

Disposition of the Independent Review Panel



Complainant: NAACP/Tricoli

IRP Case: A 2005.100

Date: May 24, 2007

MDPD Case: IA 2005-0171

The Independent Review Panel met on May 24, 2007 for the purpose of publicly reviewing the complaint made by the NAACP against the Miami-Dade Police Department and the department's response to that complaint. The following represents the findings of the Panel:

A. Incident: Thirteen-year-old Michael Tricoli stole a Hollywood Public Works truck on June 16, 2005. He was arrested by MDPD officers, following a vehicle pursuit covered by the media, that began in Hollywood, Florida and ended near the Miami-Dade Airport. The *Miami Herald* reported that a Miami-Dade police officer was "taken off duty after TV cameras caught the officer [Victor Milian] appearing to strike the young suspect while he was already on the ground in custody."

B. Allegations: The NAACP asked the Independent Review Panel to review the arrest of the 13-year-old, particularly the "failure to use a taser on a White child and the quickness with which the TV footage resulted in the officer involved being taken off duty." The NAACP stated that this response seems different than investigations involving Black suspects.

C. Disposition of the Independent Review Panel: The Panel found the allegations to be unfounded.

1. Officer Victor Milian was relieved of duty pending the Professional Compliance Bureau investigation. This is a routine MDPD procedure.
2. None of the officers involved in the take-down of Michael Tricoli had tasers or were taser certified at the time of the incident.
3. There is no evidence to support allegations that the failure to use a taser and Officer Milian's relief from duty had anything to do with race.
4. The MDPD Professional Compliance Bureau conducted a thorough investigation and the not sustained findings are consistent with the investigation.

The Independent Review Panel concluded the complaint on May 24, 2007.

Independent Review Panel Committee Recommendation to the Panel

May 24, 2007

Complaint: A 2005.100

MDPD Case: IA 2005-0171

Complainant: NAACP

Accused Party: Miami-Dade Police Department (MDPD), Officers Rolando Lechuga and Victor Milian

Date Complaint Received: June 23, 2005

Materials Reviewed: Correspondence, IA Case IA 2005-0171, videotapes from Channels 4 and 10, staff notes and committee notes

Committee: Michael Band, Panel Member; Dr. Eduardo Diaz, Executive Director; Carol Boersma, Executive Assistant to the Director

Meeting Date: May 9, 2007

Present: Kristin Anderson; Conflict Resolution Specialist; A/Lt. Jennifer Lombardi; MDPD; Sergeant William Richardson, MDPD

Complaint: Thirteen-year-old Michael Tricoli stole a Hollywood Public Works truck on June 16, 2005. He was arrested by MDPD officers, following a vehicle pursuit covered by the media, that began in Hollywood, Florida and ended near the Miami-Dade Airport. The *Miami Herald* reported that a Miami-Dade police officer was “taken off duty after TV cameras caught the officer appearing to strike the young suspect while he was already on the ground in custody.

The NAACP asked the Independent Review Panel to review the arrest of the 13-year-old, particularly the “failure to use a taser on a White child and the quickness with which the TV footage resulted in the officer involved being taken off duty.” The NAACP stated that this response seems different than investigations involving Black suspects.

MDPD Investigation IA 2005-0171: The following is excerpted from the MDPD Disposition:

1. Michael Tricoli alleged that Officer Rolando Leghuga struck him on his left ear with his firearm – Not Sustained.

“...the video failed to reveal any contact made of Lechuga’s gun upon Tricoli...photographs taken of Tricoli fail to show any injuries to Tricoli’s left ear other than slight redness.

2. Michael Tricoli alleged that Officer Rolando Lechuga was discourteous by saying, “Get out of the fucking car” – Not Sustained.

“All officers at the scene denied the allegation... and there are no independent witnesses to corroborate the complainant’s allegation....”

3. Investigative allegation: Officer Victor Milian used unauthorized use of force during the arrest of Michael Tricoli – Not Sustained.

“All officers at the scene denied the allegation. The videotape captures Officer Milian approaching Tricoli from the left side of the screen. Officer Milian appears to force his knee and left arm/hand in the direction of Tricoli’s head and shoulder area. However, the video failed to show contact between the knee and the left arm/hand upon Tricoli’s body. Furthermore,...Tricoli in his statement was adamant that the only officer that hit upon him was Officer Lechuga, and he did so by striking him in the left ear with his weapon. He further stated that no other officer kicked or hit him anywhere else.”

Committee Remarks: Dr. Diaz stated the Internal Affairs investigation was triggered by media video which showed several officers “piling on” the 13-year-old. Staff found no racial issues in this complaint. Tasing would not have been appropriate.

Mr. Band asked MDPD to find out whether the officers involved in the arrest were taser certified at that time.

Ms. Boersma asked MDPD to explain how officers determine who is going to do what during a take down. Sgt. Richardson responded that each situation is different and officers do what they are trained to do; get the subject under control and handcuffed.

Committee Findings:

5. Officer Victor Milian was relieved of duty pending the Professional Compliance Bureau investigation. This is a routine MDPD procedure.
6. None of the officers involved in the take-down of Michael Tricoli had tasers or were taser certified at the time of the incident.
7. There is no evidence to support allegations that the failure to use a taser and Officer Milian’s relief from duty had anything to do with race.
8. The MDPD Professional Compliance Bureau conducted a thorough investigation and the not sustained findings are consistent with the investigation.