

Disposition of the Independent Review Panel



Complainant: Helen B. Williams

IRP Case: A 2006.148

Date: April 24, 2008

MDPD Case: IA 2006-0159

The Independent Review Panel met on April 24, 2008 for the purpose of publicly reviewing the complaint made by Helen B. Williams 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 MDPD address the finding that false information was written on the Property Receipt. Officer Patricia Perez-Nogues wrote "refused" in the space provided for Ms. Williams' signature on the Property Receipt, when in fact Ms. Williams was not present and was never offered the opportunity to sign.
2. That an MDPD supervisor discuss the Independent Review Panel disposition with Sergeant Rene M. Garcia and Officer Patricia A. Perez-Nogues.
3. That MDPD use this complaint in its training program to address the importance of sensitivity to cultural, ethnic and racial differences, to improve Community/Police Relations.

B. Incident

Ms. Williams stated that she placed her paper cup in a flower planter in front of the Metro Beauty Center at 4 SE First Street. Jose Goyanes, the owner, exited the store, removed her cup from the planter and shoved the cup in a black tote bag she was carrying. Mr. Goyanes then flagged down Miami-Dade Police Court Service Bureau Sgt. Rene Garcia. City of Miami Officer Octavio Santiago also responded to the scene, and he and Mr. Goyanes entered the store. Ms. Williams stated that she remained outside with Sgt. Garcia. Ms Williams advised that City of Miami Officer Santiago exited the store and stated to her, "You bitch, I should knock you on your ass."

Ms Williams stated that Sgt. Garcia forcibly grabbed her right arm and Officer Santiago grabbed her left arm and handcuffed her. Ms. Williams asked Sgt. Garcia for his name and he responded, "You will see my name when you get to jail, on the arrest form." Ms. Williams was charged with Battery and Resisting without Violence. The charges were dismissed.

Ms. Williams stated that after she was released from jail, she recovered her property and saw a copy of the Property Receipt. The Property Receipt was completed by Officer Patricia Perez-Nogues, who was not on the scene at the time of the arrest. Ms. Williams stated that Officer Perez-Nogues wrote that Ms. Williams refused to sign the Property Receipt. Ms. Williams stated that she did not refuse to sign the Property Receipt. She did not have any contact with Officer Perez-Nogues nor did Officer Perez-Nogues afford her the opportunity to sign the Property Receipt.

C. Disposition of the Independent Review Panel

Allegation 1:

Sgt. Rene Garcia forcibly grabbed her right arm causing injury. **Insufficient Evidence to Support or Refute Allegation.**

There are no witnesses or evidence to support or refute the allegation.

Allegation 2:

Sgt. Rene Garcia refused to provide his name when requested. **Insufficient Evidence to Support or Refute Allegation.**

There are no independent witnesses or evidence to support the allegation. Officer Octavio Santiago stated that when Ms. Williams asked Sgt. Garcia for his name, he provided his name and informed her that his name was also on the Arrest Form.

Allegation 3: Sgt. Rene Garcia failed to provide Ms. Williams with a copy of the Property Receipt and the location where her property was impounded. **Sustained.**

Sgt. Garcia does not remember providing Ms. Williams with a receipt. Ms. Williams said she did not know where her property was being held.

Allegation 4: Officer Patricia Perez-Nogues failed to provide Ms. Williams with a copy of the Property Receipt and the location where her property was impounded. **Exonerated.**

Officer Perez-Nogues was following Sgt. Garcia's instruction to impound Ms. Williams' property. She gave the Property Receipt to Sgt. Garcia and advised him where the property was impounded.

D. Other Findings

1. The MDPD disposition panel did not address the fact that false information was written on the Property Receipt. Ms. Williams did not refuse to sign the Property Receipt; she was never given the opportunity to sign.
2. Although the officer has the greater responsibility in making citizen contacts which inspire respect and generate cooperation, the citizen also influences the interaction between the officer and the citizen. In this case a littering incident escalated to an arrest and incarceration.

Independent Review Panel Committee Recommendation to the Panel

April 24, 2008

Complaint: A2006.148

MDPD Case: IA 2006-0159

Complainant: Helen B. Williams

Accused Parties: Miami-Dade Police Department (MDPD): Sergeant Rene M. Garcia and Officer Patricia A. Perez-Nogues

Materials Reviewed: Correspondence, MDPD Case 2006-0159, staff notes and committee notes

Committee: Dr. Moiez A. Tapia, Panel Member; Dr. Eduardo Diaz, Executive Director, Carol Boersma, Executive Assistant; Anna Sidan, Conflict Resolution Specialist.

Meeting Date: March 26, 2008

Present: Sgt. Lorine Kingcade, MDPD Professional Compliance Bureau and Helen Williams, complainant

Complaint: Ms. Williams stated that she placed her paper cup in a flower planter in front of the Metro Beauty Center at 4 SE First Street. Jose Goyanes, the owner, exited the store, removed her cup from the planter and shoved the cup in a black tote bag she was carrying. Mr. Goyanes then flagged down Miami-Dade Police Court Service Bureau Sgt. Rene Garcia. City of Miami Officer Octavio Santiago also responded to the scene, and he and Mr. Goyanes entered the store. Ms. Williams stated that she remained outside with Sgt. Garcia. Ms Williams advised that City of Miami Officer Santiago exited the store and stated to her, "You bitch, I should knock you on your ass."

Ms Williams stated that Sgt. Garcia forcibly grabbed her right arm and Officer Santiago grabbed her left arm and handcuffed her. Ms. Williams asked Sgt. Garcia for his name and he responded, "You will see my name when you get to jail, on the arrest form." Ms. Williams was charged with Battery and Resisting without Violence. The charges were dismissed.

Ms. Williams stated that after she was released from jail, she recovered her property and saw a copy of the Property Receipt. The Property Receipt was completed by Officer Patricia Perez-Nogues, who was not on the scene at the time of the arrest. Ms. Williams stated that Officer Perez-Nogues wrote that Ms. Williams refused to sign the Property Receipt. Ms. Williams stated that she did not refuse to sign the Property Receipt. She did not have any contact with Officer Perez-Nogues nor did Officer Perez-Nogues afford her the opportunity to sign the Property Receipt.

Ms. Williams also filed a complaint with the Miami Civilian Investigate Panel against City of Miami Officer Santiago.

Department Response IA 2006-0159: MDPD investigated the allegations that:

1. Sgt. Rene Garcia forcibly grabbed her right arm causing injury.
2. Sgt. Rene Garcia refused to provide his name when requested.
3. Sgt. Rene Garcia failed to provide Ms. William with a copy of the Property Receipt and the location where her property was impounded.
4. Officer Patricia Perez-Nogues failed to provide Ms. Williams with a copy of the Property Receipt and the location where her property was impounded.

The following is the MDPD disposition:

1. **Allegation #1- Not Sustained.** Sgt. Garcia denies he forcibly grabbed the complainant by her right arm causing injury. There are no independent witnesses or evidence that would support the allegation.
2. **Allegation #2 - Not Sustained.** Sgt. Garcia stated he gave the complainant his name and badge number, and a copy of the Arrest form. There are no independent witnesses or evidence that would support the allegation.
3. **Allegation #3 - Sustained.** Sgt. Garcia stated he does not remember providing a copy of the Property Receipt to the complainant. He also does not remember if he told the complainant the location where her property was impounded. Officer Perez-Nogues stated she gave a copy of the Property Receipt to Sgt. Garcia and advised him where the property was impounded. Officer Perez-Nogues also stated she never had any contact with the complainant.
4. **Allegation #4 - Exonerated.** Officer Patricia Perez-Nogues stated she did not provide the complainant with a copy of the Property Receipt at the location where her property was impounded. Officer Perez-Nogues stated that she gave the copy of the property receipt to Sgt. Garcia and advised him where the property was impounded. The complainant also stated she did not have any contact with Officer Perez-Nogues. Officer Perez-Nogues was justified because she did not have any contact with the complainant and was only following Sgt. Garcia's instruction to impound the property.

Jose Goyanes, store owner, stated that on May 11, 2006 he observed Ms. Williams throwing a paper cup into a flower planter next to the front door of his business. He tried to give it back to her but Mrs. Williams threw it at him, striking him in the chest, wetting his pants and shirt. Mr. Goyanes stated that MDPD Sgt. Garcia was driving eastbound on Southeast First Street and stopped to assist him. Mr. Goyanes stated that he informed Sgt. Garcia that he did not want to press any charges against Ms. Williams, if she left the scene. Sgt. Garcia attempted three times to calm Ms. Williams down and she continued yelling, calling the officers "Cuban spic." She was arrested and placed in the back of the police vehicle.

City of Miami Officer Octavio Santiago stated that he responded to 4 Southeast First Street as a back-up unit regarding a dispute. Officer Santiago stated that Sgt. Garcia told Ms. Williams to leave the scene several times and Ms. Williams refused. Ms. Williams was yelling “Fucking Cubans” and “Cuban mother fucker.” Officer Santiago and Sgt. Garcia arrested Mrs. Williams. Officer Santiago requested that Fire Rescue respond to the scene because Mrs. Williams complained that she could not breathe. When Ms. Williams asked Sgt. Garcia for his name, he provided his name and informed her that his name was also on the Arrest Form.

Officer Patricia Perez-Nogues stated that Sgt. Garcia asked her to impound Ms. Williams’ property at the MDPD Property and Evidence Room because the property (luggage) was too large and could not be accepted at the jail. Officer Perez-Nogues stated that she wrote “Refused” on the signature line on the Property Receipt because Mrs. Williams was not present when the Property Receipt was written.

Sgt. Rene Garcia stated that he was driving by the Metro Beauty Center and observed a dispute between Ms. Williams and Mr. Goyanes. They were arguing about a cup that Ms. Williams placed in a flower planter on Mr. Goyanes’ property. Sgt. Garcia denied the allegations.

Arrest Affidavit Mrs. Williams was arrested for Simple Battery and Resisting Officer Without Violence. The following is quoted from the A-Form: “[Ms. Williams] picked up the cup of soda and unlawfully and intentionally threw the cup of soda at [Mr. Goyanes], striking him in the chest and soaking his shirt and pants with soda. The battery was witnessed by this officer as I was traveling eastbound on SE 1st Avenue. When this officer attempted to arrest [Ms. Williams] for battery, she stiffened her arms and threw herself to the ground in an attempt to prevent me from handcuffing her...”

Committee Remarks: Mrs. Williams started the meeting by reading a letter she wrote on May 26, 2006, to Dr. Eduardo Diaz and Ms. Shirley Richardson, Executive Director of the Miami Civilian Investigative Panel. The committee addressed the following items in her letter:

1. Sgt. Garcia did not read her the Miranda Rights when she was arrested.
Sgt. Kingcade stated that Miranda Rights are not required unless the subject is questioned about the crime. In this case Sgt. Garcia witnessed the “battery” and Ms. Williams was not questioned about the crime.
2. When she asked Sgt. Garcia why she was arrested he responded “disorderly conduct” and then wrote “simple battery” and “resisting a police officer without violence” on the Arrest Affidavit.
Dr. Diaz stated that the officer’s conversation about a charge is not a commitment. Sgt. Garcia charged Ms. Williams with battery because he witnessed Ms. Williams throwing the cup at the store owner. Ms. Williams responded that the sergeant claimed he saw her throw the cup, “however there are no witnesses who said they saw Sgt. Garcia witness what happened.” Ms. Williams stated that Sgt. Garcia was supposed to be protecting judges, so how did he just happen to witness the incident.

3. She did not see the Arrest Affidavit until she was in jail.

Ms. Williams stated that Sgt. Garcia did not give her the Arrest Affidavit at the scene, even though he said he did. Dr. Tapia asked Sgt. Kingcade if the Arrest Affidavit is handed to the subject at the time of arrest. Sgt. Kingcade answered that it is usually given at jail. Dr. Diaz interjected that nowhere in the IA report did Sgt. Garcia say he gave Ms. Williams the arrest form at the scene.

4. Sgt. Garcia refused to remove the handcuffs so Fire Rescue could take her blood pressure.

Ms. Williams said that the paramedic could only get one blood pressure number because she was handcuffed and Sgt. Garcia did nothing. Ms. Williams said she did not ask for the handcuffs to be removed.

5. Officer Patricia Perez-Nogues wrote “refused” in the space provided for her signature on the Property Receipt, when in fact she was never offered the opportunity to sign.

Dr. Diaz stated that he understands that Officer Perez-Nogues was exonerated because she was not on the scene, however MDPD did not address the fact that false information was written on the Property Receipt. Sgt. Kingcade replied that this fact was in the report that went to the MDPD disposition panel.

6. Only the allegation that Sgt. Garcia failed to provide her with a property receipt was sustained.

Ms. Williams stated that she does not agree with the “not sustained” and “exonerated” findings for the other allegations.

Ms. Williams believes that Sgt. Garcia lied. She stated that when he asked her what her profession was, she responded “unemployed.” When he asked her what she did before she was unemployed, she responded “teacher.” Sgt. Garcia then wrote “teacher” on the arrest form. Ms. Williams believes that Sgt. Garcia may have been one of her students when she taught at Shenandoah and he wrote “teacher” so the School Board would be notified.

Dr. Diaz stated that there are many conflicting statements in this situation. Ms. Williams said Officer Santiago used offensive language. Mr. Goyanes and Officer Santiago said Ms. Williams used offensive language. Sgt. Garcia said Ms. Williams was asked several times to leave the scene and she refused. Ms. Williams said she was never asked to leave. She wanted to but the officer would not allow her to leave.

Ms. Williams commended Dr. Tapia for conducting the meeting in a “caring and professional way.”

Committee Findings:

B. **Regarding the allegations** The committee recommends that the Panel concur with the findings of the MDPD disposition Panel for the allegations they focused on.

1. Sgt. Rene Garcia forcibly grabbed her right arm causing injury. **NOT SUSTAINED**
There are no witnesses or evidence to support or refute the allegation.
2. Sgt. Rene Garcia refused to provide his name when requested. **NOT SUSTAINED**
There are no witnesses or evidence to support the allegation. Officer Octavio Santiago stated that when Ms. Williams asked Sgt. Garcia for his name, he provided his name and informed her that his name was also on the Arrest Form.
3. Sgt. Rene Garcia failed to provide Ms. William with a copy of the Property Receipt and the location where her property was impounded. **SUSTAINED**
Sgt. Garcia does not remember providing Ms. Williams with a receipt. Ms. Williams said she did not know where her property was being held.
4. Officer Patricia Perez-Nogues failed to provide Ms. Williams with a copy of the Property Receipt and the location where her property was impounded. **EXONERATED**
Officer Perez-Nogues was following Sgt. Garcia's instruction to impound Ms. Williams' property. She gave the Property Receipt to Sgt. Garcia and advised him where the property was impounded.

C. **Other Findings:**

1. The MDPD disposition panel did not address the fact that false information was written on the Property Receipt. Ms. Williams did not refuse to sign the Property Receipt; she was never given the opportunity to sign.
2. Although the officer has the greater responsibility in making citizen contacts which inspire respect and generate cooperation, the citizen also influences the interaction between the officer and the citizen. In this case a littering incident escalated to an arrest and incarceration. If Ms. Williams had taken the cup and moved on, there would have been no battery for Sgt. Garcia to witness. On the other hand, the arrest and incarceration of a mature woman with no prior arrest record was unnecessary. Sgt. Garcia could have issued a citation or allowed Ms. Williams to sign a "Promise to Appear."

Recommendations:

1. That MDPD address the finding that false information was written on the Property Receipt.
2. That an MDPD supervisor discuss the Independent Review Panel disposition with Sergeant Rene M. Garcia and Officer Patricia A. Perez-Nogues.
3. That the Panel conclude the complaint.