



**CIVILIAN INVESTIGATIVE PANEL**  
**Summary of Minutes**  
**Tuesday November 15, 2011**  
**5:30 P.M.**

**Location**

3500 Pan American Drive  
Miami, FL 33133

**Members Present**

Thomas Cobitz, Chairperson  
Bess McElroy, Vice Chairperson  
Fred St. Amand, Treasurer  
Rolando Aedo  
Horacio Aguirre  
Ellis Berger  
Alvin Bullard  
Ducosse Delva  
Brenda Shapiro  
Daniel Suarez

**Independent Counsel**

Charles C. Mays

**Staff**

Carol Abia, Interim Executive Director  
Shewanda Hall, Investigator

The Meeting was called to order by Chairman Thomas Cobitz.

**PLEDGE OF ALLEGIANCE**

Led by Mr. Cobitz.

**ROLL CALL**

Conducted by Ms. Abia

## **WELCOME NEW MEMBER**

Chairman Cobitz welcomed Mr. Rolando Aedo to the Panel. Mr. Aedo thanked the Chair and Panel Members. He briefly outlined his professional, educational and community service background.

### **APPROVING MINUTES of the October 20, 2011 Meeting**

**Moved by Ms. McElroy and seconded by Ms. Shapiro. Motion carried unanimously.**

### **APPROVING AGENDA of the November 15, 2011 Meeting**

**Moved by Ms. McElroy; seconded by Mr. St. Amand. Motion carried unanimously.**

## **A. PUBLIC FORUM I**

### **Miami City Commission Chairman Wilfredo "Willy" Gort**

Chairman Gort made a guest appearance. The Chairman thanked the CIP Members for their service to the City of Miami and its citizens. He advised that the CIP can expect support and cooperation from the Miami Police Department and an open-door to his office. With regards to dash board cameras in City of Miami Police vehicles, Chairman Gort advised he supported the concept of equipping cameras in police vehicles. He outlined the benefits of the cameras to include their positive effects on police/citizen interactions.

## **A.1 DISCUSSION ITEM**

**11-01122**

### **Brandon McDonald, Force 911 Consultant**

Mr. Brandon McDonald, former law enforcement officer and dash board camera consultant, provided the Panel with information on types, uses and benefits of in-car dash board and body cameras. He advised that the cameras protect the citizen who alleges abuse by a police officer(s) and the officer/agency that may be falsely accused. Cameras record frontal and rear images. The cameras, according to Mr. McDonald, also operate as a global positioning system providing vehicle location and speed of travel. The system is activated by any one of several actions to include use of emergency equipment, push button and audio. Mr. McDonald also explained that the camera does not have to be in the "on" mode to record vehicle location and speed. Recording length is approximately 16 hours. The power source is the vehicle's battery with available, auxiliary power sources.

The body camera, according to Mr. McDonald, may be purchased instead of the dash camera or as an added feature that complements recordation of incidents away from the vehicle. Mr. McDonald advised that the body camera's recording clarity is less than that of the dash camera. The integrity of the information stored by the cameras was also discussed. Information and images recorded, according to Mr. McDonald, are protected by authorized access and pass codes. Any unauthorized downloading or integration of the system is detectable. The equipment, according to Mr. McDonald, has undergone water submersion testing and found to be water resistant.

Reported costs of outfitting each vehicle with the dash camera, depending on features, range from \$3,000-\$5,000. The average body system to include camera, video and audio recorder costs

approximately \$700-\$800 per unit. Equipment is warranted for 3 years and all servicing required during that period is included with the purchase. Asked if there were any other fees or costs, Mr. McDonald responded in the negative. Mr. McDonald agreed to provide available information in support of his assertion that the cameras pay for themselves. Ms. Shapiro asked Independent Counsel to request information of the City Attorney's Office and/or Risk Management on the amount paid by the City in lawsuits arising from Miami Police enforcement actions, over a period of X number of years. Mr. Mays advised he would submit a Public Records Request but cautioned that if a record of the information does not exist, there is no requirement that the City create the record.

## **A.2 DISCUSSION ITEM**

**11-01123**

**Richard Tipa (CIP Case#11-175)**

Mr. Tipa appeared before the Panel to present his complaint alleging Discourtesy and Improper Procedure against Miami police officers Mark Ashton and Blake Weinger. Mr. Tipa alleged the officers threatened him and without a warrant or his permission, entered his residence. Mr. Tipa further stated he accidentally spat on an officer while speaking and struggled against officers who were wrestling from his hand what they later discovered to be his keys. He was handcuffed and subsequently released. Mr. Tipa stated this was one of six incidents where the same group of officers entered his residence without his permission or a warrant.

CIP Investigator Shewanda Hall advised that Mr. Tipa's girlfriend, Rosetta Bryant, reported witnessing the incident and provided a statement consistent with that of Mr. Tipa. IA rendered findings of Inconclusive on the allegations of Improper Procedure and Discourtesy. The Complaints Committee recommended a finding of Sustained as to Improper Procedure for the unauthorized entry and Not Sustained as to Discourtesy.

**Motion to Close with a finding of Sustained as to Improper Procedure and Not Sustained as to Discourtesy. Moved by Ms. Shapiro; seconded by Ms. McElroy. Motion carried unanimously.**

## **A.3 DISCUSSION ITEM**

**Talat Gamil (CIP Case #11-213)**

Mr. Talat Gamil appeared before the Panel to present his complaint alleging Discourtesy and Improper Procedure against Officer Giraldo Linares. Mr. Gamil advised that the officer accused him of striking a parked vehicle and issued to him a citation for improper backing and damage to property when he had caused no damage to the vehicle. Mr. Gamil indicated he had photographs of both vehicles that prove his case. According to Mr. Gamil, the owner of the vehicle was not on the scene and was not consulted by Officer Linares. Mr. Gamil further alleged that during the encounter Officer Linares continuously used profane language to address him.

Investigator Hall advised that a security officer reported witnessing the verbal exchange between Mr. Gamil and Officer Linares and stated he did not hear the officer use profanity. Ms. Hall further indicated that Mr. Gamil advised he would provide her with photographs in his possession to substantiate the absence of damage to the other vehicle but failed to provide the documentation.

Ms. Hall advised that based on the insufficiency of the evidence and Mr. Gamil's failure to provide the information/documentation in furtherance of the investigation, both the CIP staff and the Complaints Committee recommended a disposition of No Finding.

**Motion to Close as No Finding as to Discourtesy. Moved by Ms. McElroy and seconded by Mr. Aedo.**

Mr. Aguirre asked of Mr. Gamil prior to the vote whether he had any additional information to offer in support of his allegations. Mr. Gamil advised he had documentation from the insurer of the other vehicle that the damage was pre-existing.

**Roll Call Vote on Motion: Ayes 4: McElroy, Aedo, Bullard and Suarez. Nays 5: St. Amand, Aguirre, Berger, Delva and Shapiro; Abstentions: 1: Mr. Cobitz. Motion Failed.**

**Motion to Close case as Sustained for Discourtesy. Moved by Mr. Aguirre; seconded by Ms. Shapiro.**

Mr. St.Amand asked that the Panel also enter a finding as to the allegation of Improper Procedure relating to the officer's alleged improper handling of the "accident." Independent Counsel Mays argued that the question of whether the accident occurred is not within the authority of the CIP. He added however that if the officer falsified an accident report, then the CIP may consider an Improper Procedure allegation. Mr. Gamil, when asked by the Panel to produce the documents in support of his claim, stated he did not have them in his possession and that he had already provided them. Mr. Gamil was asked to re-submit the documents. Ms. Shapiro suggested that Mr. Gamil also review his complaint with staff to ensure that all allegations have been included for consideration.

**Motion to Sustain was withdrawn by the Mover.**

**Motion to defer the case to allow staff and the Complaints Committee an opportunity to review the documents and consider the additional allegation of Improper Procedure. Moved by Ms. Shapiro; seconded by Mr. Aguirre. Motion carried unanimously.**

## **B. REPORTS**

### **B.1 REPORT**

11-01124 Chairperson's Report

None presented.

### **B.2 REPORT**

11-01125 Independent Counsel's Report

None Presented.

## CASE MANAGEMENT

### C.1 DISCUSSION ITEM

11-01058

Case: Omar Fernandez CIP#: 11-146 IA#: 10-090; Involved Officer(s): Eltis Etienne-#27983; Allegation(s): Abusive Treatment, Improper Procedure, Misconduct and Negligence of Duty.

CIP Investigator Shewanda Hall provided the facts of the case. Ms. Hall also noted a discrepancy in the Internal Affairs' (I.A.) report whereby the IA Investigator noted that Mr. Fernandez had no apparent injuries which is inconsistent with the booking photograph clearly depicting significant facial injury. Ms. Hall further indicated that IA substantiated the allegations of Improper Procedure and Negligence of Duty but entered an Inconclusive finding as to Misconduct and Abusive Treatment.

**Motion to Close as Sustained as to the allegations of Abusive Treatment, Improper Procedure, Misconduct and Negligence of Duty. Moved by Ms. McElroy; seconded by Mr. Bullard. Motion carried unanimously**

### C.2 DISCUSSION ITEM

11-01059

Case: Lydarius Singletary CIP#: 11-217 IA#: 10-181; Involved Officer(s): Daniel Crocker-#1246, Jennifer Wing-#7741 and an Unknown Officer; Allegation(s): Abusive Treatment, Discourtesy, Improper Procedure and Missing Property.

Ms. Hall outlined the facts of the case. She noted that I.A. did not sustain on the allegation of Missing Property however both Staff and the Complaints Committee agreed that Officer Crocker having admitted to confiscating the Complainant's cap had a duty to turn it over to the Police Property Bureau but failed to do so and therefore responsible for its loss.

**Motion To Close as Sustained as to the allegations of Improper Procedure and Missing Property regarding Officer Daniel Crocker; Not Sustained the allegation of Discourtesy regarding Officer Jennifer Wing and Not Sustained as to the allegation of Abusive Treatment regarding Officer Daniel Crocker and an Unknown Officer. Moved by Mr. Bullard; seconded by Ms. Shapiro. Motion carried unanimously.**

### C.3 DISCUSSION ITEM

11-01060

Case: Dorothy Mays CIP#: 11-129 IA#: 11-138; Involved Officer(s): Edward Lugo-#4186 and Carlos Deschamps-#1478; Allegation(s): Abusive Treatment and Discourtesy.

The Complaints Committee did not submit a recommendation on this case but instead deferred to the full Panel in light of the seemingly preposterous claims made by the officers concerning an 85-year old female. Ms. Hall noted that Officers Lugo and Deschamps were instructed by a supervising officer to photograph Ms. Dorothy Mays' injuries but failed to comply with the directives.

The officers charged the elderly Ms. Mays with battery on a law enforcement officer, resisting arrest with violence, also alleging that she attempted to disarm an officer. Ms. Hall noted that Officer Edward Lugo is currently on the CIP's Monitoring List.

**Motion to Sustain the allegation of Abusive Treatment and Discourtesy. Moved by Mr. Aguirre; seconded by Mr. Bullard. Motion carried unanimously.**

**C.4 DISCUSSION ITEM**

**11-01062**

Case: Shabaka Abdul-Majid CIP#: 11-224 IA#: 09-408; Involved Officer(s): Unknown Officer, Kelly Macina-#4256, Ernesto Sierra-#6500, Suberto Hernandez-#3009. Luis Valdes-#7208, Alfredo Matias-#4447, Daniel Crocker-#1246 and Michael New-#27511; Allegation(s): Improper Procedure and Missing Property.

Investigator Hall indicated that this case involved allegations of an illegal entry and search of the complainant's property. Ms. Hall further indicated that although there is insufficient evidence to support or refute the allegation of Missing Property, there is an indication that the MPD officers did not follow procedure in entering the residence of Mr. Abdul-Majid, constituting a violation of *Departmental Order 9, Chapter 5* §4.14.4 relating to searches and arrest warrants.

**Motion to Sustain the allegation of Improper Procedure against an Unknown Officer and Not Sustained as to the allegation of Missing Property. Moved by Mr. Bullard; seconded by Mr. Aguirre. Motion carried unanimously.**

**C.5 DISCUSSION ITEM**

**11-01063**

Case: Calvin Warren CIP#: 11-156 IA#: 11-099S; Involved Officer(s): Hiram Suarez-#6823 and Freddy Quintero-#5838; Allegation(s): Discourtesy.

Ms. Hall advised that the Complainant could not be located.

**Motion to Close as No Finding based on the unavailability of the complainant. Moved by Mr. Aguirre; seconded by Mr. Bullard. Motion carried unanimously.**

**C.6 DISCUSSION ITEM**

**11-01064**

Case: Richard Tipa CIP#: 11-175 IA#: 11-069S; Involved Officer(s): Mark Ashton-#0215 and Blake Weinger-#28104; Allegation(s): Discourtesy and Improper Procedure.

See A.2 for discussion.

**Motion to Close as Sustained as to the allegation of Improper Procedure against Officers Mark Ashton and Blake Weinger and Not Sustained as to Discourtesy against both officers.**

**C.7 DISCUSSION ITEM**

**11-01065**

Case: Talat Gamil CIP#: 11-213 IA#: 10-296S; Involved Officer(s):Giraldo Linares-#4019; Allegation(s):Discourtesy.

See A.3 for discussion.

**Motion to defer the case to allow staff and the Complaints Committee an opportunity to review the documents and consider the additional allegation of Improper Procedure. Moved by Ms. Shapiro; seconded by Mr. Aguirre. Motion carried by unanimous vote.**

**PUBLIC FORUM II**

**Ms. Jeanne Baker, American Civil Liberties Union (ACLU)**

Ms. Baker advised that she wished to amplify statements she made at the October 2011 meeting of the Panel which were misconstrued in the Meeting Minutes. She advised "Request C" of the Coalition's seven requests made to the Panel reads in the Minutes that the CIP should overtly and aggressively advocate on behalf of the complaining party as opposed to taking an impartial role. Ms. Baker clarified that the Coalition believes there are times when the CIP can and should advocate for the citizen and other times when an impartial role is required.

With regards to "Request D," the Coalition as indicated in the Meeting Minutes requested that the CIP make credibility decisions without reliance on the existence of an independent witness or third party. Ms. Baker clarified that the Coalition's request is that the CIP not feel itself mandatorily compelled to only sustain a complaint if it has corroboration. Rather, it may make credibility decisions without independent corroboration.

Ms. Baker proceeded to comment on the *Gamil* case considered by the Panel earlier in the meeting. She stated that Mr. Gamil's complaint as presented by him included not only an allegation of Discourtesy but an additional allegation of falsification of records. The latter allegation, according to Ms. Baker, was neither classified nor ruled on by Internal Affairs or the CIP. Ms. Baker stated the CIP should not confine itself to the complaint classifications provided by Internal Affairs. Mr. Mays interjected, advising that the CIP addresses any additional allegations it may discover in the process of its investigation. In this particular case, according to Mr. Mays, Mr. Gamil was presenting new information and also asking that the Panel rule on matters not within its authority and best handled by a court of law.

Ms. Baker requested that the CIP provide a response to the Coalition's "Seven Requests" submitted to the Panel on October 13, 2011. Mr. Aguirre asked that the CIP Chairman impanel a committee to consider the requests and submit recommendations to the full body. Chairman Cobitz agreed and appointed Brenda Shapiro as Chair of the Ad Hoc Committee to consider the coalition's requests. Mr. Bullard and Mr. Suarez were appointed to serve with Ms. Shapiro on the Committee.

**ANNOUNCEMENTS**

Chairman Cobitz made the following announcements:

Complaints Committee Meeting  
December 2, 2011  
CIP Office

Next CIP Meeting  
December 20, 2011  
5:30 P.M.  
City Hall/ Commission Chambers

Next Citizen's Police Academy  
March 2012

Mr. Aguirre advised that the Complaints Committee met and is preparing for the recruitment and hiring of additional investigators. Ms. Shapiro recognized Investigator Shewanda Hall for her outstanding work.