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Bcc:  
Subject: Ofc. Gary Ward - Holly Hill PD  
Date: Sun, 08 Jun 2014 15:06:21 -0400

Mr. Steve Arthur  
FDLE – PIO

<http://www.fdle.state.fl.us/Content/News/2012/June/Steve-Arthur-appointed-FDLE-public-information-off.aspx>

June 8, 2014

Ref: PRR-2014-1286  
CJSTC Case # 364478

Mr. Arthur:

Thank You for taking our (VolusiaExposed.Com) telephone inquiry, and allowing us to submit this letter, in our attempt to secure a comment for our pending article.

As you were advised, VolusiaExposed.Com anticipates posting an article detailing the events and documents attached to CJSTC Case #364478 – Officer Gary Ward, Holly Hill PD.

Our article will focus on the perceived failures of the CJSTC and HHPD to properly investigate, report, and process, the moral character violation suspected against former Officer Gary Ward.

Our concerns are as follows:

- That FAC11B-27.0011 defines an arrest for domestic violence (F.S. 784.03) as a moral character violation.

<http://volusiaexposed.com/fdle/stevearthur/11b270011.pdf>

- That FAC11B-27, as well as F.S. 943.1395, mandates that the employing agency conduct an internal investigation into the matter (regardless of criminal prosecution). If the allegation is sustained, that the agency file a CJSTC 78 form to the Criminal Justice Standards and Training Commission for possible action against the subject officer's law enforcement certification.

- That per HHPD's own admissions, they did NOT conduct an internal investigation regarding Officer Ward's arrest. (see below email).

<http://volusiaexposed.com/fdle/stevearthur/hhpdemail.pdf>

- That per FDLE / CJSTC's own admission, HHPD did NOT submit a CJSTC 78 form. (see below email)

<http://volusiaexposed.com/fdle/stevearthur/fdleemail.pdf>

Within the above email, FDLE / CJSTC appears to take the position that no CJSTC 78 form was necessary. We disagree. It's our position that HHPD had a statutory responsibility to conduct an internal investigation, and IF sustained – to file a CJSTC 78 form.

- That HHPD failed to properly file Officer Ward's CJSTC 61 form with FDLE / CJSTC. HHPD filed the CJSTC 61 form indicating that Ward's termination was due to an agency policy violation NOT involving a moral character violation. (see attached CJSTC 61 form)

<http://volusiaexposed.com/fdle/stevearthur/cjstc61.pdf>

Our position is that Ward was termination for an alleged moral character violation, that remains, to this date, un-investigated and un-sustained.

<http://volusiaexposed.com/fdle/stevearthur/barkerletter.pdf>

- That FDLE / CJSTC took action against Ward's law enforcement certification without probable cause (not having a sustained moral character violation from the employing agency).

- That FDLE / CJSTC submitted a March 20, 2014 Letter of Acknowledgement without the benefit of having either a sustained internal investigation, or a criminal conviction.

<http://volusiaexposed.com/fdle/stevearthur/letterofack.pdf>

On October 30, 2013 – the local State Attorney's Office filed a “no information” with the court.

<http://volusiaexposed.com/fdle/stevearthur/sao.pdf>

- Due to the above – that Ward's rights under F.S. 112.531-122.535 were possibly violated.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0112/0112PartVIContentsIndex.html&StatuteYear=2013&Title=-%3E2013-%3EChapter%20112-%3EPart%20VI](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0112/0112PartVIContentsIndex.html&StatuteYear=2013&Title=-%3E2013-%3EChapter%20112-%3EPart%20VI)

Interestingly, there appears to be a statute of limitation regarding when an employing agency becomes aware of alleged misconduct, and the completion of the internal investigation, - as well as implementation of any disciplinary action.

- That Ward's CJSTC Global Profile Sheet indicates that his termination from Holly Hill PD was due to a violation of agency (HHPD) policy, not involving a moral character violation. It actually appears that Ofc. Ward's termination was for his arrest for domestic violence – which the HHPD failed to investigate (as per FAC11B-27 and F.S. 943.1395).

<http://volusiaexposed.com/fdle/stevearthur/globalprofile.pdf>

- That the CJSTC may inspect and copy an employing agency's records to ensure compliance with the investigative and reporting requirements regarding suspected moral character violations. (F.S. 943.1395(5))

<http://www.leg.state.fl.us/Statutes/index.cfm?>

[App\\_mode=Display\\_Statute&Search\\_String=&URL=0900-0999/0943/Sections/0943.1395.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0943/Sections/0943.1395.html)

Does the CJSTC intend to review this matter?

- Finally, in support of the above, we present CJSTC's May 2010 Professional Compliance Bulletin # 40, as evidence that Ward's suspected moral character violation should have been investigated, and possibly reported (if sustained) to the CJSTC. (see pages 3-4 of the attached bulletin)

<http://volusiaexposed.com/fdle/stevearthur/issue40.pdf>

We (VolusiaExposed.Com) request that your office provide any clarifications regarding any misconceptions we have in reference to the above described matter.

If, we are correct in our understandings / concerns – then we request an explanation of how the CJSTC intends to correct this matter.

We look forward to your response.

Regards;

VX

<http://volusiaexposed.com>

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cc. Police Chief S. Aldrich – Holly Hill PD  
Stacy Lehman - FDLE / CJSTC

bcc - several