

Disposition of the Independent Review Panel



Complainant: Lamont Missick

IRP Case: A2007.030

Date: July 24, 2008

MDPD Case: PC 2007-0037

The Independent Review Panel met on June 26, 2008 for the purpose of publicly reviewing the complaint made by Lamont Missick against the Miami-Dade Police Department and the department's response to that complaint. The Panel ratified its disposition on July 24, 2008. The following represents the findings of the Panel:

A. Recommendations

1. That all uniformed MDPD officers on duty display their name and badge number at all times in a way that is visible to the public.
2. That Officer Hanna be counseled on the requirement that his name and badge number be visibly displayed at all times, and that upon request he must provide his name and badge number.
3. That MDPD establish a complaint filing procedure which enables a complainant to get a copy of the complaint he/she filed, a receipt to document that he/she filed a complaint, the name of the person who received the complaint, and the date and time the complaint was received.
4. That Police Director Robert Parker address questioning techniques during Professional Compliance investigations that leave facts in citizen complaints unresolved.
5. That MDPD provide police officers with business cards that at a minimum include the officer's name and badge number, and that police officers provide a card when his/her identification is requested.

B. Incident

Mr. Missick was preparing to take photographs of his vehicle, which was parked in a lot at St. Thomas University, when Officer Hanna approached him. According to Mr. Missick, Officer Hanna told him that he was on Homeland Security detail, and that taking photographs on the university campus was considered suspicious behavior.

Mr. Missick stated that he asked the officer for his name and they began to argue as to whether or not Mr. Missick had the right to take photographs. Because Officer Hanna did not provide him with his name and he could not see a badge or name plate, he took a picture of the officer.

Mr. Missick gave Officer Hanna his driver's license. Mr. Missick reported that Officer Hanna began to question him about his place of origin and commented that he could possibly be from Al-Qaeda, a comment that offended Mr. Missick.

C. Disposition of the Independent Review Panel

1. Officer James Hanna did not properly identify himself by name and did not display a police badge.

The Panel found the allegation to be **SUSTAINED**, based on the preponderance of the evidence:

Although Officer Hanna stated that his name and badge were properly displayed on his shirt, he neglected to say he was wearing a jacket, which covered his nameplate and his badge. If Officer Hanna had, in fact, identified himself as "Officer Hanna" at the time he asked Mr. Missick for identification, Mr. Missick would not have had so much trouble identifying the officer when he went to the Miami Gardens Station. At the Miami Gardens Station, Mr. Missick showed the photograph he had taken and spoke to several officers before he learned the name of Officer Hanna.

2. Officer James Hanna made a comment that Mr. Missick could be from Al-Qaeda, a comment that offended Mr. Missick.

The committee found **Insufficient Evidence to Support or Refute Allegation**.

It was the word of the complainant versus the word of the officer. There were no witnesses.

D. Other Findings

1. Mr. Missick was a credible and professional witness.
2. Officer Hanna's marked police vehicle and uniform clearly identified him as a Miami-Dade police officer, however, if he was wearing a badge and nameplate, they were covered by his jacket.
3. Officer Hanna's questions to Missick were triggered by Homeland Security concerns. In his PCB statement, Officer Hanna said, "I observed the gentleman taking pictures of a building...of students, and I thought about questioning him why he was taking the pictures since we are in Homeland Security, and that's how I asked him for identification and who he was."
4. Sergeant Lugo's questioning techniques with Officer Hanna did not comply with the Professional Compliance Bureau Vision Statement to "objectively investigate internal affairs cases striving to clearly establish the truth." Sergeant Lugo left several important facts unresolved; he asked leading questions; he asked two questions in the same sentence; questions that were not answered were not followed up on; and the photo which clearly showed that Officer Hanna's badge and name were covered by his jacket was ignored.
5. In the state of Florida, an officer has the right to ask an individual for identification, however, an officer cannot detain an individual unless the officer believes the individual has committed, is committing, or is about to commit a criminal offense.
6. The MDPD complaint form appears in the MDPD brochure but it does not provide for the complainant to get a copy of the complaint filed, a receipt to document that he/she filed a complaint, the name of the person who received the complaint, and the date and time the complaint was received.

The Independent Review Panel concluded the complaint on July 24, 2008.

Independent Review Panel

Committee Recommendation to the Panel

June 26, 2008

Complaint: A 2007.030 **MDPD Case:** PC 2007-0037

Complainant: Lamont Missick

Accused Party: Miami-Dade Police Department (MDPD), Officer James Hanna

Date Complaint Received: February 6, 2007

Materials Reviewed: Correspondence, Photograph of Officer Hanna taken by the complainant, MDPD Case PC 2007-0337, staff notes and committee notes

Committee: Julia Dawson, Panel Member; Dr. Eduardo Diaz, Executive Director; Carol Boersma, Executive Assistant; Kristin Anderson, Conflict Resolution Specialist

Meeting Date: November 5, 2007

Present: Sergeant Jose Lugo, Professional Compliance Bureau (PCB); Lamont Missick, Complainant

Complaint: Mr. Missick stated that on January 30, 2007, he was in the parking lot outside of Sullivan Hall on the campus of St. Thomas University, where he was employed, preparing to take photographs of his vehicle, which had recently acquired a dent on the passenger side. According to Mr. Missick, a Miami-Dade officer (later identified as Officer Hanna) was in his parked patrol car in the adjacent lot.

As Mr. Missick proceeded to take snapshots of his car using his zoom feature, the officer exited his vehicle and approached Mr. Missick. According to Mr. Missick, Officer Hanna told him that he was on Homeland Security detail, and that taking photographs on the university campus was considered suspicious behavior. Officer Hanna then asked that Mr. Missick show him his university ID.

Mr. Missick stated that he questioned the officer about his (Officer Hanna's) identification and they both began to argue as to whether or not Mr. Missick had the right to take photographs. According to Mr. Missick, Officer Hanna continued to demand that he show identification and threatened to arrest him if he did not cooperate. Mr. Missick stated that because Officer Hanna did not provide him with his name and he could not see a badge, he took a picture of the officer. Officer Hanna objected and threatened to take his camera.

Mr. Missick reported that Officer Hanna continued to press him for identification. Mr. Missick explained that he was a new Adjunct Professor of English at St. Thomas University and had not

yet been issued a St. Thomas ID. Mr. Missick offered to show Officer Hanna his driver's license. Once Officer Hanna obtained his license, he proceeded to fill out a field interview report. Mr. Missick reported that Officer Hanna began to question him about his place of origin. Mr. Missick responded that his Florida identification should be sufficient. Mr. Missick stated that Officer Hanna became perturbed at his response and again threatened him with arrest for not directly answering his question. Mr. Missick also stated that Officer Hanna told him he could possibly be from Al-Qaeda, a comment that offended him.

After the incident Mr. Missick went to the Miami Gardens Station to file a complaint. He showed the photograph he had taken to the officer at the front desk; however she could not identify the individual. Mr. Missick stated that when he asked for a complaint form, the female officer replied that there was no "complaint form" and she handed him a brochure which appeared to have some type of mail-in form. A short time later Mr. Missick was able to speak to Sergeant Lorente, who recognized the officer in the photograph but did not recall his name.

Sergeant Lorente explained the different ways a complaint could be filed and suggested that Mr. Missick speak with the officer's supervisor. Sergeant Lorente was able to provide the name of the officer (James Hanna) and the officer's supervisor (Sergeant Irizarry) from a list at the front desk.

Mr. Missick alleges that Officer Hanna:

1. Did not properly identify himself by name and did not display a police badge.
2. Made a comment that Mr. Missick could be from Al-Qaeda, a comment that offended Mr. Missick.

Department Response: MDPD Case PC 2007-0337

The following is quoted from the MDPD disposition:

Allegations #1 – Not Sustained

In his letter, Mr. Lamont Missick acknowledges that he questioned Officer Hanna over his identity. Officer Hanna did not give him his name and Mr. Missick "did not see a badge." In his formal statement, Officer Hanna denied refusing to provide Mr. Missick with his name or his badge number, or show him his badge. Absent any independent witness to corroborate or refute Mr. Missick's statement, this allegation is not sustained.

Allegation # 2- Not Sustained

In his statement, Officer Hanna denied being discourteous or making a comment that may have been offensive to Mr. Missick. Absent any independent witness to corroborate or refute Mr. Missick's statement, this allegation is not sustained.

The Computer Assisted Dispatch (CAD) Record indicates Officer Hanna was dispatched to St. Thomas University to investigate "open line, no answer on call back."

Statement of Officer James Hanna

Officer Hanna stated that his nameplate and badge were properly displayed on his uniform shirt. He said he gave Mr. Missick his name at the time he asked Mr. Missick for identification.

Officer Hanna said he approached Mr. Missick after “observing the gentleman taking pictures of a building, either dormitory or people, of students, and I thought about questioning him why he was taking the pictures since we are in Homeland Security. And that’s how I asked him for identification and who he was.”

Officer Hanna denied:

- telling Mr. Missick he would arrest him if he did not cooperate
- they argued about Mr. Missick’s right to take photographs
- questioning Mr. Missick about his place of origin or birth
- commenting about Al Qaeda

Additional Information from MDPD Investigation

Sergeant Roberto Irizarry from the Miami Gardens Station told the complaint investigator that he spoke to Mr. Missick about the incident. “Mr. Missick requested to be present in a discussion or counseling session with Officer Hanna. ...Mr. Missick was not pleased when he was informed that per departmental procedure (Mr. Missick) could not be present during a formal or informal session with Officer Hanna.”

Committee Remarks: Mr. Missick told the committee that he was disturbed by the questions Officer Hanna asked him during the incident, but he was even more disturbed by Officer Hanna’s denial of everything when questioned by Sergeant Lugo during the investigation of his (Mr. Missick’s) complaint.

Officer Identification

Mr. Missick provided a photograph of Officer Hanna he took at the time of the incident. It shows Officer Hanna wearing an MDPD jacket over his police uniform and pointing his index finger into the camera. Officer Hanna’s name and badge are not visible. Sergeant Lugo commented that, although Officer Hanna’s badge and nameplate are not visible in the photograph, it is obvious that he is a police officer in uniform. Ms. Dawson replied that the jacket does not identify Officer Hanna by name, and it is imperative that officers be identifiable by name or badge number so they can be held accountable. She asked whether it is the policy of the police department to issue uniforms that prevent officers from being identified. Sergeant Lugo commented that he understood Ms. Dawson’s point; however Officer Hanna’s attire in the photograph complies with departmental policy.

Ms. Dawson pointed out that although Mr. Missick showed the police a photo of Officer Hanna during his attempts to identify the officer, MDPD did not include a copy of that photo in the

Internal Affairs investigation. The photo showed Officer Hanna's badge and name obscured by his jacket.

Ms. Dawson commented that if Officer Hanna had provided Mr. Missick with his name, Mr. Missick would not have had so much trouble identifying the officer when he went to the Miami Gardens Station.

Ms. Dawson referred to the part of Mr. Missick's written complaint in which he stated that he was taking pictures using the camera's zoom feature. She asked Mr. Missick why he used the zoom feature to take a picture of a dent in his car. Mr. Missick responded that he knew the officer was focusing on him and he wanted to include the officer in the photo. Mr. Missick also said he was using the zoom feature so the photo would show if the damage to his car could be seen from a distance.

Homeland Security

Ms. Dawson asked Sergeant Lugo if Officer Hanna is a part of the MDPD Homeland Security Bureau. Sergeant Lugo replied that he is not. Officer Hanna is a police officer in the Miami Gardens District. However, all law enforcement officers are trained to be alert for Homeland Security issues.

Dr. Diaz stated that the issue is that Mr. Missick said Officer Hanna told him that he (Officer Hanna) was on Homeland Security duty and in his statement Officer Hanna denied telling Mr. Missick he was on Homeland Security duty.

Ms. Dawson pointed out that Officer Hanna testified in his Internal Affairs statement that: "I thought about questioning him why he was taking the pictures since we are in Homeland Security." Ms. Dawson also pointed out that when Sgt. Lugo asked Officer Hanna, "During your contact with Mr. Missick, did you mention Homeland Security," Officer Hanna responded, "the reason I questioned him was as to security reasons, and he's taking pictures of a building with people in it." Officer Hanna did not answer affirmatively or negatively, and was not required to answer the question.

Offensive Statements and Questions

Dr. Diaz asked Mr. Missick if he was certain that Officer Hanna made the remark that he (Mr. Missick) could possibly be from Al-Qaeda. Mr. Missick replied that the officer did make the comment even though he later denied it. At that point the officer began to question him even more, including questions about his place of birth. The officer's comments and questions were offensive to Mr. Missick.

Officers Bill of Rights

Dr. Diaz explained that law enforcement officers have a very strong Bill of Rights, which governs how an accused officer is treated during a complaint investigation. The Bill of Rights restricts PCB investigators as to what they can address when taking a statement.

Leading Question

Mr. Missick felt that Sergeant Lugo's question about the reason Officer Hanna was in the area was a leading question. Sergeant Lugo asked as follows: "the record reflects on the CAD that... you were dispatched to Saint Thomas University to conduct an investigation regarding an open phone line; is that correct?"

Ms. Dawson felt that Sergeant Lugo's question regarding Officer Hanna's name and badge was a leading question. Sergeant Lugo asked as follows: "Was your badge and nameplate properly displayed on you uniform shirt?" Ms. Dawson commented that this question is not only leading, it allows Officer Hanna to reply truthfully that his badge and nameplate were properly displayed on his uniform shirt while not revealing that his jacket covered the badge and nameplate on his shirt, making it impossible for Mr. Missick to identify him.

Complaint Forms

Mr. Missick stated that he was unable to get a complaint form from the Miami Gardens Station. Instead he was given a brochure. Mr. Missick asked Sergeant Irizarry if he would sign his (Mr. Missick's) statement and the sergeant refused. Mr. Missick wanted confirmation that his complaint had been received. Ms. Boersma provided the MDPD brochure and advised that the MDPD complaint form is in the brochure. Ms. Dawson stated that the form in the brochure does not provide a way to document that a complaint has been received or who received it.

What Mr. Missick would like to have happen

Mr. Missick stated that he would like the public record to show the IRP's findings. Mr. Missick also stated that he would like to meet with Officer Hanna and Officer Hanna's supervisors so he could go over his case and have Officer Hanna respond.

MDPD Addendum: Following the Committee Meeting, PCB Major Donald Rifkin directed the Sgt. Lugo to prepare an addendum to include the photograph Mr. Missick took of Officer Hannah (attached) and any additional information provided by the persons listed in the Witness Information Form.

Captain Trevor Chambers is in charge of Public Safety at St. Thomas University (STU). Captain Chambers stated that he did not witness the incident between Mr. Missick and Officer Hannah. Captain Chambers did tell Mr. Missick about an incident that happened about four years ago between Officer Hannah and a student. Captain Chambers said he did not perceive Officer Hannah's interaction with the student to be improper or discourteous.

Dr. James Conley is a professor at STU. He stated that he did not witness the incident. He added that Officer Hannah was on campus regarding a dispatched call and his presence on campus was not an isolated incident.

MDPD Disposition: Both allegations remained NOT SUSTAINED.

Staff Notes: On May 21, 2008 Dr. Conley sent an email to the IRP. The following is quoted from his email:

This is a note of support for Mr. Lamont Missick concerning an encounter he had with a Miami Dade police office on January 30, 2007.

Mr. Missick had been hired to work as an adjunct professor in English, an area which I administered at the time. In the Addendum referring to my phone conversation with Sgt. Lugo, the internal affairs investigator, there is the following statement:

“Dr. Conley stated that even though Officer Hanna was on campus regarding a dispatched call, his presence, or police presence on campus was not an isolated incident and that police officers are invited to be there.”

This statement needs some clarification. It is true that I said that local police have visited our campus before and that they are certainly welcome to be here to assure faculty/students of the overall public safety in our academic environment. However, until reading the addendum I did not remember the detail about Officer Hanna’s having been dispatched to the campus; it came up in the discussion with Sgt. Lugo as something he raised, not as something I articulated. I do remember explaining my concern that the encounter between Officer Hanna and Mr. Missick left the impression of aggressiveness on the part of a public security officer that contrasts with the standard manner of interaction between campus security and the faculty/student population. Sgt. Lugo did not include my concern in his statement.

Committee Findings:

A. Regarding the allegations

1. Officer James Hanna did not properly identify himself by name and did not display a police badge.

The committee found the allegation to be SUSTAINED, based on the preponderance of the evidence:

Although Officer Hanna stated that his name and badge were properly displayed on his shirt, he neglected to say he was wearing a jacket, which covered his nameplate and his badge. If Officer Hanna had, in fact, identified himself as “Officer Hanna” at the time he asked Mr. Missick for identification, Mr. Missick would not have had so much trouble identifying the officer when he went to the Miami Gardens Station. At the Miami Gardens Station, Mr. Missick showed the photograph he had taken and spoke to several officers before he learned the name of Officer Hanna.

2. Officer James Hanna made a comment that Mr. Missick could be from Al-Qaeda, a comment that offended Mr. Missick.

The committee found **Insufficient Evidence to Support or Refute Allegation.**

It was the word of the complainant versus the word of the officer. There were no witnesses.

B. Other Findings:

1. Mr. Missick was a credible and professional witness.
2. Officer Hanna's marked policed vehicle and uniform clearly identified him as a Miami-Dade police officer, however his badge and nameplate were covered by his jacket.
3. Officer Hanna's questions to Missick were triggered by homeland security concerns. In his PCB statement, Officer Hanna said, "I observed the gentleman taking pictures of a building...of students, and I thought about questioning him why he was taking the pictures since we are in Homeland Security, and that's how I asked him for identification and who he was."
4. Sergeant Lugo's questioning techniques with Officer Hanna did not comply with the Professional Compliance Bureau Vision Statement to "objectively investigate internal affairs cases striving to clearly establish the truth." Sergeant Lugo left several important facts unresolved; he asked leading questions; he asked two questions in the same sentence; questions that were not answered were not followed up on; and the photo which clearly showed that Officer Hanna's badge and name were covered by his jacket was ignored.
5. In the state of Florida, an officer has the right to ask an individual for identification, however an officer cannot detain an individual unless the officer believes the individual has committed, is committing, or is about to commit a criminal offense.
6. The MDPD complaint form appears in the MDPD brochure but it does not provide for the complainant to get a receipt to document that he/she filed a complaint, or the name of the person who received that complaint, or the date and time the complaint was received.

Recommendations:

1. That all MDPD officers on duty display their name and badge number at all times in a way that is visible to the public, regardless of their specific attire at the time.
2. That Officer Hanna be counseled on the requirement that his name and badge number be visibly displayed at all times.
3. That MDPD establish a complaint filing procedure which enables a complainant to get a copy of the complaint he/she filed, a receipt to document that he/she filed a complaint, the name of the person who received that complaint, and the date and time the complaint was received.
4. That Police Director Robert Parker address questioning techniques during professional compliance investigations that leave important facts in citizen complaints unresolved.
5. That the Panel conclude the complaint.