

# Surfside police officer fired

**A Surfside police officer has been fired after numerous internal investigations.**

Posted on Fri, Nov. 02, 2007

[Digg](#) [del.icio.us](#) [AIM](#) [reprint](#) [print](#) [email](#)

**BY MICAELA HOOD**

[mhood@MiamiHerald.com](mailto:mhood@MiamiHerald.com)

A Surfside police officer who was placed on paid administrative leave last year has been fired.

Town Manager W.D. Higginbotham terminated Officer John Davis' contract Oct. 12 after an internal affairs investigation concluded that Davis had sexually harassed a former colleague, gave untruthful statements during an internal investigation and was insubordinate toward Assistant Police Chief John Di Censo.

Davis, who was hired in 2002, was placed on leave in August 2006 after allegations surfaced that he had solicited another officer to set up Vice Mayor Howard Weinberg on a DUI charge and plant cocaine in the car of community activist Jay Senter.

In February, the Miami-Dade state attorney's office closed a criminal investigation into those allegations, citing insufficient evidence to prove a crime, and referred the matter to the police department for administrative review.

The department's internal investigation was inconclusive, officials said, but a separate investigation found that Davis was routinely using the town's computers and a police vehicle for personal use.

Ultimately, Higginbotham said Davis' firing was related to sexual harassment charges made by former colleague Melanie Grove, who told investigators Davis made unwelcome comments and sexual advances toward her when she worked as a field training officer in Surfside in 2004 and 2005.

Grove told investigators that Davis "asked her out on romantic dates, commented on her undergarments and unbuttoned the top of Ms. Grove's uniform to determine if she was wearing a bullet proof vest," according to a report by Pat Franklin, who was hired to conduct internal investigations and staff reviews.

Grove was fired in 2005 for unrelated reasons.

In August, Davis was demoted to officer from sergeant and suspended for 10 days without pay because of the probe into his use of computers and his police vehicle, Higginbotham said.

Davis' attorney, Michael Pancier said that the firing was improper and that he has filed court papers asking a judge to stop the termination from becoming effective.

**"The punishment is illegal for [alleged sexual harassment] conduct that happened years ago. It violates the policeman Bill of Rights and doesn't comply with Florida law," he said.**

**Pancier said the law generally gives police departments 180 days to complete internal investigations.**

**But Town Attorney Michael Popok said that time frame did not apply because, after the town learned of the alleged sexual harassment, the criminal investigation into the alleged cocaine-planting conspiracy started, putting the administrative probe on hold.**

**"Typically in courts, a civil case is stopped while the criminal investigation is conducted," he said.**

**Davis, a former president of Surfside's police union and the department's officer of the year in 2004, declined to comment.**