

PALM BEACH COUNTY  
POLICE BENEVOLENT ASSOCIATION, INC.

2100 N. Florida Mango Road • West Palm Beach, FL 33409-6400 • (561) 689-3745 • (561) 687-0154 Fax  
www.pbcdba.org

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October 9, 2009

**SENT BY FACSIMILE: (561) 575-6218**  
**AND REGULAR U.S. MAIL**

Iola T. Mosley  
Department of Legal Services  
Associate Counsel, Academics  
3330 Forest Hill Blvd.  
West Palm Beach, FL 33406

Re: Administrative Hearings for School Police

Dear Iola:

As you know, we are the exclusive bargaining agent/representative for police bargaining unit members in your Agency.

We were recently advised that there are administrative hearings being scheduled whereby officers are being asked or ordered to attend to give testimony regarding open cases at various schools throughout the county. We understand that there is an administrative panel that presides and officers are subject to cross examinations from defense counsels regarding their conduct as a result of criminal charges they file against students.

We are currently unaware as to whether or not officers' testimony is being compelled and/or whether they could be subject to discipline for either not attending or discussing to some alleged unforeseen breach of departmental policy on their behalfs as testified to at these hearings under oath.

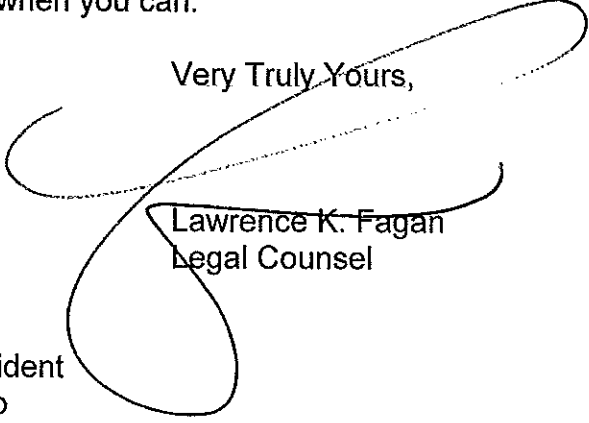
My concern that "un-immunized," compelled testimony from officers here could be a violation of the Police Officers' Bill of Rights (Fla. Stat. 112.532 and 122.533). It is my further understanding that officers are not read their Garrity rights, again, prior to their compelled testimonies here.

If officers' attendance at these hearings is voluntary, kindly disregard this correspondence and I will advise them accordingly. If however, their attendance is compelled along with their sworn

testimonies, with the threat of discipline hanging about, I think we may have a problem.

As you and I have long had good professional relations in the past, I look forward to our discussion upon your receipt of this correspondence. Call me when you can.

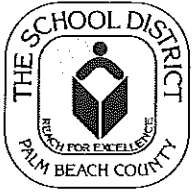
Very Truly Yours,



Lawrence K. Fagan  
Legal Counsel

LF/am

Cc: John Kazanjian, President  
Bill Lammie, PBA Rep  
Kevin O'Sullivan, PBA Rep  
Harry Rawlings, PBA Rep



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FLORIDA

SCHOOL POLICE DEPARTMENT  
3330 FOREST HILL BOULEVARD, B-127  
WEST PALM BEACH, FL 33406-5869

(561) 434-8300 FAX: (561) 434-8186

JAMES P. KELLY, J.D.  
CHIEF OF POLICE

ARTHUR C. JOHNSON, Ph.D.  
SUPERINTENDENT

October 20, 2009

Mr. Lawrence K. Fagan, Legal Counsel  
Palm Beach County Police Benevolent Association, Inc.  
2100 North Florida Mango Road  
West Palm Beach, Florida 33409-6400

Dear Mr. Fagan:

I am in receipt of your letter to Iola Mosley, Associate Counsel, dated October 9, 2009. Since your letter pertains to a School Police Officer's job responsibility, I will respond rather than the Department of Legal Services.

School Police Officers are required to attend and testify at school expulsion hearings when directed by the School Police Department. This has been standard procedure since the inception of the officer position in schools in 1978. Failure to follow a directive may result in disciplinary action.

Please feel free to call me at 434-8435, if you have any other questions.

Sincerely,

James P. Kelly, Chief  
School Police Department

JPK:pvh

cc: Mr. Van Ludy, Director/Labor Relations  
Ms. Iola Mosley, Associate Counsel/Legal Services