

city of miami



EILEEN DAMASO
Chairperson

civilian investigative panel

CRISTINA BEAMUD
Executive Director

June 27, 2018

Chief Jorge Colina
Miami Police Department
400 NW 2nd Avenue
Miami, FL 33128

RE: CIP#: 18-001 IA#: Unknown
Complainant: Alison Paneque
Involved Officer: George Guillen

Dear Chief Colina:

The Civilian Investigative Panel ("CIP") considered the above case at its meeting on June 19, 2018. Hey voted to sustain an allegations of discourtesy and improper procedure.

Procedural history: Ms. Paneque and her 15 year-old daughter had a negative contact with Officer Guillen on December 14, 2017 which resulted in the receipt of two citations. On December 15, 2017, the Miami New Times published an article entitled, Woman Says Miami Cop Berated Her with F-Bombs In Front of 10 Year-Old Son. After reading the article, which was very similar to what had occurred to her, Ms. Paneque came to the CIP Office on January 4, 2018 and filed this complaint against Officer Guillen. The complaint was forwarded to the Miami Police Department on the same date.

Complaint: Ms. Paneque and her 15 year-old daughter were parked legally at a business located at 2992 McFarlane Road. When they were leaving, Ms. Paneque was aware of the construction in the area and observed a police officer, later identified as Officer Guillen, directing traffic. As Ms. Paneque backed out of her spot, Officer Guillen walked close to her car, threatened to arrest her, screamed at her daughter and intimidated them with this use of his profane language.

Policies considered: Departmental Order 1, Chapter 11, Section 11.6.13.3 requires officers to be courteous. Even in the face of great provocation, they are to be diplomatic in the performance of their duties by controlling their tempers and exercising the utmost patience and discretion. Section 11.6.13.5 requires officers to be courteous and avoid attitudes of effrontery, egotism, and superiority. Section 11.6.13.6 requires officers to use tact and consideration. Section 11.6.19.4 requires officer who are performing off-duty police work to comply with rules and regulations. Departmental Order 12, Chapter 1, Section 1.3 requires the special events unit to manage the extra duty employment of officers. This includes the responsibility for the monitoring of roadway construction projects, utility maintenance work, and related function, which temporarily close streets or sidewalks and impede the normal flow of

vehicular or pedestrian traffic. **Section 1.5.4.4** requires officers that work temporary extra duty police jobs to electronically register for the job using Extra Duty Trak. **Section 1.5.6.1** requires officer who engage in permanent extra duty jobs to have a job coordinator and the permanent extra duty jobs will be entered into Extra Duty Trak by the Special Events Unit. Employees must register for the job.

Investigation: Attempts were made unsuccessfully to contact Officer Guillen. Both Ms. Paneque and her daughter provided audio taped statements. Ms. Paneque advised that after picking her daughter up from school, they drove to Juicense and parked legally while they patronized the business. As they were leaving, Ms. Paneque was aware of the construction in the area and that there was a police officer directing traffic. As Ms. Paneque was pulling out, the officer suddenly appeared close to her car and she rolled down her window to ensure everything was okay. Officer Guillen screamed, "You're eating fucking shit lady." Ms. Paneque's daughter said, "excuse me," and the officer, who was already red faced, angry and spitting while he spoke, yelled, "That's because she is fucking eating shit." The daughter asked for the officer's name and the officer told them to pull over and he would show them his name. The officer asked for Ms. Paneque's license, registration and proof of insurance, but did not give them an opportunity to retrieve her insurance. After 10-15 minutes, the officer returned and issued Ms. Paneque two citations and told her she was this close to being arrested. Ms. Paneque left crying and intimidated.

Officer Guillen issued two citations. One for Unlawful Speed where he noted, "NEVER SAW OFC DIRECTING TRAFFIC DISTRACTED – FAILED TO USE DUE CARE." The second was for No Insurance. Officer Guillen noted, "NO PROOF OF INSURANCE."

As of May 23, 2018, the Miami Dade Clerk of Court records show no citations issued to Ms. Paneque on the date of the incident. Ms. Paneque's daughter's statement was consistent with her mother's.

The following day, Ms. Paneque saw the article in the Miami New Times. The article, written by Jessica Lipscomb, documents a similar incident where Julie Sheppard and her 10 year-old stepson were stopped by Officer Guillen and is reported to have told Ms. Sheppard, "You almost fucking ran me over," "Give me your license," and threatened her with arrest. Officer Guillen cited Ms. Sheppard for Careless driving and according to the article, the incident was reported to Internal Affairs.

MPD record advised there is no worksheet for Officer Guillen on the date of incident. The P-Sheet for Field Operation Division, Central District, Downtown Beat, where Officer Guillen is assigned showed he was not on duty. Staff requested any and all off duty employment records that show Officer Guillen working on December 14, 2017. The records for this date do not show that Officer Guillen was working. A request was made for police radio transmission. There were none made by Officer Guillen during the time he documented on the citation. Records show that Officer Guillen was issued a body camera on March 1, 2017, however there was no body worn camera video available for this case.

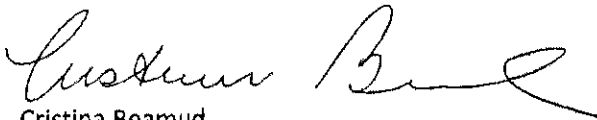
In addition to Ms. Sheppard's complaint, the CIP sustained an allegation of discourtesy and improper procedure against Officer Guillen in 2015 (CIP # 15-224, IA # 15-004S). In the prior complaint, Officer Guillen conducted a traffic stop on a 15 year-old driver with a Florida Learner's Permit, whose father was present in the passenger seat in the Kendall area. Officer Guillen told the teenaged driver, "Get the

fuck out of the car right now, you are a fucking teenager." When his father stepped out of the passenger side of the car, Officer Guillen told him, "Get the fuck into the car right now." Officer Guillen yelled that he had almost killed him, he could be dead on the side of the road, and who did they think they are, they must be cop killers. Officer Guillen was described as "ballistic," and continued to use profanities.

It appears from media reports that in January 2010, Officer Guillen was struck by a car whose driver was fleeing from the police. He was treated for minor injuries.

CIP resolution of the case: The Panel voted to sustain the allegation of discourtesy because of the language used by Officer Guillen. They also voted to sustain the allegation of improper procedure because the officer failed to report his off duty assignment to the Special Events office. The Panel is very concerned about the officer's demeanor in the three cases described above. They recommend that the officer be evaluated for his fitness for duty, given his history of injury and the repeated and strikingly similar reports of losing his temper with citizens during traffic stops, especially those involving young people.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cristina Beamud', with a stylized flourish at the end.

Cristina Beamud
Executive Director

cc: Emilio T. González, City Manager
Joseph Napoli, Deputy City Manager

City of Miami



EMILIO T. GONZALEZ, Ph.D.
City Manager

JUL 16 2018

Ms. Cristina Beamud
Civilian Investigative Panel
970 SW 1st Street #305
Miami, Florida 33130

RE: Civilian Investigative Panel Complaint Review
Internal Affairs Case #C17-204
Civilian Investigative Panel Case #18-001

RECEIVED

JUL 20 2018

C.I.P.

Dear Ms. Beamud:

This letter is written in response to your letter regarding the findings and conclusions of the Civilian Investigative Panel (CIP) at its meeting on June 19, 2018, pertaining to the above-referenced case. Your letter was thereafter brought to the attention of the Internal Affairs Section for appropriate review and response. The outcome of their review is as follows.

- The complaint was filed with the Internal Affairs Section against Officer George Guillen alleging Improper Procedure and Discourtesy.
- The CIP reviewed the complaint on January 4, 2018, and voted to Sustain the allegations of Improper Procedure and Discourtesy against Officer Guillen.
- This investigation is assigned to Detective Dominuse Dolce-Cain and is currently open.

If you should have any further questions, please contact Major Jesus Ibalmea at (305) 835-2000, Monday through Friday 8:00 am to 5:00 pm. If Major Ibalmea is unavailable when you call, please leave a contact number where you can be reached.

Thank you for bringing this matter to our attention.

Sincerely,

Major Jesus Ibalmea
Commander
Internal Affairs Section
for Jorge R. Colina
Chief of Police

JRC:JI:ac

cc: George Wyson, Legal Advisor
Emilio T. Gonzalez, City Manager



MIAMI POLICE DEPARTMENT/P.O. BOX 016777 / Miami, Florida 33101 / (305) 603-6100
E-Mail Address: chief@police@miami-police.org

