended her tour of duty a few hours before).

The weather agreed with us, the kids had a great time, the parents were very thankful . Thanks to all you help to make this a successful event.



BANK OWNED PROPERTIES

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- ✓ **Agents Welcome!**

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55 Boca Chica Rd - #37, Key West

Paradise Home: Perfect as a year-round residence or vacation home this affordable, 1/1, 408 sf mobile home sits on a large 2,042 lot. Well maintained & furnished, this home includes a 388 sf covered porch, AC, washer/dryer, garden area, carport, community pool, club house, marina, tropical landscaping & friendly neighborhood in a gated community. Located in the Seaside Resort on famous Geiger Key, this home includes the lot & is only 10 miles from Key West. **Priced to sell at \$110,000, it's a bargain that won't last long.**

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Happy Birthday

Name		Birthday	Job Title
Luna	Richard	5/7	Civilian Volunteer
Martin-Reyes	Juan	5/8	Deputy Sheriff-Traffic
Peteck	Alicia	5/8	Intern
Bogue	Roy	5/9	Sergeant Deputy Sheriff
Seago	Sheila	5/9	Deputy Sheriff-Training Officer
Inscoe	Robert	5/10	Chief Pilot
Careaga	Thomas	5/11	Detention-Transportation Officer
Phelps	Penny	5/12	Captain Deputy Sheriff
Thompson	Eugene	5/12	Captain Deputy Sheriff
Guerra	Wilfredo	5/12	Deputy Sheriff



MONROE COUNTY BAR ASSOCIATION

President: Christine Poist Vice President: Loriellen Robertson Secretary: Timothy Koenig Treasurer: Margaret Gutierrez

The Monroe County Bar Association proudly presents:

“Heart/Lung Presumptions in Workers’ Compensation Cases Involving Firefighters, Law Enforcement and Correctional Officers”

A 3-hour presentation given by:

Honorable Gerardo Castiello, Judge of Compensation Claims

Honorable Charles M. Hill, Judge of Compensation Claims

George A. Helm, III, Esq.

Geoffrey Bichler, Esq.

Date: Friday, June 3, 2011

Time: 9 a.m. to 12:00 p.m. (noon)

Location: Old City Hall, 525 Angela Street, Key West, Florida 33040

Cost: FREE

Although the presentation is geared towards local and state law enforcement agencies, local fire fighting agencies, city and county government officials, and the legal community, everyone is welcome to attend this event

RSVP to Christine Poist, President, Monroe County Bar Association at christinepoist@yahoo.com, (504) 957-2580 (c) or (305) 292-3437 (o)

Please RSVP no later than 5 p.m. on Friday, May 27, 2011 so we can have an accurate count of those attending

3.0 General Hours of CLE and 3.0 General Hours of Recertification Credit (approved by the HR Certification Institute) is available for attendees