

# **INDEPENDENT REVIEW PANEL MINUTES**

May 25, 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.  
Glenn Falk, Esq.  
Julie C. Ferguson, Esq.  
Joseph Lopez, Esq.

## **MEMBERS ABSENT WITH NOTIFICATION**

Doris Shellow

## **MEMBER ABSENT WITHOUT NOTIFICATION**

Arcie Ewell

## **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:** Ron Bernstein, Esq., Assistant County Attorney; Sgt. Archie Moore, MDPD; William Monahan, MDPD Legal Bureau.

**AUDIENCE:** Wilmir Barrios, Complainant; Channel 4 (CBS).

**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 Mr. Band, motion passed unanimously.

**Agenda Item #3) Peddlers and Vendors – MDPD Legal Bulletin IRP Complaint A 2003.252 – Gonzalez-Cortes v. Miami-Dade Police Department (MDPD).** Mr. Falk stated the ordinance pertaining to peddlers does not state that peddlers have to be mobile, as stated in the MDPD Legal Bulletin.

Mr. Monahan stated that the occupational license information received by peddlers states the limitations on their business. If they are not mobile they need to have a certificate of occupancy.

Ms. Dawson stated that peddlers could not possibly need a certificate of occupancy because in order to obtain one you must have a permanent structure.

Mr. Reynardus made a motion to have Mr. Falk draft recommendations to advise the Board of County Commissioners to review the occupational license ordinance as it relates to peddlers and vendors, and clarify its language. The recommendations would be considered at a subsequent Panel meeting. Dr. Tapia seconded. Motion passed unanimously.

Mr. Monahan stated that he would relay the Panel's comments regarding the MDPD Legal Bulletin to the MDPD chief Counsel, Glenn Theobald.

**Agenda Item #4) IRP Complaint A 2005.175 - Barrios v. Miami-Dade Police Department (MDPD).** Mr. Reynardus presented the complaint in which the complainant took cover from the rain at a gas station and was questioned by officers who were intimidating, called him a liar because he said he had never been arrested and threatened to arrest him.

Dr. Diaz stated that several years ago Mr. Barrios signed a Promise to Appear (PTA) for a violation of a County ordinance. Since he was not physically arrested, Mr. Barrios stated to the officer he had never been arrested. However, a PTA is an Arrest Affidavit and is recorded as an arrest in official records.

Mr. Barrios recounted his story for the Panel, stating that Officer Nagy's statement that a white woman flagged down the officers because she was being harassed by men standing by the gas station was not true. Ms. Dawson stated that there was no evidence to support the officers' assertion that they were flagged down by a white female.

Sgt. Moore stated that this complaint was not investigated by Internal Affairs. It was classified "Contact Report" and sent to the involved officers' supervisor, Sgt. Ramiro Montejo, who met with Mr. Barrios.

Ms. Dawson made a motion to amend Recommendation #1 by replacing "any" with "the" and Recommendation #2 to specifically state that Officers Melvin Gonzalez and Joseph Nagy each receive a Record of Counseling. Mr. Reynardus seconded. Motion passed 6-1, Mr. Falk dissenting.

Mr. Reynardus made a motion to adopt the Committee Findings and Recommendation #3. Ms. Dawson seconded. Motion passed 6-1, Mr. Falk dissenting.

**Agenda Item #5) Executive Director's Report.** Dr. Diaz informed the Panel that there were no issues with the Panel's proposed budget.

Dr. Diaz stated that the County Commission resurrected the Racial Profiling Advisory Board (RPAB) to review the MDPD Racial Profiling Study and submit recommendations. Dr. Diaz stated he was appointed Chairperson.

Dr. Diaz stated that there was a community meeting hosted by the RPAB on May 20 that was attended by MDPD, the Mayor's Office and several other organizations.

Dr. Diaz informed the Panel that there will be a second community meeting in the County Commission chambers and the RPAB would finalize its recommendations after that meeting.

Dr. Diaz stated that he attended the first meeting of a new international association for civilian oversight in London and initial steps were taken to legitimize the organization and name it the International Network for Independent Oversight of Policing (INIOP). Dr. Diaz stated he advised the INIOP that the IRP would be willing to host an international conference in Miami. Dr. Diaz stated they were receptive but advised him that the first official conference would likely not be held in the United States.

**Agenda Item #6) Adjourn.** Ms. Ferguson made a motion to adjourn. Seconded by Mr. Lopez, motion passed unanimously.