

# **Bond Case Briefs**

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## **EMPLOYMENT - FLORIDA**

### **McAlpin v. Criminal Justice Standards and Training Com'n**

**District Court of Appeal of Florida, First District - September 13, 2013 - So.3d - 2013 WL 4873489**

Police chief appealed a final order of the Criminal Justice Standards and Training Commission suspending his law enforcement certification for 18 months, to be followed by two years' probationary reinstatement.

The District Court of Appeal held that dual roles played by attorney as staff counsel and prosecutor deprived police chief of an impartial hearing.

Dual roles played by attorney as staff counsel, in which capacity he offered advice and recommendations to Criminal Justice Standards and Training Commission, and as prosecutor, in which capacity he advocated case against police chief and pursued the maximum administrative penalty, deprived police chief of an impartial hearing and required reversal of suspension order. While the heightened staff penalty recommendation was not ultimately implemented, it was clear from the record that the prosecution was given enhanced access to the decision-making body, which undermined the Commission's function as an unbiased, critical reviewer of the facts.