

INDEPENDENT REVIEW PANEL MINUTES

March 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
Michael Band, Esq.
Glenn Falk, Esq.
Joseph Lopez, Esq.
Arcie Ewell
Doris Shellow

MEMBERS ABSENT WITH NOTIFICATION

Moiez Tapia, Ph.D. 2nd Vice Chairperson
Julie C. Ferguson, Esq.

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: Roy Wood, Esq., Assistant County Attorney; Dr. Sara Pizano, Director, Animal Services Department; Sgt. John Ryan, MDPD

AUDIENCE: Ray Barcelo, Complainant

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. Ewell made a motion to adopt the minutes. Seconded by Ms. Dawson, motion passed unanimously.

Agenda Item #3) IRP Complaints A 2004.255 and A 2005.125 Barcelo v. Miami-Dade Police Department (MDPD); Animal Services Department (ASD). Ms. Boersma presented the case where the IRP Committee found that the Animal Services Division did not comply with the County Code when it picked up the complainant's dogs and destroyed them within 24 hours. The complainant alleged that MDPD Commander Frank Vecin, who oversaw the Animal Services Division, instigated the pickup and destruction of his dogs.

Mr. Reynardus asked Mr. Barcelo if he cared to add anything further. Mr. Barcelo stated he had brought in a neighbor and pictures of his dogs to the committee meeting to attest that the dogs were not sick when picked up by Animal Services (AS).

Ms. Dawson asked Sgt. Ryan if there was any testimony from Ms. Sherry Marts, an AS employee who told Mr. Barcelo his dogs could be picked up from the shelter. Sgt. Ryan stated there was none.

Mr. Reynardus asked if Sgt. Pedro Vazquez and Mr. Barcelo's neighbors were interviewed. Sgt. Ryan stated he went to the neighbors' residences and left his contact card but never received a response from them.

Sgt. Ryan stated he interviewed Sgt. Vazquez but he did not recall any information about the incident other than Mr. Barcelo being upset.

Ms. Dawson asked Sgt. Ryan if evidence of other wrongdoing is discovered in the course of an investigation, is it investigated as well. Sgt. Ryan stated yes it would be.

Dr. Diaz stated that there have been instances where wrongdoing, other than the specific allegations, has been discovered and investigated by MDPD, in addition to the specific allegations.

Ms. Dawson asked Sgt. Ryan if he investigated the allegation that AS Officer Nekoranec gave false information in his statements. Sgt. Ryan stated he only focused on the allegations directed toward Commander Vecin because a separate investigation, being conducted by Sgt. Bernie Sork, was addressing the issue of euthanasia within Animal Services.

Mr. Lopez asked Mr. Barcelo why his cousin responded "I don't remember" to all the questions asked in the questionnaire sent to him by Staff. Mr. Barcelo stated he and his cousin had a falling out and he was probably trying to get back at him.

Mr. Reynardus made a motion to adopt Committee Findings #1, #2, and #4 with the condition of changing the "Findings" in Finding #2 to read, "*The Animal Services Unit did not comply with this section of the ordinance.*" Ms. Shellow seconded. The motion passed 5-1, Ms. Dawson dissenting.

Mr. Reynardus made a motion to adopt Committee Finding #3b. Ms. Shellow seconded. The motion passed 4-2, Ms. Dawson and Ms. Ewell dissenting.

Ms. Dawson made a motion to adopt Committee Findings #3 and #3a. Motion was not seconded and failed.

Mr. Falk made a motion to adopt Committee Finding #3a. Ms. Shellow seconded. The motion failed 3-3, Mr. Lopez, Ms. Ewell and Ms. Dawson dissenting.

Mr. Reynardus made a motion to adopt paragraph two of the Committee Observations. Mr. Falk seconded. The motion passed unanimously.

Ms. Dawson made a motion to adopt paragraph one of the Committee Observations. Ms. Shellow seconded. Mr. Falk made a friendly amendment that was accepted by Ms. Dawson so the paragraph would read:

“MDPD’s refusal to investigate allegations of wrongdoing by Animal Services employees, while the Animal Services Unit was under MDPD jurisdiction, and the Animal Services Department’s refusal to investigate the same allegations negatively impacts public trust, leaving the citizen with no adequate remedy to investigate a complaint.”

The motion passed 5-1, Mr. Lopez dissenting.

Ms. Dawson made a motion to adopt Committee Recommendation #1. Mr. Lopez seconded. Mr. Falk made a friendly amendment that was accepted by Ms. Dawson so that the recommendation would read:

“MDPD and ASD meet in order to determine who has jurisdiction over the investigation so that those employees involved can be held accountable.”

The motion passed unanimously.

Ms. Dawson made a motion to adopt Committee Recommendation #2. Ms. Shellow seconded. Motion passed unanimously.

Ms. Dawson made a motion to adopt Committee Recommendation #3. Ms. Shellow seconded. Mr. Lopez made a friendly amendment to add, *“ASD to commence proceedings in order to determine if Officer Nekoranec was untruthful.”* Amendment was not accepted. Motion failed 3-3, Mr. Reynardus, Mr. Lopez and Mr. Falk dissenting.

Mr. Falk made a motion to add a new Committee Recommendation #3 to read: *“MDPD and ASD investigate Officer Nekoranec.”* Mr. Lopez seconded and made a friendly amendment to reword the recommendation so it would read:

“MDPD and ASD investigate Officer Nekroanec for malfeasance and misfeasance in the performance of his duties.”

Mr. Falk accepted. The motion passed 4-2, Ms. Ewell and Ms. Dawson dissenting.

Agenda Item #4) Peddlers and Vendors – MDPD Legal Bulletin IRP Complaint A 2003.252 – Gonzalez Cortes v. Miami-Dade Police Department (MDPD). Ms. Dawson made a motion to table the complaint for the next Panel meeting so that MDPD Legal Advisor William Monahan could attend. Ms. Shellow seconded, motion passed unanimously.

Agenda Item #5) Executive Director’s Report. Dr. Diaz thanked Mr. Reynardus, Ms. Dawson and Dr. Tapia for speaking during the BCC meeting regarding the IRP Ordinance change.

Dr. Diaz informed the Panel that the NACOLE Conference is in September and that 2 Panel members would be able to attend, Ms. Ferguson already expressing her interest.

Dr. Diaz informed the Panel that staff will conduct outreach with the staffs of each of the County Commissioners to educate them on the IRP.

Dr. Diaz advised the Panel that Ms. Dawson wrote an editorial that was published in the Miami Herald regarding the IRP. Dr. Diaz also stated that Commander Linda O'Brien of MDPD will have a meeting with him and Ms. Dawson to discuss complaint forms for citizens to file complaints against MDPD.

Dr. Diaz informed the Panel that the IRP budget process was ongoing and he anticipated no changes to the budget.

Agenda Item #6) Adjourn. Ms. Shellow made a motion to adjourn. Seconded by Mr. Reynardus, motion passed unanimously.