

Disposition of the Independent Review Panel



Complainant: Angela Zigler

IRP Case: A 2008.308

Date: February 24, 2009

MDPD Case: CR-2008-434

The Independent Review Panel met on February 24, 2009 for the purpose of publicly reviewing the complaint made by Angela Zigler against the Miami-Dade Police Department and the department's response to that complaint. The following represents the disposition of the Panel:

A. Recommendations

1. That the MDPD Professional Compliance Bureau (PCB) notify the employee's chain of command whenever a complaint is filed against an employee.
2. That MDPD obtain the involved employee's account whenever an employee is the subject of a complaint.
3. That MDPD create a check-off form, to be made a part of the Contact Report, which would cover the following: identifying information for the complainant, the narrative of the complaint, advising the complainant of the options, forwarding the complaint to the chain of command, and providing the complainant with a copy of the report.

B. Incident

Ms. Zigler was going to work at Jackson Memorial Hospital (JMH) and was inside the JMH complex when she encountered Officer Goulden, who was blocking traffic. Ms. Zigler stated that Officer Goulden was parked side-by-side with an undercover officer and the officers were talking. Ms. Zigler blew her horn and the officer got upset. Ms. Zigler stated that Officer Goulden approached her vehicle and shook her finger at the complainant, stating that, if Ms. Zigler blew her horn again, she would get a ticket.

C. Allegation

The Panel found the allegation that Officer Goulden was discourteous to be SUSTAINED. Ms. Zigler presented a credible and consistent account of the incident. Officer Goulden was invited to participate in the IRP committee meeting and the Panel meeting, but chose not to attend.

D. Other Findings

1. The supervisor of the involved employee may or may not be notified when a Contact Report is generated in response to a complaint. In this case, Officer Goulden's supervisor was not notified initially by the Professional Compliance Bureau, but the supervisor was notified after the IRP committee meeting.
2. The involved employee may or may not be contacted when a Contact Report is generated in response to a complaint. In this case, Officer Goulden was not asked to provide her account of the incident.

The Independent Review Panel concluded the complaint on February 24, 2009.

Independent Review Panel

Committee Recommendation to the Panel

February 24, 2009

Complaint: A 2008.308

MDPD (C&R) Case: CR-2008-434

Complainant: Angela Zigler

Accused Party: Miami-Dade Police Department (MDPD): Officer Lisa Goulden

Date Complaint Received: October 29, 2008

Materials Reviewed: Correspondence, MDPD Case CR-2008-434, staff notes and committee notes

Committee: Jean Robert Lafortune, Panel Member; Dr. Eduardo Diaz, Executive Director; Carol Boersma, Executive Assistant; Anna Sidan, Conflict Resolution Specialist.

Meeting Date: February 17, 2009

Present: MDPD Professional Compliance Bureau: Sgt. Franklin Roig Jr, MDPD Complaint Investigator and Sgt. Javier Ruiz. Angela Zigler, Complainant.

Complaint: Ms. Zigler was going to work at Jackson Memorial Hospital (JMH) and was inside the JMH complex when she encountered Officer Goulden, who was blocking traffic. Ms. Zigler stated that Officer Goulden was parked side-by-side with an undercover officer and the officers were talking. Ms. Zigler blew her horn and the officer got upset. Ms. Zigler stated that Officer Goulden approached her vehicle and shook her finger at the complainant, stating that, if Ms. Zigler blew her horn again, she would get a ticket.

Department Response CR-2008-434: On November 7, 2008 Sgt. Franklin Roig Jr telephonically contacted Ms. Zigler and discussed the incident. Sgt. Roig “advised Ms. Zigler of the options available to her regarding her complaint and [she] requested to have this matter documented on a Contact Report for informational purposes only. Mrs. Zigler stated that she did not wish to be contacted by a supervisor from Officer Goulden’s chain of command. Due to the aforementioned information, no further action is required by the PCB. This Contact Report was written for informational purpose only.”

Committee Remarks: Ms. Zigler requested a committee meeting because she disagreed with the statement that “she did not wish to be contacted by a supervisor from Officer Goulden’s chain of command.” Ms. Zigler felt that Officer Goulden should be counseled.

Dr. Diaz recounted an incident in which his father received a ticket for blowing his horn. Sgt. Roig read FSS 316.271(c): Horns and warning devices: “The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with his or her horn, but shall not otherwise use such horn when upon a highway.”

Ms. Boersma stated that the issue was not the horn, the issue was the discourtesy. Sgt. Roig stated that the Contact Report documented the complaint and it becomes a part of Officer Goulden's permanent file. Ms. Boersma asked if the officer's supervisor was aware of the complaint. Sgt. Roig replied that the Contact Report stays in the Professional Compliance Bureau (PCB) office and the officer's chain of command was not notified. Ms. Boersma asked what determines whether or not a supervisor is notified. Sgt. Ruiz responded that it depends on the allegations and the situation. The Duty Sergeant that takes the information from the complainant determines whether or not the elements of discourtesy are present, considering MDPD policy. The Duty Sergeant then makes the appropriate referral. Discourtesy complaints can be documented in a contact report or referred to the District for investigation.

Mr. Lafortune asked if Officer Goulden was contacted about the incident. Sgt. Roig responded that the Contact Report was for informational purposes only and the officer was not contacted.

Ms. Boersma referred to the statement in the Contact Report that Sgt. Roig "advised Ms. Zigler of the options available to her regarding her complaint," and asked Sgt. Roig what those options were. Sgt. Roig replied that he spoke to the complainant and got her version of the incident. He then wrote the Contact Report, which is placed in the officer's file. Ms. Boersma inquired if that meant there was only one option and Sgt. Roig replied in the affirmative.

Committee Findings:

A. Regarding the allegation

The committee found the allegation that Officer Goulden was discourteous to be SUSTAINED. Ms. Zigler presented a credible and consistent account of the incident. Officer Goulden was invited to participate in the committee meeting, but chose not to attend.

B. Other Findings

1. The supervisor of the involved employee may or may not be notified when a Contact Report is generated in response to a complaint. In this case, Officer Goulden's supervisor was not notified.
2. The involved employee may or may not be contacted when a Contact Report is generated in response to a complaint. In this case, Officer Goulden was not asked to provide her account of the incident.

Recommendations:

1. That the MDPD Professional Compliance Bureau (PCB) notify the employee's chain of command whenever a complaint is filed against an employee.
2. That MDPD obtain the involved employee's account whenever an employee is the subject of a complaint.
3. That the Panel conclude the complaint.