



Florida Department of
Law Enforcement

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December 20, 2013

**Criminal Justice Standards and Training Commission
Technical Memorandum 2013-17**

TO: Criminal Justice Agency Administrators

FROM: Director Jennifer C. Pritt *KSG for JCP*
Criminal Justice Professionalism

SUBJECT: Driver and Vehicle Information Database (DAVID) Tutorial

In January and May of 2013, the Criminal Justice Standards and Training Commission (Commission) convened a Penalty Guidelines Task Force. The purpose of the Task Force was to receive public comment and evaluate the Commission's disciplinary guidelines and penalties. During the meeting, significant discussion was held concerning the misuse of electronic databases available to officers certified by the Commission. One such system is D.A.V.I.D., which is maintained by the Department of Highway Safety and Motor Vehicles (DHSMV). The Task Force created a new offense category which will be added to Commission's list of moral character violations. At its regularly scheduled business meeting on November 7, 2013, the Commission approved the rule adding the new offense category. The rule will go into effect following final promulgation. The following represents the language approved by the Commission:

Misuse of Electronic Database. Willfully and knowingly accessing an electronic database within the trust of an officer, by using said database to access restricted information for an illegitimate or personal purpose with bad intent. Bad intent may be evidenced by:

- A pattern of misuse that demonstrates improper accesses or violations.
- If the violation occurred after the officer received agency or Commission discipline for improperly accessing a computer database, or after the officer received formal training on the database(s) that includes provisions on the improper use of said database(s).
- The existence of a current or past non-amicable or otherwise contentious relationship between the officer and the subject of the query, or when the purpose of the query is to identify person(s) linked or associated to said relationship.
- Pre-textual queries based on age, race, sex, gender, or other personal identifying characteristics.
- Any additional action taken by the officer as a result of the information obtained from the query, for example, retaining, copying, or reproducing the information obtained from the query, or disseminating information not listed as confidential or exempt in Chapter 119, Florida Statutes, obtained as a result of the query.

In addition, the Commission accepted the recommended penalty guideline of suspension for this new moral character violation.

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As directed by the Commission, staff will not pursue cases involving misuse of a database for curiosity purposes only. Aggravating factors, such as such as those referenced above must be present before presentation to the Commission.

As part of training officers on the appropriate use of the system, DHSMV created an electronic tutorial. In an effort to provide agencies with information to assist in ensuring the proper use of DAVID, the tutorial can be accessed at: <http://www.hsmv.flcjn.net/DAVIDUsageTutorial.pdf>

If you have any questions, please call Training and Research Manager Stacy Lehman at (850)410-8645 or StacyLehman@fdle.state.fl.us.

JCP/GWH/rs/DH

cc: Criminal Justice Standards and Training Commission