

# Daytona Beach Police Department

Office of Professional Standards

## MEMORANDUM

TO: Michael J. Chitwood, Chief of Police  
FROM: John W. Creamer, Sergeant, Office of Professional Standards  
SUBJECT: Project No: 103-IA2013-002  
DATE: March 28, 2013

### SYNOPSIS

On Tuesday, March 12, 2013, at approximately 1015 hours, Lieutenant Stevie Wright contacted me and asked that I report to his office regarding an issue. I contacted Lieutenant Wright at approximately 1020 hours in his office. Officer Matthew Gilson was present when I arrived. Lieutenant Wright indicated that Officer Gilson had information about a police officer possibly involved in misconduct.

Officer Gilson then said he was contacted by [REDACTED], whom regularly shares information with Officer Gilson. [REDACTED] told Officer Gilson she had learned from a friend named "Hillbilly Londa" that a Daytona Beach Police officer was possibly engaged in an inappropriate relationship with "Hillbilly Londa" which may have included drug use and sexual activities.

Based on the gravity of the information, Chief Chitwood was contacted and together, Officer Gilson, Lieutenant Wright, and I met with the chief. Officer Gilson repeated to the chief the same information he provided to me and included the officer was an older white male officer with graying hair.

Chief Chitwood directed me to meet with [REDACTED] and asked the Officer Gilson set up a meeting. While still in the meeting, Officer Gilson contacted [REDACTED] on her cell phone and scheduled a meeting for 1045 hours behind a local shopping store. Officer Gilson tried to persuade [REDACTED] to provide us with the officer's name and car number. [REDACTED] was reluctant to do so without being compensated for her information.

Nonetheless, Lieutenant Wright, Officer Gilson, Detective Hayden, and I met with [REDACTED] at approximately 1045 hours. [REDACTED] repeated what Officer Gilson said earlier, but added that "Hillbilly Londa" was in a relationship with an unknown white male officer. She described him as being average build, with graying hair. She said "Hillbilly Londa" had been seeing the officer for a short time and she thought they were engaged in a sexual relationship. [REDACTED] also said the officer had used cocaine with "Hillbilly Londa" and provided her with money.

When pushed for details, [REDACTED] refused to budge and divulge further information without being compensated. [REDACTED] finally said that she thought the officer was driving vehicle number 5197 or 5191 and was working Saturday night, March 9, 2013. [REDACTED] said she only saw the officer from her vantage point [REDACTED] for a few minutes at sunset. She said the officer had the window partially rolled down and she could only see his left arm and part of his face. She described that he had facial hair on his chin.

[REDACTED] also gave me the first few digits of the officer's cell phone number (386-569) and would not provide me with any additional details without compensation.

#### INVESTIGATIVE NOTE

After the meeting, I returned to the Office of Professional Standards and searched the police vehicle logs. The officer assigned to vehicle 5197 in no way, shape, or form matches the description provided by [REDACTED]. In addition, the officer assigned to vehicle 5197 was off on the day [REDACTED] provided and had no GPS/ForceWatch activity. There is no vehicle 5191 at this time. No uniformed patrol officer is permitted to have facial hair outside of a mustache.

After searching the vehicle logs, I searched the personnel data bases and found 5 employees with a cell phone which begins with 386-569. Again, none of the Daytona Beach Police employees assigned to a similar phone number meet the physical description provided by [REDACTED] nor are they assigned a vehicle with a number anywhere close to the one [REDACTED] described.

I also contacted Sergeant Eric Savercool, supervisor of the Special Investigations Unit on March 12, 2013. Sergeant Savercool and I met briefly in my office and I informed him about the incident because, if the allegations against the unknown officer were to be investigated criminally, Sergeant Savercool would direct the investigation. I told Sergeant Savercool who the source of information was, [REDACTED] and he informed me she was not a trustworthy.

### ADDITIONAL INFORMATION

Also on [REDACTED], at approximately 1500 hours, Lieutenant Wright re-contacted me and told me that while he was out of the office Sergeant Ryan placed an unnumbered memorandum on his desk. The memo was from [REDACTED] and the subject line read [REDACTED]. The body of the memo said [REDACTED] was issued in error. Can you please void the citation." (TAB 1)

Attached to the memorandum was a copy of citation [REDACTED] which was written to [REDACTED] on [REDACTED] for "Red Light - Fail to stop at traffic signal/red signal". The citation was issued by [REDACTED]

In addition, a "Citation Disposition Form" from Sergeant Ryan was completed. The form was signed by Sergeant Ryan, but no one in the chain of command authorized the action. Lieutenant Wright provided me with the form. (TAB 1)

Lieutenant Wright learned that Sergeant Ryan sent the memo to the Traffic Court earlier in the shift without authorization. I contacted Marion Lange at the court and asked her to rescind the memo and not void the citation.

### INVESTIGATIVE NOTE

Sergeant Savercool and I spoke again around 1615 hours and he told me [REDACTED] was not a current confidential informant. Sergeant Savercool also provided me with [REDACTED] "confidential source packet" which was originally submitted by Officer Gilson and approved by now retired Sergeant Dennis Thomas on June 18, 2008. (TAB 2)

In the packet, Sergeant Scott Lee who was a detective in 2008, rejected the packet and wrote:

*"This file was completed by Patrol prior to discussing it with SIU. This informant was previously told she was not authorized to be a confidential informant due to her motivating factors. This file was never approved by a supervisor due to the conflict surrounding this CI."*

Based on this information, Chief Chitwood directed me to initiate a formal internal investigation into this incident. (TAB 7)

### OFFICER BRIAN LEWANDOWSKI (WITNESS OFFICER)

I notified and interviewed Officer Brian Lewandowski at approximately 1850 hours. The interview was recorded in accordance with directives. Officer Lewandowski recalled writing [REDACTED] a citation on January 18, 2013. Officer Lewandowski said he was contacted the next day by Officer Gilson via the police radio and then they met in person.

Officer Gilson told Officer Lewandowski that [REDACTED] was a frequent source of information and asked if Officer Lewandowski would void the citation. Officer Lewandowski has been a Daytona Beach Police officer since 2011 while Officer Gilson has been a Daytona Beach Police officer since 1992. Officer Lewandowski felt informal pressure and agreed to have the citation voided and told Officer Gilson to provide the citation number. Officer Gilson never got back to Officer Lewandowski with the citation number and Officer Lewandowski felt the issue was resolved.

On March 12, 2013, around 1420 hours, Sergeant Ryan called Officer Lewandowski about the citation and told him there was a glitch and the citation had not been voided. Sergeant Ryan indicated that he was going to take care of the citation.

Officer Lewandowski maintained the citation was valid and not written in error. Officer Lewandowski did not initiate the citation dismissal. (TAB 4)

MS. MARION LANGE (WITNESS – TRAFFIC CLERK)

Also on March 12, 2013, I contacted Marion Lange at the Volusia County Traffic Court Clerk's Office. Mrs. Lange told me she received the memo from Sergeant Ryan. I asked her not to void the citation and told her I needed the original memo from Sergeant Ryan. On Wednesday, March 13, 2013, I recovered the memo from Mrs. Lange and placed it in the case file for this investigation. (TAB 1)

MRS. CYNTHIA RIDDICK (WITNESS – RECORDS SECTION SUPERVISOR)

Also on March 13, 2013, I interviewed Mrs. Cynthia Riddick, Records Supervisor for the Daytona Beach Police Department. Mrs. Riddick provided a sworn statement and told me she was approached by Sergeant Ryan and told he had voided a ticket in the Iyetek system (traffic crash software system for the Daytona Beach Police Department).

Mrs. Riddick said that a mistake had been made and a citation had been cancelled from the Iyetek system and the ticket was for a CI. Sergeant Ryan told Mrs. Riddick that the citation was not voided in Traffic Court and he inquired how to do so. Mrs. Riddick explained the process which included a memo from the chief and the citation disposition form.

Sergeant Ryan left and returned a few moments later with a memo from himself to the Traffic Court asking that the ticket be voided. Mrs. Riddick said Sergeant Ryan told her the ticket was issued to a CI that helps us out and she shouldn't have gotten the ticket.

Mrs. Riddick thought this incident was being handled appropriately and took Sergeant Ryan's word that the Citation Disposition Form was being signed off on by the chief and sent the memo to the clerk's office at the Traffic Court. (Tab 4)

### INVESTIGATIVE NOTE

On Thursday, March 14, 2013, I contacted Sergeant Joe Heller, Traffic Unit Supervisor. Sergeant Heller is also one of the "super-users" for the Iyetek System and verified [REDACTED] citation was voided in the Iyetek System by Sergeant Ryan on [REDACTED]. (TAB 3)

### LIEUTENANT STEVIE WRIGHT (WITNESS - SHIFT COMMANDER)

On Friday, March 15, 2013, at approximately 1020 hours, I interviewed Lieutenant Wright regarding his direct knowledge of this incident. The interview was recorded. Lieutenant Wright confirmed the above information and expressed his disappointment that Sergeant Ryan and Officer Gilson were involved in this incident. See Lieutenant Wright's interview transcripts for additional details. (TAB 4)

### DETECTIVE SCOTT FRANTZ (WITNESS)

On Tuesday, March 19, 2013, at approximately 1500 hours, I interviewed Detective Scott Frantz. Detective Frantz is assigned to the Criminal Investigations Division and is currently working on a multi-agency task force investigating EBT fraud. Detective Frantz has utilized several confidential informants in his investigation- [REDACTED]

[REDACTED] worked one time for Detective Frantz on [REDACTED]. He tried to use her a second time [REDACTED] but she said she was "too tired" to work that day. [REDACTED] is a registered confidential informant with the United States [REDACTED] and Detective Frantz is her point of contact. Detective Frantz began using [REDACTED] after Officer Matt Gilson introduced her and said she had information on the case.

Detective Frantz said in his sworn interview that [REDACTED] never mentioned a traffic citation to him and never mentioned having information about an officer involved in misconduct.

On Thursday, March 21, 2013, [REDACTED] called Detective Frantz and told him she really needed to work because she had a citation that was past due and if it wasn't paid, her license would be suspended. [REDACTED] never mentioned anything about a corrupt police officer. (TAB 4)

### SERGEANT ERIC RYAN (SUBJECT OFFICER)

On March 20, 2013, Sergeant Ryan and Officer Gilson were served with their formal interview notices. Sergeant Ryan waived his notice and provided a sworn recorded statement. During the interview, Sergeant Ryan took full responsibility for his actions. (TAB 5)



Sergeant Ryan was adamant that he had no knowledge of the information that [REDACTED] shared with Officer Gilson about a corrupt police officer. Sergeant Ryan was genuinely surprised to hear that information and repeated that he had never heard it before.

Sergeant Ryan said he was approached by Officer Gilson in January of 2013. Officer Gilson told Sergeant Ryan that [REDACTED] was his "CI" and she received a citation. Officer Gilson told Sergeant Ryan the citation needed to be voided. Sergeant Ryan said he was unaware of the citation Directive (516) and failed to follow it and voided the citation in the Iyetek system on January 20, 2013 (a violation of Directive 516).

Sergeant Ryan said he did not think about the citation again, until Officer Gilson brought it to his attention on or about March 11, 2013. Sergeant Ryan said Officer Gilson told him [REDACTED] received a notice in the mail that the citation was not voided and her license would be suspended. Officer Gilson volunteered to contact the Traffic Court Clerk. Sergeant Ryan said he looked into and learned he had only voided the citation in the internal Iyetek System.

Sergeant Ryan then visited Mrs. Riddick and was told he needed to complete the "Citation Disposition Form" and a memo needed to be authored (through the chain of command) to the attention of the Traffic Section of the Volusia County Clerk of the Court's Office.

Sergeant Ryan admitted to completing the Citation Disposition Form and voiding the citation without following the procedures outlined in Directive 516, Sergeant Ryan admitted to authoring and sending a memorandum to the Traffic Clerk's office without having followed the procedures in Directive 200.122 (violations of the Directive).

Regarding the narrative of the memorandum where Sergeant Ryan wrote the citation was written in error, Sergeant Ryan was adamant that he did not provide a false statement and admitted that he made a serious error in his judgment, but said he did not know how to express that the citation was written for a confidential informant. Sergeant Ryan further said that his statement in the memorandum was not false, just that he did not know how "to word" the memo correctly (violations of 200.6 and 200.13).

[REDACTED] (WITNESS)

On March 21, 2013, at approximately 1515 hours, I called [REDACTED] on her cell phone. [REDACTED] was not cooperative and would not submit to a formal interview. [REDACTED] told me that back in January 2012, she gave Officer Gilson information about a wanted suspect. After the suspect's arrest, Officer Gilson allegedly told [REDACTED] that her traffic citation was "taken care of." [REDACTED] became very anxious and ended our conversation.

Later, on the same day (at approximately 1734 hours), ██████ called me back. This time she allowed me to record our conversation and said she did get a traffic citation on ██████ ██████ said she called Officer Gilson after receiving the citation and Officer Gilson said he would take care of the citation.

██████ also said she had not heard any additional information about the corrupt police officer and that she had no first-hand knowledge of it, only what "Londa" told her.

#### OFFICER MATTHEW GILSON (SUBJECT OFFICER)

I interview Officer Gilson on Tuesday, March 26, 2013 at approximately 0900 hours in my office. Officer Gilson provided a sworn recorded statement. During his interview, Officer Gilson admitted that he has known ██████ for several years. ██████ has been a source of information for Officer Gilson on and off. She is not a registered confidential informant with this Agency, but is registered with ██████

Officer Gilson admitted that he spoke with ██████ after she received a traffic citation from Officer Lewandowski. Officer Gilson did tell her he would "take care" of the ticket. Officer Gilson said he spoke with Officer Lewandowski who "conveyed that he would like her to go to traffic court."

Officer Gilson then approached Sergeant Ryan and presented the situation to him. Sergeant Ryan asked for the citation number and voided the citation in the internal Iyetek system. Officer Gilson assumed the incident was resolved and forgot about it until ██████ re-contacted him and said the ticket was not voided through the Traffic Court and DHSMV was preparing to suspend her license.

Officer Gilson met ██████ at the Traffic Court and met with an unknown clerk. The clerk relayed the citation was not voided and was proceeding through the DHSMV system. Officer Gilson, not being aware of the Agency policy, asked how the citation could be properly voided and was told that a form on Agency letterhead had to be submitted before the citation could be voided.

After leaving the clerk's office at Traffic Court, ██████ (who thought the citation would be voided) shared information with Officer Gilson about a police officer who might be involved in misconduct.

Officer Gilson contacted Sergeant Ryan and relayed the information about the citation. Sergeant Ryan, who admitted so, then contacted the Records Section supervisor, Mrs. Riddick, and initiated the process to void the citation (in violation of Directive 516).

Officer Gilson, assuming the citation was being voided, contacted Lieutenant Wright about the information ██████ gave him concerning police misconduct.

Officer Gilson was candid in saying that he was not aware of the Agency policy on voiding citations and assumed the same policies that were in place years ago, were still in place today. Officer Gilson is aware that his knowledge of Agency policy and was incorrect and he was the catalyst for this event.

Further, Officer Gilson said that the information provided by [REDACTED] about possible police misconduct was not in any way connected with receiving a citation or attempting to have the citation voided. (TAB 5)

INVESTIGATIVE NOTE:

At the request of this Office, the citation disposition form and memorandum from Sergeant Ryan asking for the citation to be voided were rescinded. The citation for [REDACTED] was not voided. [REDACTED] paid the fine [REDACTED]



## FINDINGS

Regarding the actions of **Sergeant Eric Ryan**, The Office of Professional Standards concludes the following:

1. 200.13 Knowledge of Laws/Directives: *"Every employee and member shall be required to establish and maintain a working knowledge of the Federal, State and local laws and ordinances that he/she is charged with enforcing. Every member and employee is expected to observe and obey laws and ordinances, and the rules, orders and directives of the department."*

Sergeant Ryan admitted he did not have a working knowledge of the directives of this Agency as it pertains to this incident. **SUSTAINED**

2. 200.6 Neglect of Duty: *"Employees shall not engage in any conduct which constitutes neglect of duty or which is likely to adversely affect the discipline, good order or reputation of the department, including, but not limited to, conduct prohibited by this directive."*

As a result of his negligence of knowing and employing Agency policy, Sergeant Ryan's actions will adversely affect the "good order or reputation" of the Agency. **SUSTAINED**

3. 200.122 Unapproved Correspondence: *"All official correspondence with any party outside the department shall be sent over the signature, or upon authority, of the Chief of Police."*

Sergeant Ryan failed to follow this directive when he authored and sent a memorandum to the Volusia County Clerk of the Court, Traffic Section. Sergeant Ryan did not seek nor obtain the proper authorization to send such a memorandum. **SUSTAINED**

4. 200.138 Providing False Statement: *"Employees shall not knowingly make a false report or knowingly enter or cause to be entered any false information or misrepresentation in any personal or city records or reports, including accident, insurance, medical records, employment applications purchase orders, time sheets, or any other reports, records, or applications."*

Sergeant Ryan wrote in an unauthorized memorandum concerning the citation in question was "issued in error." Sergeant Ryan testified that on the "12<sup>th</sup> of March I used poor judgment which wasn't my intent... was not to harm this Department or harm it's good nature or...nor tarnish to it. I utilized judgment, poor judgment on my part. And I apologize for that."

Sergeant Ryan also said when asked why he wrote that the citation was issued in error:

- Sergeant Ryan "I just didn't know how to word it. Issued in error. I didn't know if I write issued to confidential informant or issued in error. I wasn't I wasn't lying I was just I didn't know how to word it."
- Sergeant Creamer "Ok, so by your own words you didn't lie on that, you just..."
- Sergeant Ryan "Didn't know how...I didn't know how to word it."

Despite Sergeant Ryan's "poor judgment" in writing that the citation was "issued in error", it was not done knowingly with malice, but out of his lack of knowledge of Agency policy and procedure. **UNFOUNDED**

5. 204.5 Limitation of Authority: *"The first duty of a law enforcement officer, as upholder of the law, is to know the bounds the law established for its enforcement. The law enforcement officer represents the legal will of the community, be it local, state or federal. The law enforcement officer must, therefore, be aware of the limitations and proscriptions which the people, through law, have imposed as primary responsibility. Law enforcement officers must recognize the genius of the American system of government which gives no person, group, or institution, absolute power. Law enforcement officers must ensure that they, as a prime defender(s) of that system, do not pervert its character."*

Sergeant Ryan demonstrated that he had a lack in judgment while handling this incident. Sergeant Ryan's lack of judgment did not pervert the character of the law nor was it an attempt to bypass the bounds of the law, but was a lack of knowledge and judgment. **UNFOUNDED**

6. 204.7 Utilization of Proper Means to Gain Proper Ends: *"Law enforcement officers shall be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it."*

Sergeant Ryan did not violate any laws or use illegal means by attempting to void the citation, but demonstrated a lack of judgment. **UNFOUNDED**

7. 516.45 Citation Disposition Procedures *"An officer wishing to void any citation shall follow the appropriate procedures. The Chief of Police and the Captains are the only persons authorized to void a citation with just cause. 516.46 Citations which are voided or damaged will be handled as follows:*

- Upon review, the immediate supervisor will forward the citation disposition form up the chain of command to the shift Lieutenant then to the District Captain for review and signature.
- The respective Captain shall review the citation disposition form, sign it, and forward it to the Records Bureau for transmittal to DHSMV. If the respective Captain is not able to complete this process the citations distribution form will be forwarded to the Chief for review and signature, and then forwarded to Records.
- Once the void request is approved all documentation shall be submitted to the Records Supervisor for processing.

**516.47** At NO time will an officer or supervisor void a citation from the approved citation software program before it has been submitted to Records. ALL citations voids are to be done in accordance with this policy. **516.52** No officer shall request the dismissal of any citation without written authorization from the Captain or Chief of Police, via chain of command. The request shall be submitted to the Clerk of Court for dismissal or other action so deemed by the court. The only exception to this is when the officer appears before the judge or hearing officer (i.e.: traffic court). **516.53** There shall be no deviation from this policy without expressed approval of the Chief of Police or a County Judge."

Sergeant Ryan admitted that he failed to follow the Citation Disposition Procedures. **SUSTAINED**

Regarding the actions of **Officer Matthew Gilson**, The Office of Professional Standards concludes the following:

1. 200.6 Neglect of Duty: "Employees shall not engage in any conduct which constitutes neglect of duty or which is likely to adversely affect the discipline, good order or reputation of the department, including, but not limited to, conduct prohibited by this directive."

Officer Gilson presented the situation to his supervisor and in doing so, Officer Gilson, did not neglect his duties as a Daytona Beach Police Department Officer. **UNFOUNDED**

2. 200.13 Knowledge of Laws/Directives: "Every employee and member shall be required to establish and maintain a working knowledge of the Federal, State and local laws and ordinances that he/she is charged with enforcing. Every member and employee is expected to observe and obey laws and ordinances, and the rules, orders and directives of the department."

Officer Gilson admitted he did not have a working knowledge of the directives of this Agency as it pertains to this incident. **SUSTAINED**

3. 204.5 Limitation of Authority: *"The first duty of a law enforcement officer, as upholder of the law, is to know the bounds the law established for its enforcement. The law enforcement officer represents the legal will of the community, be it local, state or federal. The law enforcement officer must, therefore, be aware of the limitations and proscriptions which the people, through law, have imposed as primary responsibility. Law enforcement officers must recognize the genius of the American system of government which gives no person, group, or institution, absolute power. Law enforcement officers must ensure that they, as a prime defender(s) of that system, do not pervert its character."*

Officer Gilson demonstrated that he had a lack in judgment and the understanding of Agency policy while handling this incident. Officer Gilson's lack of knowledge and understanding of Agency policy did not pervert the character of the law nor was it an attempt to bypass the bounds of the law, but was a lack of knowledge and judgment. **UNFOUNDED**

4. 204.7 Utilization of Proper Means to Gain Proper Ends: *"Law enforcement officers shall be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it."*

Officer Gilson did not violate any laws or use illegal means in this incident, but a clear lack of judgment. **UNFOUNDED**

## INTERVIEWS

The following individuals were interviewed concerning this investigation:

- Lieutenant Stevie Wright
- Sergeant Eric Ryan
- Officer Matthew Gilson
- Officer Brian Lewandowski
- Detective Scott Frantz
- Mrs. Cynthia Riddick
- [REDACTED]

## WITNESSES

- Lieutenant Stevie Wright
- Sergeant Eric Savercool
- Sergeant Joe Heller
- Sergeant Eric Ryan
- Officer Matthew Gilson
- Officer Brian Lewandowski
- Detective Scott Frantz
- Mrs. Cynthia Riddick
- [REDACTED]
- Ms. Marion Lange

## EXHIBITS

- TAB 1 – Memo and Citation Disposition Form
- TAB 2 – CI Packet (Not for Public Dissemination)
- TAB 3 – Iyetek print out
- TAB 4 – Transcripts from Lieutenant Wright, Mrs. Cynthia Riddick, Officer Lewandowski, Detective Frantz
- TAB 5 – Transcripts from Sergeant Ryan and Officer Gilson
- TAB 6 – [REDACTED]
- TAB 7 – IA Forms



**914.28 Confidential informants. —**

(1) This section may be cited as "Rachel's Law."

(2) As used in this section, the term:

(a) "Confidential informant" means a person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and:

1. Seeks to avoid arrest or prosecution for a crime, or mitigate punishment for a crime in which a sentence will be or has been imposed; and

2. Is able, by reason of his or her familiarity or close association with suspected criminals, to:

a. Make a controlled buy or controlled sale of contraband, controlled substances, or other items that are material to a criminal investigation;

b. Supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or

c. Otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

\* \* \* \*

(6) A law enforcement agency that uses confidential informants shall establish written security procedures that, at a minimum:

(a) Provide for the secured retention of any records related to the law enforcement agency's confidential sources, including access to files identifying the identity of confidential sources;

(b) Limit availability to records relating to confidential informants to those within the law enforcement agency or law enforcement community having a need to know or review those records, or to those whose access has been required by court process or order;

(c) Require notation of each person who accesses such records and the date that the records are accessed;

(d) Provide for review and oversight by the law enforcement agency to ensure that the security procedures are followed; and

(e) Define the process by which records concerning a confidential informant may be lawfully destroyed.

(7) A state or local law enforcement agency that uses confidential informants shall perform a periodic review of actual agency confidential informant practices to ensure conformity with the agency's policies and procedures and this section.

(8) The provisions of this section and policies and procedures adopted pursuant to this section do not grant any right or entitlement to a confidential informant or a person who is requested to be a confidential informant, and any failure to abide by this section may not be relied upon to create any additional right, substantive or procedural, enforceable at law by a defendant in a criminal proceeding.

History.—s. 1, ch. 2009-33.