

City of Miami

*City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com*



Meeting Agenda

Tuesday, February 15, 2011

5:30 PM

City Hall Chambers

Civilian Investigative Panel

*Thomas Rebull, Chairperson
Thomas Cobitz, Vice Chair
Susan Weintraub, Secretary
Fred St. Amand, Treasurer*

*Michelle Delancy, Rudy de la Guardia, Raymond Hart
Janet McAliley, Bess McElroy, Timothy Moore
Brenda Shapiro, Horacio Stuart Aguirre*

PLEDGE**ROLL CALL****Welcome of New Member Horacio S. Aguirre****APPROVING THE MINUTES of January 18, 2011 Meeting****APPROVING THE AGENDA of the February 15, 2011 Meeting****A. PUBLIC FORUM I****Presentation of the CIP's FY 2010 Audit by the accounting firm of Harvey, Covington & Thomas, L.L.C.****B. REPORTS****B.1 INDEPENDENT COUNSEL****B.2 POLICIES & PROCEDURES COMMITTEE****C. CASE MANAGEMENT****C.1 Case: Natalie Luitel CIP#: 10-100 IA#: 09-415**Involved Officer(s):
Jose Pastor-#5533Allegation(s):
Improper Procedure
Misconduct

DOI: October 31, 2009

Ms. Natalie Luitel alleged on October 31, 2009, Officer Jose Pastor was working an off duty detail when she was sexually assaulted at the El Palenque Night Club. Ms. Luitel stated she participated in a strip tease competition wherein the person who removed the most clothing increased their chance of winning. Ms. Luitel completely disrobed and won the \$350 prize. Once the competition ended, club employees and Officer Pastor reportedly escorted Ms. Luitel and the runner up to a backroom to get dressed. According to Ms. Luitel, while she was still undressed the master of ceremony entered the backroom and allegedly forced her to engage in fellatio and sexual intercourse, while the runner up (completely dressed) sat on the lap of Officer Pastor in the same room. The CIP's review of the Internal Affairs and Sexual Battery investigation revealed Officer Pastor acknowledged being in the backroom of the El Palenque Night Club only to change into his uniform for his off duty job. Officer Pastor denied witnessing a sexual assault and stated he became cognizant of the alleged sexual assault outside of the club and immediately contacted the Sexual Battery unit. Additional review of the case revealed Ms.

Luitel provided inconsistent statements regarding the assault, which resulted in the State Attorney's Office failure to prosecute. Internal Affairs rendered a finding of Cleared regarding the allegation of Misconduct lodged against Officer Pastor after determining he was not working an off-duty detail at the time of the assault. However, during the course of the Internal Affairs investigation it was discovered Officer Pastor failed to check into the Off Duty Tracking System when he arrived at the off duty job and to take a signal. Officer Pastor also failed to notify the Special Events Office that his scheduled off duty job was without coverage from 12:45am to 3:45am. Internal Affairs included the allegation of Improper Procedure based on Officer Pastor's actions and issued a written reprimand.

Recommendation:

Close as Sustained regarding the allegation of Improper Procedure based on the officer's statements and information obtained from the Off Duty Tracking System. Close as Sustained as to the allegation of Misconduct based on the statements of witnesses which place Officer Pastor in the room with the remaining three (3) parties for ten (10) minutes with the lights out during the time the incident allegedly occurred. (A staffing at the Complaint Meeting resulted in the initial recommendation of finalizing the case as Not Sustained as to the allegation of Misconduct to Sustained based on witness statements).

Departmental Order 1; Chapter 11, Sections;

11.6.28.3 Members and Civilian Employees to Conform: Members and civilian employees shall be required to conform to and abide by the Rules and Regulations, Departmental Orders and other directives of the Police Department, the Ordinances of the City of Miami and the County of Dade, and the laws of the State of Florida and the United States of America.

Departmental Order 12, Chapter 1, Sections;

1.4.3.1.4 Once the officer has arrived at the off duty job he/she is required to check into the Off Duty Tracking System using the job number. This must be done from the job site and no later than 15 minutes after the scheduled start time of the job. In addition, officers are required to check into service and place themselves on a signal 46.

1.4.14.3.1 Use of Signal "46" For Off Duty Jobs: The following policy shall be complied with when working off duty jobs:

1.4.14.3.2 Members assigned to off duty jobs shall check in service using a signal "46" and their unit number.

Observations:

Albeit Internal Affairs substantiated the allegation of Improper Procedure, there are still several rudimentary questions that were not addressed within the Internal Affairs investigation. One is the question of how Internal Affairs determined Officer Pastor was not working off-duty at the time of the assault when the MPD sexual assault investigative report lists the time of the assault as 4:00am (Officer Pastor worked the off-duty from 3:45am-5:30am). Additionally, why was Officer Pastor escorting the unclothed females to the backroom if he wasn't working off duty? Was he in the room with both females and the accused sexual offender at the same time? Secondly, did the lights go out in the backroom while all four (4) individuals were present, as alleged by both females (Yahaira Chavez, the runner up stated the lights went out for 10 minutes while she and Officer Pastor "stood" in the backroom simply "talking"). Thirdly, why was Officer Pastor getting dressed in the backroom of a night club for his off-duty job, especially if this is the area where female participants in strip tease acts at the club are taken to get dressed?

Procedural History:

06-20-10 The Internal Affairs Investigative Report was received.

06-25-10 Independent Counsel conducted a preliminary review of the case.

07-02-10 The disciplinary history of Officer Jose Pastor was requested and received (a written reprimand was issued regarding this case, two ticklers were issued for failing to attend pre-trial conferences and the fourth reprimand was issued for Negligence of Duty-failing to accurately record the amount of money taken from a defendant during a drug arrest).

11-18-10 The Internal Affairs file was obtained and reviewed.

01-28-11 Case submitted for closure with Investigator's recommendation of Sustained regarding the allegations of Improper Procedure and Misconduct.

01-28-11 Independent Counsel's Concurrence.

02-04-11 The case was presented before the Complaint Committee and the recommendation to Sustain both allegations of Improper Procedure and Misconduct was accepted.

02-15-11 The case was presented before the full Panel and the recommendation to Sustain both allegations of Improper Procedure and Misconduct was accepted.

C.2

Case: Waldemar Calzado CIP#: 10-054 IA#: 10-032

Involved Officer(s):
Juan Mendez-#4709

Allegation(s):
Abusive Treatment
Discourtesy

DOI: January 23, 2010

On January 23, 2010, Waldemar Calzado alleged he was stopped by Sergeant Juan Mendez for an undisclosed reason. Sergeant Mendez pulled Mr. Calzado out of his car, forced him to the pavement face first, placed his knees in his back and used his body weight to drag his face against the pavement. Sergeant Mendez then placed him in handcuffs. Additional officers arrived on the scene and an unknown African-American, male officer allegedly told Mr. Calzado, "Sit the fuck down! Shut the fuck up"! Mr. Calzado's car was towed and he was released without any information as to the whereabouts of his vehicle. The CIP's review of the case revealed Sergeant Mendez and other officers determined Mr. Calzado did not have a driver's license, documentation for the vehicle and appeared to be under the influence of a mind altering substance or mentally ill. Internal Affairs rendered a find of Inconclusive regarding both allegations of Abusive Treatment and Discourtesy.

Recommendation:

Close as No Finding as to the allegations of Abusive Treatment and Discourtesy based on the complainant's failure to provide additional information to further the investigation. However, it is recommended that the case be re-routed to Internal Affairs to sufficiently address the allegation of Improper Procedure based on the observations noted below.

Observations:

A review of the Internal Affairs investigation revealed although Sergeant Mendez witnessed Mr. Calzado urinating outside, he failed to charge him with indecent exposure or urinating in public. Additionally, Officer Lori Anderson, (who later responded to the scene), indicated Mr. Waldemar smelled of alcohol and when questioned, he acknowledged imbibing alcoholic beverages earlier that evening. Officer Anderson stated she then turned to Sergeant Mendez and asked whether he "needed her to do anything". Sergeant Mendez reportedly stated he was going to issue a citation, tow the vehicle and release Mr. Waldemar. A breathalyzer was not taken or requested, nor was the complainant charged with Driving Under the Influence which constitutes Negligence or Inattention of Duty (Departmental Order 1, Chapter 11.6.17.9 and Departmental Order 12, Chapter 2.4.5.1.1-Driving While Under the Influence). Sergeant Mendez stated during his Internal Affairs interview he did not contact a DUI certified officer because he felt "he would not be able to get a DUI certified officer to assist him at that hour in the morning".

Mr. Calzado alleged he was assaulted by Sergeant Mendez and sustained a lacerated lip which bled on his shirt. Sergeant Mendez alleged he never observed any indication of injury regarding Mr. Calzado however, Officer Anderson acknowledged observing dried blood on the complainant's shirt when she arrived on the scene. Additionally, the Miami Police Department's Crime Scene Unit photographed the blood stained shirt and the lacerated lip of Mr. Waldemar within 48 hours of the incident. Officer Anderson also stated she may have observed the lip injury sustained by Mr. Calzado, but could not be certain. Sergeant Mendez denied observing any injuries, blood droplets on the

front of the complainant's shirt or the significant amount of blood on the back of the complainant's shirt (in spite of him handcuffing the complainant-see photos). Therefore, neither a Response to Resistance Report nor an incident/contact card was generated.

Additionally, Sergeant Mendez indicated Mr. Waldemar informed him the vehicle was stolen however, there is no indication that Sergeant Mendez investigated to determine if the vehicle was in fact stolen, neither did he contact or notify the owner (the towing slip indicates Sergeant Mendez obtained the identity of the owner). Mr. Waldemar was also not charged with fleeing an officer or auto theft.

Although Internal Affairs identified the myriad infractions committed by Sergeant Mendez, a thorough exploration of his actions was not documented and there is no indication that disciplinary or remedial action was employed therefore it is recommended that the case be re-transmitted to Internal Affairs for investigation regarding the allegation of Improper Procedure.

Procedural History:

- 04-26-10 The Internal Affairs investigative report was received.
- 04-28-10 Independent Counsel conducted a preliminary review of the case.
- 04-28-10 A 10-Day Letter accompanied by the Internal Affairs investigative report was forwarded to the complainant.
- 04-28-10 Telephonic contact was initiated with the complainant and a message was left on his voicemail.
- 07-23-10 A status letter was forwarded to the complainant.
- 09-28-10 The Internal Affairs file and photographs were obtained by the CIP.
- 01-25-11 A public records request for the incident report regarding this case with the MPD Records Unit and the CIP was informed that no such record exist.
- 01-25-11 An on-line database search was conducted regarding complainant, Waldemar Calzado which revealed that summons #4775GBU, issued for reckless driving was dispositioned as "dismissed defective".
- 01-25-11 A telephonic interview was conducted with Mr. Waldemar Calzado regarding the Internal Affairs Disposition. Mr. Calzado acknowledged receiving and reading the CIP letter and the Internal Affairs report which indicated the investigating officer "did not side with him". Mr. Calzado denied having any additional information or witnesses regarding his allegation of Abusive Treatment and Discourtesy. It was also stated by Mr. Calzado he did not complain of injury because Sergeant Mendez told him to shut up every time he attempted to speak. Mr. Calzado reiterated his statement to Internal Affairs and stated he has been ticketed and arrested by Sergeant Mendez since

January 2010(an on-line database search confirmed the complainant's contention). Mr. Calzado was informed the upcoming Complaint Committee Meeting on February 4, 2011 and invited to attend.

01-28-11 Case submitted for closure with Investigator's recommendation of No Finding.

01-28-11 Independent Counsel's Concurrence.

02-04-11 The case was presented before the Complaint Committee and the recommendation of NoFinding regarding the allegations of Abusive Treatment and Improper Procedure was accepted.

02-15-11 The case was presented before the full Panel and the recommendation of No Finding as to the allegations of Abusive Treatment and Discourtesy was accepted.

C.3

Case: Cynthia Ann Bettner CIP#: 11-002 IA#: 10-314

Involved Officer(s):
Javier Ortiz-#5418

Allegation(s):
Abusive Treatment
Discourtesy

DOI: July 16, 2010

According to Ms. Cynthia Ann Bettner, on July 16, 2010, she went to the movies at Coco Walk with her twelve-year-old daughter and some friends. As Ms. Bettner and her daughter were leaving the movies, two security guards and Sergeant Javier Ortiz, advised her she was trespassing. Ms. Bettner stated she informed the security officers and Sergeant Ortiz she had no verbal or written information informing her she was trespassing. Sergeant Ortiz reportedly replied, "Do you have any more shit to say?" Sergeant Ortiz placed Ms. Bettner under arrest for trespassing, and tightly placed handcuffs on her. Following the arrest, Sergeant Ortiz reportedly threw Ms. Bettner onto a parked vehicle with such force, her body caused a dent. Shortly thereafter, an African-American, male police officer appeared on the scene to assist Sergeant Ortiz with removing Ms. Bettner's handbag from her arm by throwing her to the ground, violently twisting her arms to remove the purse and then replacing the handcuffs. Arrest affidavit #1007162-13052, documents that Ms. Bettner was charged with Trespassing after Warning, Resisting an Officer without Violence, Resisting an Officer with Violence and Disorderly Intoxication. Internal Affairs classified the allegations of Abusive Treatment and Discourtesy as "Unsupported" based on Ms. Bettner's failure to cooperate with the investigation. The CIP's preliminary review determined Ms. Bettner is unwilling to pursue a civil investigation at this time as a result of the pending criminal proceedings.

*Sergeant Javier Ortiz is currently on the CIP's Monitoring List.

Recommendation:

Close as No Finding (Summary Disposition) based on the complainant's voluntary rescission of the complaint.

Observations:

Sergeant Ortiz arrested Ms. Bettner in the presence of her minor child and charged her with Disorderly Intoxication however, he failed to make the appropriate notifications to the MPD Child Abuse Unit and the State Department of Children and Families as required by Departmental Order 9 Chapter 2§2.4-Mandatory Notification of Sexual Abuse Battery/Child Abuse Investigators and Departmental Order 9, Chapter 2 § 2.4.2.6-Child Abuse.

Procedural History:

10-04-10 Direct File complaint was received.

10-05-10 Case submitted to Independent Counsel for preliminary review.

10-05-10 The complaint was forwarded to the MPD.

10-06-10 An Acknowledgment letter was forwarded to the complainant.

10-29-10 Correspondence from the MPD was received, requesting contact from Ms. Bettner.

01-03-11 Correspondence was received from the MPD classifying the Bettner case as "Unsupported" based on insufficient evidence to proceed with an investigation.

01-26-11 The booking photograph of Cynthia A. Bettner was obtained from the Miami-Dade County Police Department and there was no observation of injury.

01-26-11 An on-line database search was conducted which revealed the criminal charges against Ms. Bettner (Trespassing after Warning, Resisting an Officer without Violence, Resisting an Officer with Violence and Disorderly Intoxication) are pending.

01-26-11 A telephonic interview was conducted with the complainant, Cynthia Ann Bettner and she stated she does not wish to proceed with the investigation at this time as a result of the pending criminal charges. Ms. Bettner additionally alleged there were a number of witnesses regarding the incident however, they have refused to get involved. With regard to the charge of Disorderly Intoxication, Ms. Bettner acknowledged she has a history of DUI arrests however; she denies drinking on the night in question or currently having a drinking problem (an on-line database search confirmed a 1988 DUI). It was also stated by Ms. Bettner that Sergeant Ortiz contacted her after she filed the complaint with the CIP and informed her he was aware of her actions.

01-28-11 Telephonic contact was initiated with Supervisor, Melissa West of Allied Vanton Security, the agency providing security for the Mayfair Hotel and Shops regarding any stay away orders relative to Ms. Bettner. According to Ms. West, there is no information on file indicating a stay away order or injunction has been issued preventing Ms. Bettner from visiting the Mayfair Hotel and Shops.

01-28-11 Case submitted for closure with Investigator's recommendation of No Finding.

01-28-11 Independent Counsel's Concurrence.

02-04-11 The case was presented before the Complaint Committee and the recommendation of Not Sustained regarding the allegations of Abusive Treatment and Discourtesy was accepted.

02-15-11 The case was presented before the full Panel and the recommendation of No Finding as to the allegations of Abusive Treatment and Discourtesy was accepted.

C.4

Case: Zonnie Jean CIP#: 11-034 IA#: 10-243S

Involved Officer(s):
Jacob Nicoli-#5254

Allegation(s):
Missing Property

DOI: August 4, 2010

Ms. Zonnie Jean stated on August 4, 2010 she was a witness regarding an armed robbery that occurred at SW 6th Avenue and West Flagler Street. Ms. Jean further alleged that during the interview, Detective Jacob Nicoli confiscated her cellular telephone and vendor license. Internal Affairs rendered a disposition as "Inconclusive" regarding the allegation of Missing Property lodged against Detective Nicoli.

Recommendation:

Close as Not Sustained based on the insufficiency of the evidence to support or refute the allegation.

Procedural History:

10-26-10 The Internal Affairs investigative report was received.

11-02-10 Case submitted to Independent Counsel for preliminary review.

12-15-10 A 10-Day Letter was forwarded to the complainant, Zonnie Jean.

01-03-11 Unsuccessful telephonic contact was initiated with the complainant.

01-26-11 A telephonic interview was conducted with the complainant, Ms. Jean regarding her complaint against Detective Jacob Nicoli alleging Missing Property. Ms. Jean stated she was a witness to an armed robbery at SW 6th Ave and West Flagler Street and was interviewed by Detective Nicoli. During the interview, Ms. Jean alleged Detective Nicoli confiscated her cellular telephone and vendor license and these items were never returned. Following the interview, Ms. Jean alleged Detective Nicoli called her and left a message containing his cellular number however, she never returned his call. Ms. Jean was not able to provide additional information or witnesses regarding her allegation that Detective Nicoli confiscated her cell phone and vendor license.

01-26-11 A telephonic interview was conducted with Detective Jacob Nicoli regarding his involvement with Zonnie Jean on August 4, 2010. Detective Nicoli immediately recalled the case and stated he interviewed Ms. Jean as a witness in a robbery case. The following day, Detective Nicoli contacted Ms. Jean for additional information and she informed him she filed a complaint with Internal Affairs against him regarding her missing cell phone and vendor license. Detective Nicoli stated upon learning this information, he immediately ceased all contact with Ms. Jean. Detective Nicoli denied confiscating Ms. Jean's cell phone and vendor license indicating she was a witness to a crime and there was no basis for him to collect her personal property. It was further stated by Detective Nicoli that Ms. Jean obtained his cell number from his business card which he provides to all individuals interviewed and even arrested by him.

01-27-11 Case submitted for closure with Investigator's recommendation of Not Sustained as to the allegation of Missing Property.

01-27-11 Independent Counsel's Concurrence.

02-04-11 The case was presented before the Complaints Committee and the recommendation of Not Sustained regarding the allegation of Missing Property was accepted.

02-15-11 The case was presented before the full Panel and the recommendation of No Finding as to the allegation of Missing Property was accepted.

C.5

Case: Rigoberto Herrera CIP#: 11-017 IA#: 10-049

Involved Officer(s):
Pablo Camacho-#0797

Allegation(s):
Missing Property

DOI: February 5, 2010

Recommendation:

According to Mr. Rigoberto Herrera, on February 5, 2010, after attending an

event at the American Airlines Arena, he was stopped at NE 2nd Avenue by several undercover police officers driving unmarked vehicles. Mr. Herrera further alleged, at least ten (10) police vehicles appeared on the scene and approached his vehicle brandishing firearms. After Mr. Herrera was removed from his vehicle, Officer Camacho reportedly searched him and collected his personal property, which included thousands of dollars he had for his payroll. After the officers ran the background of Mr. Herrera and determined he was not a criminal they informed him he was free to leave. Mr. Herrera requested the return of his money and Officer Camacho allegedly stated the money was in his vehicle under the driver's seat. According to Mr. Herrera, he immediately counted the money and discovered \$800 was missing. Officer Camacho allegedly denied taking the money and invited Mr. Herrera to search his vehicle. It wasn't until Mr. Herrera arrived at the police station to file a complaint that he realized an additional one thousand dollars (\$1,000) was missing from his wallet. Internal Affairs rendered a finding of Inconclusive as to the allegation of Missing property based on the absence of independent witnesses.

Recommendation:

Close as Not Sustained based on the insufficiency of the evidence prove or disprove the allegation. The case was presented before the Complaint Committee and staff requested that the recommendation of Not Sustained be rejected to facilitate additional research regarding seizing property which may result in an observation or change in finding. Additional research did not reveal information or any departmental orders requiring the presence of a supervisor or any additional procedures outside of what is typically mandated when confiscating property.

Procedural History:

10-26-10 The Internal Affairs Investigative Report was received.

11-02-10 Independent Counsel conducted a preliminary review of the case.

12-15-10 A 10-Day letter along with a copy of the Internal Affairs investigative report was forwarded to the complainant, Rigoberto Herrera.

01-27-11 A telephonic interview was conducted with the complainant, Rigoberto Herrera who acknowledged receiving and reading the Internal Affairs report. Mr. Herrera stated he did not detect any misinformation in the report however, he adamantly asserts he was "robbed by the Miami Police Department". Mr. Herrera characterized himself as an upstanding citizen and entrepreneur who was treated like a criminal by the MPD. Mr. Herrera also disclosed that he bumped into Officer Ricardo Martinez, (one of the officer's on the scene who came into contact with his money as well) at Dadeland Mall and he approached him. According to Mr. Herrera, Officer Martinez is featured on the cable show "48 Hours", he suspected this is why he was being approached, however; Mr. Herrera accused him of robbery. Ultimately, Mr. Herrera stated he is unable to provide any additional witnesses or information

and is well aware that the allegation of theft by the MPD cannot be proven however; he filed a complaint with Internal Affairs to ensure the officer's alleged actions were documented in the event similar allegations are lodged against the officers in the future. Mr. Herrera was informed of the upcoming Complaint Committee meeting scheduled for February 4, 2011 and he stated he will be in attendance.

01-28-11 Case submitted for closure with Investigator's recommendation of Not Sustained.

01-28-11 Independent Counsel's Concurrence.

02-04-11 The case was presented before the Complaint Committee and staff requested that the recommendation of Not Sustained be rejected to facilitate additional research that may result in an observation or change in finding.

02-08-11 Additional research did not reveal information that would change the original CIP disposition.

02-15-11 The case was presented before the full Panel and the recommendation of No Finding as to the allegation of Missing Property was accepted.

C.6

Case: Jeffrey St. Hillaire CIP#: 07-068 IA#: 07-023

Involved Officer(s):

Jacqueline Mesidor-#4731

Raimondo Socorro-#6651

Figmore Lubin-#4185

Allegation(s):

Discourtesy

Improper Procedure

DOI: January 13, 2006

The complainant, Jeffrey St. Hillaire alleged on January 13, 2006, a resident contacted the Miami Police Department regarding several individuals loitering in a vacant lot. Upon the officers' arrival Mr. Hillaire alleged he was stopped by Lieutenant Socorro and briefly searched. Mr. St. Hillaire further alleged when he requested Commander Socorro's badge number, Sergeant Lubin responded by aggressively approaching and bumping him with his chest. Sergeant Lubin allegedly verbally abused and ridiculed Mr. St. Hillaire. At some point during the incident, Officer Mesidor reportedly unholstered her firearm, pointed it Mr. St. Hillaire and threatened to shoot him. Officer Mesidor then tightly placed handcuffs on Mr. St. Hillaire while verbally abusing him. It was ultimately alleged by Mr. St. Hillaire, that Officer Mesidor also intentionally fabricated the police report in order to effectuate a baseless warrant. Mr. St. Hillaire further alleged Internal Affairs refused to take his complaint on two (2) occasions (once because he did not have the arrest affidavit and the second refusal was because the criminal trial was still pending). The involved officers contend they wanted to gain access to Mr. Hillaire's property to inspect several

55 gallon drums believed to contain hazardous and or illegal material and the complainant prevented them from doing so. The CIP's review of the case revealed that a Code Inspector was present on the scene during a portion of the incident and photographed the area. The photographs did not reveal the presence of 55 gallon drums as alleged by the officers. It was additionally disclosed during the CIP's review that Commander Socorro acknowledged observing Officer Mesidor unholster her firearm within close proximity of Mr. Hillaire however, he was too far away to hear her statements to the complainant. Internal Affairs rendered a finding of Inconclusive regarding both allegations based on the absence of independent witnesses.

Recommendation:

Close as No Finding (Summary Disposition) based on statutory timeframes.

Procedural History:

- 01-11-07 Direct File complaint was received.
- 01-23-07 Independent Counsel conducted a preliminary review of the case.
- 01-23-07 The complaint was forwarded to the MPD.
- 01-30-07 The case was assigned to Horizon Investigations, Inc.
- 01-27-07 An Acknowledgement Letter was forwarded to the complainant.
- 02-13-07 The Officer Profile of Sergeant Jacqueline Mesidor was obtained
- 02-13-07 The Officer Profile of Officer Fignole Lubin was obtained
- 02-17-07 A status letter was forwarded to the complainant, Jeffrey St. Hillaire.
- 03-01-07 Arrest Affidavit #06011-3012952 was obtained.
- 03-07-07 A notice requesting additional information regarding witnesses was forwarded to Mr. St.Hillaire.
- 03-09-07 A face-to-face interview was conducted with the complainant.
- 03-15-07 A telephonic interview was conducted with Internal Affairs Detective Tony and she indicated although Mr. St. Hillaire appeared credible, without an independent witness it would be difficult to substantiate the allegations.
- 03-29-07 The Officer Profile regarding Sergeant Raimondo Socorro was obtained (20-year-veteran with 67 complaints as the time of the incident including nine firearm discharges).
- 04-12-07 The audio transcript regarding Mr. St. Hillaire's trial was obtained and reviewed which documented the complainant's acquittal on the charges of

Obstructing Justice and Resisting an Officer without Violence. The transcript also memorialized the presiding judge, Shirlyn McWhorter, admonishing the complainant for requesting the officer's name and badge number stating, "You should know better than to ask an Officer for his name and badge number". The judge also instructed Mr. St. Hillaire to "listen" to officers in the future.

04-12-07 Several unsuccessful telephonic attempts were made to contact Judge Shirlyn McWhorter and Assistant State Attorney Mark Chattah.

08-15-07 The complainant's booking photograph was obtained (no visible or noted injuries).

01-16-08 An interview was conducted with Code Enforcement Officer Eduardo Montes who was dispatched to the scene regarding several violations noted by the officers. Mr. Montes denies observing 55 gallon drums at the scene and provided copies of the photographs taken of the residence.

01-28-08 A copy of the Internal Affairs visitor log for January 17th and 19th of 2006 was obtained and both dates contain the name of Mr. Hillaire. Internal Affairs did not take a statement from Mr. Hillaire until March 9, 2007.

02-08-08 A copy of Lt. Socorro's red line memo was obtained acknowledging that Officer Mesidor unholster her weapon however, the distance between them prevented him from hearing her comments to the complainant.

04-07-08 Correspondence requesting an interview was forwarded to Net Commander Raimundo Socorro, Sergeant Jacqueline Mesidor and Officer Fignole Lubin.

04-10-08 Mr. Hillaire's medical records were requested (request forwarded to the complainant).

04-23-08 Telephonic contact was made with Lt. Socorro and he briefly discussed the allegations and scheduled an appointment for an interview on April 25, 2008.

04-24-08 A call was received from Carlos Avila, the Representative from the Fraternal Order of Police on behalf of Commander Socorro. Mr. Avila alleged Commander Socorro felt threatened and intimidated by his conversation with Horizon Investigation. Later that day Commander Socorro cancelled his appointment scheduled Horizon Investigations. for the following day with

01-28-11 Case submitted for closure with Investigator's recommendation of No Finding.

01-28-11 Independent Counsel's Concurrence.

02-04-11 The case was presented before the Complaint Committee and the recommendation of No Finding regarding both allegations of Discourtesy and Improper Procedure was accepted.

02-15-11 The case was presented before the full Panel and the recommendation of No Finding as to the allegations of Discourtesy and Improper Procedure was accepted.

C.7

Case: Ronal Aristide CIP#: 10-038 IA#: 10-098

Involved Officer(s):
Jennifer Wing-#7741
Omar Ayala-#27228

Allegation(s):
Abusive Treatment
Discourtesy
Missing Property

DOI: March 24, 2010

Mr. Ronal Aristide alleges on March 24, 2010, following his arrest for Knowingly Driving with a Suspended Driver's License, Officer Jennifer Wing, slapped him on the left side of his face without cause. It was also stated by Mr. Aristide that an unknown, heavy set African-American male officer removed his wallet from his pants pocket and placed him in the backseat of his police cruiser. Mr. Aristide stated as he was being transported to jail, this same black, male officer stopped in an alleyway (location unknown), exited the vehicle, opened the rear door and challenged him to a to fight by saying, "If you win the fight, I'll let you go", he alleged he refused to exit the vehicle. The unidentified black, male officer then met with another officer who transported Mr. Aristide to the Miami-Dade County Jail. Mr. Aristide alleged once he arrived at the jail his wallet could not be located. Internal Affairs Cleared Officer Ayala on the charge of Discourtesy. The allegation of Missing Property lodged against Officer Ayala was determined to be Inconclusive by Internal Affairs. A disposition of "Inconclusive" was rendered as to the allegation of Abusive Treatment lodged against Officer Wing based on the absence of independent witnesses.

Recommendation:

Close as No Finding (Summary Disposition) based on the unavailability of the complainant.

Procedural History:

10-26-10 The Internal Affairs Report was received.

11-02-10 Case submitted to Independent Counsel for preliminary review.

12-15-10 A 10-Day letter accompanied by the Internal Affairs investigative report was forwarded to the complainant, Mr. Ronal Aristide.

01-27-11 Telephonic contact was initiated with the complainant and a male answered and inquired in English as to who was calling; when the requested information was provided, the individual alleged he did not speak English and terminated the call.

01-27-11 The booking photograph of Ronal Aristide was obtained and there were no signs of visible injury.

01-27-11 An on-line database search revealed Mr. Aristide was found guilty of Knowingly Driving with a Suspended Driver's License (citation #8013FZO). The remaining charges of No Valid Driver's License (citation #8014FZO) and Driving on the Wrong Side of the Road were dismissed (citation #8015FZO). The on-line database search additionally revealed an extensive criminal history which entails multiple drug charges dating back to 2002.

01-28-11 Arrest Affidavit #100324-090027 was obtained.

01-28-11 Case submitted for closure with Investigator's recommendation of No Finding.

01-28-11 Independent Counsel's Concurrence.

02-04-11 The case was presented before the Complaint Committee and the recommendation of No Finding was accepted.

02-15-11 The case was presented before the full Panel and the recommendation of No Finding as to the allegations of Abusive Treatment, Missing Property and Discourtesy was accepted.

C.8

Case: Roxanne Bellinger CIP#: 10-008 IA#: 09-323

Involved Officer(s):
Earnest Lawrence-#28403

Allegation(s):
Discourtesy

DOI: August 28, 2009

According to Ms. Roxanne Bellinger on August 28, 2009, she and her son, Mark Bellinger, were at the bus stop located at NW 14th Avenue and 62nd Street when she heard Officer Earnest Lawrence screaming at a motorist. Ms. Bellinger alleged she overheard Officer Lawrence state, "What's wrong with you, you mother fucker? What the fuck do you think you are doing? Have you lost you goddamn mind"? As Officer Lawrence threatened to pull the motorist over, he allegedly turned to Ms. Bellinger and told her "Fuck you bitch. Who the fuck you think you are? You ain't no fucking body". You need to mind you own goddamn business. Don't make me come over there to you. You bitches need to start minding your own fucking business. That is what is wrong with you all today, mother fucking bitch. I don't know who you think you are". Internal Affairs rendered a finding of Inconclusive regarding the allegation of Discourtesy filed against Officer Lawrence based on the absence of independent witnesses.

Recommendation:

Close as No Finding (Summary Disposition) based on the unavailability of the complainant.

Procedural History:

02-01-10 The Internal Affairs investigative report was received.

02-04-10 Independent Counsel conducted a preliminary review of the case.

02-04-10 Telephonic contact was initiated with the complainant, a message was left the voicemail.

02-04-10 Telephonic contact was initiated with witness, Jose Pierre and a message was left on his voicemail.

07-26-10 Correspondence was forwarded to the complainant.

08-19-10 Arrest affidavit #090824-265292 was obtained.

01-25-11 An on-line database search was conducted regarding witness, Joseph Pierre and no new information was obtained.

01-25-11 An on-line database search was conducted regarding the complainant, Roxanne Bellinger and new contact information was discovered.

01-25-11 Additional telephonic was initiated with the complainant and a message was left on the voicemail.

01-28-11 Case submitted for closure with Investigator's recommendation of No Finding.

01-28-11 Independent Counsel's Concurrence.

02-04-11 The case was presented before the Complaint Committee and the recommendation of No Finding was accepted.

02-15-11 The case was presented before the full Panel and the recommendation of No Finding as to the allegation of Discourtesy was accepted.

C.9

Case: Loletha Daily CIP#: 11-025 IA#: 09-478

Involved Officer(s):

Hiram Suarez-#6823

Wayne Tillman-#7076

Allegation(s):

Damaged Property

Missing Property

Discourtesy

DOI: December 21, 2009

Ms. Loletha Daily alleged on December 21, 2009, she received a call indicating police officers were interviewing her daughter, Ms. Nakesha James, at 35 N.E. 68th Street regarding Emmanuel Othello (a fugitive and father of her child). Upon arriving at the incident location, an officer allegedly yelled at Ms. Daily asking, "What's your number? The officer reportedly told Ms. Daily she was "pissing him off" because she provided an incorrect telephone number. Ms. Daily further alleged the officer confiscated, damaged and failed to return her cell phone. It was additionally stated by Ms. Daily that she requested the officer's name and badge number which he refused to provide. Detective Hiram Suarez was ultimately identified as the officer in question and although he acknowledges taking Ms. Daily's cell phone, he denies damaging or confiscating the property. Detective Suarez additionally denied using profanity or behaving discourteously towards Ms. Daily. Officer Tillman alleged Ms. Daily never requested his identifying information. Internal Affairs rendered a finding of Inconclusive as to the allegations of Damaged Property and Missing Property regarding Officer Suarez. A disposition of Inconclusive was rendered as to the allegation of Discourtesy lodged against Officer Tillman based on the absence of independent witnesses.

Recommendation:

Close as No Finding (Summary Disposition) based on the unavailability of the complainant.

Procedural History:

- 10-26-10 The Internal Affairs investigative report was received.
- 11-02-10 Referred to Independent Counsel for preliminary review.
- 12-15-10 A 10-Day letter accompanied by the Internal Affairs investigative report was forwarded to the complainant.
- 01-27-11 Telephonic contact was initiated with the complainant, Loletha Daily at her place of employment (only contact number provided) and a message was left with the company secretary.
- 01-27-11 An on-line data base search did not reveal any viable information.
- 01-28-11 Case submitted for closure with Investigator's recommendation of No Finding.
- 01-28-11 Independent Counsel's Concurrence.
- 02-04-11 The case was presented before the Complaint Committee and the recommendation of No Finding was accepted.
- 02-15-11 The case was presented before the full Panel and the recommendation of No Finding as to the allegations of Damaged Property, Missing Property and Discourtesy was accepted.

D. PUBLIC FORUM II

E. ANNOUNCEMENTS

E.1 NEXT COMPLAINTS COMMITTEE MEETING

Friday, March 4, 2011 at Noon
CIP Office

E.2 NEXT CIP MEETING

Tuesday, March 15, 2011
City Hall Commission Chambers