

# **INDEPENDENT REVIEW PANEL MINUTES**

June 23, 2009

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

## **PANEL MEMBERS PRESENT**

Julia Dawson, Esq. Chairperson  
Jean-Robert Lafortune, 1<sup>st</sup> Vice Chairperson  
Tangier Scott, Ed.D. 2<sup>nd</sup> Vice Chairperson  
Doris Shellow  
Moiez Tapia, Ph.D.  
Glenn P. Falk, Esq.  
Julie C. Ferguson, Esq.  
Michael R. Band, Esq.  
Josie Perez Velis, Esq.

## **PANEL STAFF PRESENT**

Dr. Eduardo Diaz, Executive Director  
Carol Boersma, Assistant to the Director  
Kristin Anderson, Conflict Resolution Specialist  
Anna Sidan, Conflict Resolution Specialist

## **AUDIENCE**

MDPD: Sgt. Orlando Reyes  
Complainant: Keisha Culmer  
CIP: Shewanda Hall; Investigator  
Public: Laura Velis

**Agenda Item #1) Call to Order.** Ms. Dawson called the meeting to order at 2:05 p.m. and asked staff to call roll.

**Agenda Item #2) Adoptions of the Minutes from April 28, 2009.** Dr. Tapia made a motion to ratify the April 28<sup>th</sup> minutes. Mr. Lafortune seconded. It was passed unanimously.

Dr. Tapia made grammatical corrections on page 1&2 of the May 26 minutes, items 3 and 4. Mr. Lafortune requested that the minutes reflect that he was excused as opposed to being absent. Dr. Diaz reported that Mr. Lafortune advised after the May 26<sup>th</sup> meeting that he had been ill and the minutes can reflect the will of the Panel regarding his attendance.

Ms. Ferguson moved to adopt the minutes with the change to show Mr. Lafortune as excused. Dr. Tapia seconded. It was passed unanimously.

**Agenda Item #3) Complaint A 2008.074 Culmer v. Miami Dade Police Department (MDPD)**

Dr. Diaz explained the details of the incident which occurred on March 31, 2008 in the handicapped parking area of the Dade County Youth Fair. Dr. Diaz inquired if there was something the complainant wanted to share with the Panel. The complainant stated that the situation escalated after Officer Sanchez gave her the “direct order to leave” and then placed his motorcycle in front of her vehicle so she could not leave. Ms. Velis inquired what the exact charge was. Ms. Culmer reported it was “Failure to Obey an Officer.” Ms. Culmer stated that the officer who cited her, as well as other officers who were on the scene, were present at the trial and stated that she was belligerent, threw a cell phone and keys, and hit an officer. Ms. Culmer said these statements are false.

**Trial**

Ms. Velis inquired what was the outcome of the trial. Ms. Culmer stated that she had a fine to pay and court costs. Ms. Culmer stated that the Judge stated he was finding her guilty not because everything the officers said was true, but because she should have obeyed Officer Sanchez’ order. Ms. Culmer allowed Ms. Velis to review her documents to gain better insight as to the outcome of the trial.

Ms. Velis asked if Ms. Culmer understood the meaning of “nolo.” Ms. Culmer replied that she did not. Ms. Dawson explained that a “nolo” plea is basically admitting that you are guilty of what you are charged with. Once you plead “nolo,” the facts of the case are basically put to the side. Ms. Culmer stated that she was not aware of that, and mentioned that she was very adamant about giving an explanation. That was the reason she opted to have a trial. Ms. Velis explained to the complainant that she did not have a trial. Ms. Culmer stated she understood it to be a trial and that her issue was being heard. She stated that she never said she pled guilty to the charge.

**180-day investigation deadline**

Ms. Dawson asked if the MDPD complied with the 180-day deadline. Dr. Diaz replied that MDPD found within 180 days that there was insufficient evidence to pursue any disciplinary action. He mentioned that the 180-day deadline is tied to the date the complaint was filed and not to the date of the incident.

Sgt. Reyes stated that he received the complainant’s grievance report and initiated contact with Ms. Culmer. He explained to Ms. Culmer who he was and where he was from. Sgt. Reyes stated that Ms. Culmer was hesitant to talk about the incident and for that reason he focused on a Contact Report because that would bring the incident to the attention of the supervisor. Ms. Culmer told him she did not wish to be contacted and he included that in the Contact Report.

**Complainant’s Children**

Dr. Tapia inquired who watched after the complainant’s children once she was taken away. Ms. Culmer responded that she had no idea. After she was handcuffed and taken in a golf cart to a building which was like a little police station, she asked where her children were. The officers told her to “shut up.” Mr. Band asked if, when Ms. Culmer returned, her children were by themselves. Ms. Culmer stated that her son had contacted a friend who came.

## **Panel Findings**

A. Officer Christopher Sanchez overreacted and caused a situation, which could have been prevented by allowing her to drive on, to escalate. SUSTAINED

### B. Other Findings

1. There was not an Internal Affairs investigation of Ms. Culmer's complaint because she did not want to speak to police officials about her complaint.
2. The committee found the complainant to be credible. Although the incident happened over one year ago, her account has been consistent.
3. What appears to be a wrong turn in a parking lot escalated to the handcuffing and detainment of Ms. Culmer in the presence of her two young sons.
4. The police officers escalated the situation by:
  - Handcuffing Ms. Culmer in front of her children and then detaining her in a room full of male officers.
  - Giving her conflicting messages: Officer Sanchez told her to leave and then placed his motorcycle in front of her car, preventing her from leaving.
  - The language used: The officer who cuffed her told her it would be easy for him to say that she pushed him because when she exited the vehicle she brushed up against him. Then he added "We could have tased you." Officer Sanchez told her to "Shut up and stop crying."
5. The committee found cause to doubt Officer Sanchez' credibility.
  - His statement that Ms. Culmer "started to yell and scream and advise him that she was not moving" when he ordered her to leave the parking lot is not credible.
  - His statement that he placed Ms. Culmer in handcuffs for "officer safety" is not credible.
  - He abused his authority and his discretion when he claimed that he "used his discretion and wrote her a citation instead of arresting her for....resisting arrest."
  - If, as he stated in court, Ms. Culmer threw her cell phone and drivers license at him, and pushed him, causing him to lose his balance, she would have been arrested.
  - He has four documented discourtesy complaints (including Ms. Culmer's complaint.)

Dr. Tapia made a motion to accept the all the findings. Ms. Shellow seconded. The motion passed by a vote of 7-2. Mr. Band and Mr. Falk dissented.

### **Recommendations:**

1. That MDPD counsel Officer Christopher Sanchez regarding courtesy and de-escalation techniques.
2. That Officer Christopher Sanchez participates in conflict management training to enable him to better interact with the public and to foster positive and effective relationships between the community and police. This recommendation is a result of this being the fourth discourtesy complaint against Officer Sanchez.
3. That the Panel conclude the complaint.

Dr. Tapia made a motion to accept the recommendations. Dr. Scott made a friendly amendment to add that MDPD conduct an early warning assessment of Officer Sanchez' discourtesy complaints. Dr. Tapia accepted the friendly amendment. Ms. Velis seconded the motion. It passed by a vote of 7-2. Mr. Band and Mr. Falk dissented.

**Agenda Item #4) Financial Disclosure Forms due July 1, 2009** Dr. Diaz reported that Panel members have a duty to file a disclosure form by July 1st. He asked Ms. Boersma to ensure that all Panel members had a copy of the forms.

**Agenda Item # 5) Panel member appointment** Dr. Diaz stated that staff reviewed the attendance records of Panel members and contacted those with frequent absences. Mr. Reynardus decided to step down, however he is willing to serve as a substitute member when needed. That means the Panel has a vacancy that needs to be filled by the Panel, considering ethno-cultural and gender balance. Panel members suggested seeking nominations from the Cuban American Bar Association, SALAD, the Columbian American Bar Association and ASPIRA.

**Agenda Item #6) Executive Director's Report** Dr. Diaz reported that the County has a \$350 to \$400 hundred million dollar shortfall for the coming fiscal year. He stated that County Manager George Burgess and Mayor Carlos Alvarez have chosen to postpone putting out their purposed budget until after the July 1<sup>st</sup> Certification by the Property Appraiser.

#### **Community Outreach**

Dr. Diaz advised that staff has been reaching out to other organizations such as the Department of Juvenile Justice regarding community conflict resolution workshops.

#### **Follow-up with Director Parker**

Dr. Diaz reported that he called Director Parker and spoke to him about the follow-up regarding the Naidoo case. Director Parker was not familiar with the case; therefore, Dr. Diaz emailed him the letter from the chairperson and the Panel's disposition. There was no communication from Director Parker after that.

#### **Meeting with Director Ryan, May 29, 2009**

Dr. Diaz reported that he and Ms. Boersma met with Director Ryan and presented him with the Panel's resolution to explore proactive oversight involving inspections and monitoring at the jails. Dr. Diaz added that Director Ryan is not closed to the idea, but would like to have more input from the Vera Institute of Justice, which is doing a study addressing oversight in jails and prisons. Director Ryan's request is that the idea be addressed with the Vera Institute.

**Agenda Item #7) Adjourn** Dr. Tapia made a motion to adjourn. Ms. Shellow seconded. It was passed unanimously.