

# Disposition of the Independent Review Panel



Complainant: Rachel Tenenbaum

IRP Case: A 2004.278

Date: January 25, 2007

MDPD Case: PC 2004-0351

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The Independent Review Panel met on January 25, 2007 for the purpose of publicly reviewing the complaint made by Rachel Tenenbaum against the Miami-Dade Police Department and the department's response to that complaint. The following represents the findings of the Panel:

## A. Recommendations

- 1- That a procedure be established that requires documentation for the transmittal of reports to ensure they are sent and received properly.
- 2- That Police Dispatcher Ana Franca De-Heath receives informal counseling for dispatching Officer Michael Brajdic to the wrong address.
- 3- That Dispatcher Trainers document anytime they leave a trainee and who is taking their place supervising the trainee.
- 4- That Dispatcher Darlene Starks-Smith receive a Record of Counseling for failing to properly supervise Dispatcher Trainee De-Heath.
- 5- That MDPD create a policy that requires police officers who respond to an address that appears to be incorrect to check with the dispatcher for verification.

## B. Incident

On September 18, 2004, the complainant's nine-year-old daughter was walking home from the synagogue when she was approached by an old man, who was driving naked. He tried to invite the complainant's daughter into his vehicle but fled when he saw other people leaving the synagogue. The complainant had her neighbor call 911 because she could not use the phone on the Sabbath. The complainant waited for Miami-Dade Police to arrive but no one ever showed up.

The complainant's address was incorrectly relayed between the MDPD complaint officer and the dispatcher, who was a trainee at the time of the incident. Several days later, contact was made with the complainant by Officer William Harrington who said he faxed over the report to the Child Exploitation Unit. The Child Exploitation Unit had no record of Officer Harrington's report.

## C. Allegations

- 1- That MDPD failed to respond to her 911 call.
- 2- That there was no investigation into the report that an old man exposed himself to a nine-year-old girl.

## **D. MDPD Disposition**

Allegation #1: Officer William Harrington failed to make the proper notification by contacting the Sexual Crimes Bureau to further investigate the complainant's allegation. – **SUSTAINED**

Officer Harrington, after responding to the complainant's residence and having knowledge of the fact that an original report of a crime had not been prepared, failed to complete an Offense Incident Report or make the proper notifications.

Allegation #2: Police Complaint Officer Madelaine DePrado failed to provide the police dispatcher complete information to properly investigate a complaint of a male exposing himself and attempting to lure a nine-year-old female into his vehicle – **SUSTAINED**

Police Complaint Officer DePrado failed to devote time and attention to duty when she forgot to relay additional, pertinent information to the police dispatcher, to properly investigate a complaint of a man attempting to lure a nine-year-old female into his vehicle. In this regard, PCO DePrado was negligent in providing the highest standard of efficiency to the service of the County and Department.

## **D. Other Findings**

- 1- The lack of immediate follow up to the report that an old man exposed himself to a child was the result of several errors and oversights:
  - Police Complaint Officer Madelaine DePrado failed to give full and accurate information to the police dispatcher in order for the call to be handled properly.
  - Trainee Dispatcher Ana Franca-De-Heath dispatched the address of the complainant incorrectly.
  - There were contradictory statements on whether Officer Bradjic's Miscellaneous Incident Report was faxed to the Child Exploitation Unit.
  - Officer Harrington failed to complete an Offense Incident Report or make the proper notifications after he met with the complainant.
- 2- Sgt. Pamela Jackson thoroughly investigated the complaint's allegations and pursued other issues that contributed to the failure to follow up on a serious complaint. MDPD was correct in its "Sustained" findings and in referring the case to the Communications Bureau to be handled as a training issue.
- 3- The Panel found no evidence that Officer Harrington informed Crime Analyst Victoria Burgos or Officer Kelly Anderson to fax over Officer Bradjic's report to the Child Exploitation Unit. There is no record that the Child Exploitation Unit ever received Officer Bradjic's report.

The Independent Review Panel concluded the complaint on January 25, 2007.

# Independent Review Panel

## Staff Recommendation to the Panel

January 25, 2007

**Complaint:** A 2004.278

**MDPD Case:** PC 2004-0351

**Complainant:** Rachel S. Tenenbaum

**Accused Party:** Miami-Dade Police Department (MDPD), Police Complaint Officer Madelaine DePrado, Officer William Harrington

**Date Complaint Received:** November 2, 2004

**Materials Reviewed:** Correspondence, IA Case PC 2004-0351, staff notes and committee notes

**Complaint:** On September 18, 2004, the complainant's nine-year-old daughter was walking home from the synagogue when she was approached by an old man. The man was driving a green Nissan Altima and was naked. He tried to invite the complainant's daughter into his vehicle but fled when he saw other people leaving the synagogue. The complainant's daughter made it home and informed the complainant about the incident. The complainant had her neighbor call 911. The complainant waited for Miami-Dade Police to arrive but no one ever showed up. The complainant alleged:

- 1- That MDPD failed to respond to her 911 call.
- 2- That there was no investigation into the report that an old man exposed himself to a nine-year-old girl.

**Department Response:** MDPD Case PC 2004-0351

**Investigator: Sgt. Pamela Jackson**

**Reviewer: Lt. Irving Gelbart, Intracoastal District**

**Approved: Chief Karin Montejo, Administration and Technology Division**

*The following is excerpted from the MDPD Disposition Memorandum dated August 4, 2005.*

**Allegation #1: That MDPD failed to respond to the complainant's home after being requested and document her report of a male exposing himself and attempting to lure her nine-year-old daughter into his vehicle. – NOT SUSTAINED**

Officer Michael Bradjic had no knowledge that he was responding to the wrong address. Upon his arrival at the address of dispatch, which was incorrect, he could not locate a complainant and had no further information. Officer Bradjic completed a Miscellaneous Incident Report.

**Allegation #2: Officer William Harrington failed to make the proper notification by contacting the Sexual Crimes Bureau to further investigate the complainant's allegation. – SUSTAINED**

Officer Harrington, after responding to the complainant's residence and having knowledge of the fact that an original report of a crime had not been prepared, failed to complete an Offense Incident Report or make the proper notifications.

*\*During the course of the investigation the IA investigator, Sgt. Pamela Jackson, alleged that Police Complaint Officer Madelaine DePrado failed to give enough information to the police dispatcher in order for the call to be handled properly. The following is excerpted from the MDPD Disposition Memorandum dated April 19, 2006.*

**Allegation #1: Police Complaint Officer Madelaine DePrado failed to provide the police dispatcher compete information to properly investigate a complaint of a male exposing himself and attempting to lure a nine-year-old female into his vehicle – SUSTAINED**

Police Complaint Officer DePrado failed to devote time and attention to duty when she forgot to relay additional, pertinent information to the police dispatcher, to properly investigate a complaint of a man attempting to lure a nine-year-old female into his vehicle. In this regard, PCO DePrado was negligent in providing the highest standard of efficiency to the service of the County and Department.

### ***Summary of Statements***

#### **Statement of Officer William Harrington, Intra-coastal District**

Officer Harrington stated he told the complainant that this was a serious matter and he wanted to follow-up on the incident. Officer Harrington stated he then requested Officer Kelly Anderson, or Crime Analyst Victoria Burgos, to fax Officer Michael Brajdic's Miscellaneous Incident Report (MIR) to the Child Exploitation Unit. Officer Harrington stated he then telephoned the complainant and informed her that an investigator from the Child Exploitation Unit would investigate the incident.

**Statement of Victoria Burgos, Crime Analysis Unit**

Ms. Burgos stated she is not responsible for faxing reports to other entities and stated that it is the responsibility of the person preparing the report to fax the report. Ms. Burgos stated she was never asked by Officer Harrington to fax Officer Brajdic's (MIR) report to the Child Exploitation Unit and has no knowledge of the incident.

**Statement of Officer Kelly Anderson, Crime Analysis Unit**

Officer Anderson stated he had no recollection of Officer Harrington requesting him to fax the MIR to the Child Exploitation Unit.

**Statement of Trainee Dispatcher Ana Franca-De-Heath, Communications Bureau**

Ms. De-Heath acknowledged she received a call from the complaint desk requesting that police respond to 17520 NE 9 Avenue. She stated she could not explain the discrepancy with her dispatching the primary officer to 17520 NE 2 Avenue.

**Statement of Police Dispatcher Darlene Starks-Smith, Communications Bureau**

Ms. Smith stated she was assigned as Ms. De-Heath's training officer the day of the incident. However, she stated that she was not sure if she was working with De-Heath at the time of the incident and has no recollection of the call received or of Ms. De-Heath dispatching officers to the wrong address.

**Staff Remarks:**

Staff contacted the complainant on November 30, 2006. The complainant stated she saw no further point in continuing the complaint process with the IRP.

**Additional Information from IA Report:**

- 1- PCO DePrado resigned from MDPD on February 23, 2006, approximately 2 months before the disposition was finalized.
- 2- Officer William Harrington, the officer who responded to the complainant's residence several days after, was given a Record of Counseling for not completing an Offense/Incident Report or referring the case to the proper bureau for investigation.
- 3- Deputy Director Steven Rothlein requested further investigation as to the date Officer Harrington responded to the complainant's residence. A review of Officer Harrington's Daily Activity Reports from 9/19/04 to 10/15/04 revealed that Officer Harrington had not documented his response to the complainant's home. This was an additional violation that was added to Officer Harrington's Record of Counseling.
- 4- The IA Investigation also discovered that Police Dispatcher Trainee Ana Franca-De-Heath dispatched Officer Michael Brajdic to the wrong address on the date of the incident.

### **Staff Findings:**

- 1- The lack of immediate follow up to the report that an old man exposed himself to a child was the result of several errors and oversights:
  - Police Complaint Officer Madelaine DePrado failed to give enough information to the police dispatcher in order for the call to be handled properly.
  - Trainee Dispatcher Ana Franca-De-Heath dispatched the address of the complainant incorrectly.
  - Officer Michael Brajdic's Miscellaneous Incident Report did not make it to the Child Exploitation Unit due to faxing confusion.
  - Officer Harrington failed to complete an Offense Incident Report or make the proper notifications after he met with the complainant.
- 2- MDPD thoroughly investigated the complaint and pursued several issues that contributed to the failure to follow up on a serious complaint. The Department was correct in its "Sustained" findings and in referring the case to the Communications Bureau to be handled as a training issue.
- 3- Staff found no evidence that Officer Harrington informed Crime Analyst Victoria Burgos or Officer Kelly Anderson to fax over Officer Brajdic's report to the Child Exploitation Unit. There is no record that the Child Exploitation Unit ever received Officer Brajdic's report.

### **Recommendations:**

- 1- Staff recommends that a procedure be established for the transmittal of reports to ensure they are sent and received properly.
- 2- Staff recommends that Police Dispatcher De-Heath receive informal counseling for dispatching Officer Brajdic to the wrong address.
- 3- Staff recommends that the complaint be concluded.