

# **INDEPENDENT REVIEW PANEL MINUTES**

February 23, 2006

**LOCATION:** 140 West Flagler Street, Conference Room 908  
Miami, Florida 33130

## **PANEL MEMBERS PRESENT**

Jorge Reynardus, Esq., Chairperson  
Julia Dawson, Esq., 1st Vice Chairperson  
Moiez Tapia, Ph.D. 2nd Vice Chairperson  
Michael Band, Esq.  
Arcie Ewell

## **MEMBERS ABSENT WITH NOTIFICATION**

Glenn Falk, Esq.  
Julie C. Ferguson, Esq.  
Joseph López, Esq.  
Doris Shellow

## **MEMBER ABSENT WITHOUT NOTIFICATION**

## **PANEL STAFF PRESENT**

Eduardo I. Diaz, Ph.D., Executive Director  
Carol Boersma, Executive Assistant to the Director  
Fernando L. Robreño, Conflict Resolution Specialist  
Linda Pierre, Conflict Resolution Specialist

**COUNTY OFFICIALS AND EMPLOYEES PRESENT:** Kenneth Drucker, Esq., Assistant County Attorney; William Monahan, MDPD Legal Advisor; Lt. Alex Diaz de Villegas, MDPD; Sgt. Damaris Palmer, MDPD; Sgt. Margarita Varela, MDPD.

**AUDIENCE:** Blanton Harris, Complainant; Jakeem Atwell, Complainant's step-son.

**Agenda Item #1) Call to Order.** Mr. Reynardus called the meeting to order at 2:00 PM and asked staff to call roll.

**Agenda Item #2) Approval and adoption of the minutes.** Ms. Dawson made a motion to adopt the minutes. Seconded by Dr. Tapia, motion passed unanimously.

**Agenda Item #3) IRP Complaint A 2003.225 Harris v. Miami-Dade Police Department (MDPD).** Ms. Boersma presented the complaint in which the complainant alleged that two MDPD officers conducted an improper traffic crash investigation by ignoring obvious physical evidence on the scene and refusing to interview people who identified themselves as witnesses. As a result of the improper investigation, the complainant was wrongfully cited for the crash.

Ms. Dawson asked whether a Personnel Complaint (PC) is investigated by Internal Affairs. Sgt. Palmer stated that it is investigated by Internal Affairs but the investigation is sent through the Chain of Command of the involved officer's district for disposition. A complaint classified as "IA" is sent to a panel of Majors for disposition.

Ms. Dawson asked Sgt. Palmer why the witness statements from the TV and bicycle shop owners were ignored when MDPD made its findings. Sgt. Palmer stated she is tasked with fact-finding and composing the investigative report; she is not involved in the disposition of the complaint nor can she speak to the reasoning behind the disposition of the commanders.

Ms. Dawson expressed concern on the length of time it took from when Mr. Harris filed the complaint to the date it was assigned to then Sgt. Diaz de Villegas and investigated by Sgt. Palmer. Sgt. Palmer stated she could not begin the investigation because Officer Colburne was on military leave. Lt. Diaz de Villegas stated this was an investigative technique to interview everyone around the same time to prevent the officers from discussing the questions they were asked.

Mr. Band made a motion to adopt the Committee Findings and Recommendations. Ms. Dawson seconded the motion.

Ms. Dawson asked for the following friendly amendments to be added to the Recommendations:

3. *That Officers Baluja and Colburne receive additional training in crash investigations and report writing.*
4. *That MDPD Director Parker review the PC Complaint and counsel the commanders involved in the disposition on providing facts to support their findings.*
5. *That Officer Baluja receive counseling on how to avoid discourteous behavior toward civilians.*

Ms. Ewell proposed another friendly amendment to add to the end of Recommendation #5 so that it reads: *“That Officer Baluja receive counseling on how to avoid discourteous behavior toward civilians, especially minors.”*

Mr. Reynardus made a friendly amendment to include a sixth Recommendation:

6. *That a copy of the Panel’s Disposition Report be added to the personnel files of Officer Baluja, Officer Colburne and Lt. Casas.*

Mr. Band agreed to all the friendly amendments. The motion passed unanimously.

Ms. Dawson made a motion to add to Recommendation #6, to have the Disposition Report be included into the personnel files of the commanders who reviewed the investigation, Major Nanney and Chief Burgess. The motion was seconded by Ms. Ewell. Motion passed 4-1, Mr. Band dissenting.

**Agenda Item #4) Peddlers and Vendors – MDPD Legal Bulletin.** Mr. Reynardus made a motion to table this item and have the complaint that prompted this item, A 2003.252 – Gonzalez Cortes v. MDPD, be reviewed again because of new information presented to Mr. Reynardus by Mr. Monahan.

Mr. Band seconded the motion. Motion passed unanimously.

**Agenda Item #5) Proposed Revision to IRP Ordinance.** Dr. Diaz informed the Panel that the ordinance sponsored by BCC Chairman Joe Martinez was read in a public hearing during the COSHAC meeting on February 15, 2006.

Dr. Diaz stated that the proposed ordinance was referred to the BCC by COSHAC with no recommendations. Dr. Diaz stated he was told the ordinance was tentatively scheduled to be on the March 7, 2006 BCC agenda.

Mr. Reynardus encouraged the Panel to submit ideas and suggestions as to how the ordinance should be written in order to submit alternatives to the BCC.

Ms. Dawson advised the Panel that the League of Women Voters was in support of the Panel's January 26 position on the proposed ordinance.

Dr. Tapia made motion to authorize Chairman Reynardus to present alternatives to the ordinance to the BCC. Ms. Dawson seconded, motion passed unanimously.

**Agenda Item #6) Executive Director's Report.** Dr. Diaz advised the Panel that the Panel meeting for September was moved to September 21, 2006 since he and a Panel member will be attending the annual NACOLE Conference in Boise, Idaho.

Dr. Diaz advised the Panel that the IRP budget allocation hearing will be on March 17, 2006. He informed the Panel that there are no proposed changes to the staffing.

**Agenda Item #7) Adjourn.** Dr. Tapia made a motion to adjourn. Seconded by Ms. Ewell, motion passed unanimously.