

# Disposition of the Independent Review Panel



Complainant: Stacy Richman

IRP Case: A2003.245

Aggrieved Party: Avraham Weitz

MDPD Case: IA2003-0132

Date: January 27, 2005

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The Independent Review Panel met on January 27, 2005 for the purpose of publicly reviewing the complaint made by Stacy Richman against the Miami-Dade Police Department (MDPD) and the department's response to that complaint. The following represents the findings of the Panel:

## **A. Recommendation**

The Panel recommends that the Professional Compliance Bureau investigator be present at meetings where the IRP reviews the complaint he/she investigated.

## **B. Incident**

Mr. Richman contacted the Independent Review Panel (IRP) on behalf of his nephew, Avraham Weitz. Mr. Weitz struck a light pole on SR 836 after he swerved to avoid colliding with a marked police vehicle. The officer offered to pay for the damages to the complainant's vehicle, on the scene and in subsequent contacts with Mr. Weitz, but did not.

## **C. Allegation**

MDPD investigated the allegation Officer Jesus Mejia failed to document a county vehicle crash in which he was at fault causing damage to the other vehicle.

## **D. Findings**

1. The Panel found that there is irrefutable evidence that a crash occurred and very credible evidence that Officer Mejia was responsible; however there is conflicting evidence or testimony that Officer Mejia was driving a county vehicle. Officer Mejia stated he was driving his brother's private car and a friend who was following him, corroborated his statement. Mr. Weitz stated Officer Mejia was in a marked police car.
2. The Panel concurs with the MDPD disciplinary action finding that Officer Mejia displayed "questionable judgment, as well as a lack of attention to duty. [Officer Mejia] also displayed a propensity to circumvent the most appropriate means of handling situations when not closely supervised. [Officer Mejia's] actions as a result of these incidents are in direct contradiction of good order and professional demeanor that is required to work at the Airport District."

The Independent Review Panel concluded the complaint on January 27, 2005.

# Independent Review Panel

## Staff Recommendation to the Panel

January 27, 2005

**Complaint:** A2003.245

**MDPD Case:** IA 2003-0132

**Complainant:** Stacy Richman

**Aggrieved Party:** Avraham Weitz

**Accused Party:** Miami-Dade Police Department (MDPD), Officer Jesus Mejia

**Date Complaint Received:** August 6, 2003

**Materials Reviewed:** Grievance Report Form, correspondence, departmental response, staff notes

**Complaint:** Mr. Richman contacted the Independent Review Panel (IRP) on behalf of his nephew, Avraham Weitz. Mr. Weitz struck a light pole, located on the north shoulder of State Road 836 and approximately NW 87 Avenue, on May 25, 2003, at approximately 3 p.m.

Mr. Weitz stated he was driving westbound in the left lane of State Road 836 when a marked police vehicle drifted into his lane. To avoid colliding with the marked police vehicle, Mr. Weitz swerved to the left and then lost control of his vehicle. The police vehicle never made contact with Mr. Weitz's vehicle.

Officer Jesus Mejia stopped his police vehicle, assisted Mr. Weitz out of his van, and asked him if he was injured. Officer Mejia and Mr. Weitz observed the damage to Mr. Weitz's vehicle. Mr. Weitz told Officer Mejia that he did not have full insurance coverage and produced his driver license. Officer Mejia told Mr. Weitz, "There was no need for that, I'm going to take care of it." Officer Mejia wrote his name and telephone number on a Miami-Dade Police Department Daily Activity Report. Mr. Weitz and Officer Mejia agreed to leave without reporting the crash.

Mr. Weitz responded to his residence and told his wife, Mrs. Tina Weitz, about the crash. She became upset and immediately telephoned Officer Mejia. Officer Mejia told Mrs. Weitz that he would take care of the damages. Mr. Weitz telephoned Officer Mejia at approximately 9 a.m., on May 26, 2003. Officer Mejia told Mr. Weitz, " Don't worry I'm taking care of it. I have a guy, he's looking for parts already."

On May 27, 2003, Officer Mejia called Mr. Weitz and told him to take his vehicle to 3750 NW 28 Street and ask for 'Jesus' (Mr. Julian DeJesus). Mr. DeJesus looked at Mr. Weitz's vehicle

and Mr. Weitz left the repair shop. Approximately 15 minutes later, Officer Mejia telephoned Mr. Weitz and told him that Mr. DeJesus did not have the proper tools to fix his vehicle. Officer Mejia and Mr. Weitz contacted each other several times between Monday, May 26, 2003, and Thursday, May 29, 2003. Officer Mejia continually told Mr. Weitz, "Relax, don't worry, I'm going to pay for the damages." Officer Mejia left eight voice messages on Mr. Weitz's cellular telephone voice mail. In one of the messages Officer Mejia stated that he would pay for the damages to Mr. Weitz's vehicle.

**Departmental Response – MDPD IA Case 2003-0132:** MDPD investigated the allegation that Officer Jesus Mejia failed to document a county vehicle crash in which he was at fault causing damage to the other vehicle.

The MDPD Disposition Panel did NOT SUSTAIN the allegation because, "while there is irrefutable evidence that a crash occurred and some reasonable suspicion that Officer Mejia was responsible, there is no corroborating evidence or testimony...that Officer Mejia was driving a county vehicle."

The MDPD Disposition Panel Disposition made another finding: Officer Mejia neglected to notify the proper authorities of the accident. The following is quoted from the MDPD Disposition:

There is no question that a vehicle crash occurred and that the complainant's vehicle as well as the light pole which he struck sustained damage. Due to the fact that the two vehicles did not make contact and there are no independent witnesses it is virtually impossible to establish who is to blame. However, the well documented messages that Officer Mejia left on the complainant's phone mail, coupled with his actions, specifically when he provided his cell phone to the complainant and the name of two different repair shops, do establish the fact that Officer Mejia knew that an accident had occurred and not only advised the complainant not to report the accident but insisted to pay for the damages instead.

In his statement to Internal Affairs, Officer Mejia said that he offered to pay the damages because Mr. Weitz's wife made him feel guilty, but it was never his intention to pay. "She had me thinking—I guess you would call it a brainwashing."

Officer Mejia received a Disciplinary Action Report (DAR), which addressed the above referenced finding as well as a finding made subsequent to the investigation and not related to the incident, that he improperly used his toll card on four occasions. The DAR states:

The above actions taken by [Officer Mejia] displayed questionable judgment, as well as a lack of attention to duty. [Officer Mejia] also displayed a propensity to circumvent the most appropriate means of handling situations when not closely supervised. [Officer Mejia's] actions as a result of these incidents are in direct contradiction of good order and professional demeanor that is required to work at the Airport District.

**Staff Remarks:** Staff member Carol Boersma spoke to Mr. Richman on January 5, 2005. He believes the County is responsible for the damage to his nephew's vehicle because it is documented that Officer Mejia offered to pay for the damage. Risk Management denied the claim and Mr. Richman does not wish to hire an attorney.

Ms. Boersma contacted Fred Hermes, Claims Examiner for the County, who faxed a copy of Risk Management's letter advising that no liability exists on the part on Miami-Dade County because a county vehicle was not involved.

**Staff Findings:** Staff recommends that the Panel concur with the MDPD finding that there is irrefutable evidence that a crash occurred and some reasonable suspicion that Officer Mejia was responsible; however there is no corroborating evidence or testimony that Officer Mejia was driving a county vehicle. Officer Mejia stated he was driving his brother's private car and a friend who was following him, corroborated his statement.

**Staff Recommendation:** That the Panel adopt the staff finding and conclude the complaint.