

city of miami



EILEEN DAMASO  
Chairperson

civilian investigative panel

CRISTINA BEAMUD  
Executive Director

June 25, 2018

Chief Jorge Colina  
Miami Police Department  
400 NW 2<sup>nd</sup> Avenue  
Miami, FL 33128

RE: CIP#: 18-024 IA#: 18-009N  
Complainant: Maritza Mastrapa  
Involved Officer: Dashon Yearby

Dear Chief Colina:

The Civilian Investigative Panel ("CIP") considered the above case at its meeting on June 19, 2018. The Panel voted to not sustain allegations of improper procedure and biased based profiling.

**Procedural history:** Internal Affairs received this complaint on January 23, 2018. It was assigned to Sergeant Ivonne Valdes and closed as a Non-Complaint on January 26, 2018. The CIP received the file on February 15, 2018.

**Complaint:** Ms. Mastrapa said the police were called to a landlord/tenant dispute and Officer Yearby held her against her will, harassed her, and favored the tenants because they are black. She said Officer Yearby asked her personal questions regarding her health and private questions not related to the incident.

**Policies considered:** Departmental Order 15, Chapter 4, Section 4.4 states that biased based profiling shall not be used when sworn members of the MPD exercise police authority. Departmental Order 1, Chapter 11, Section 11.6.12.2 requires officer to prevent breaches of the peace and quell disturbances growing out of such matters. They shall advise concerned parties why police action may not be possible; and, if necessary, take persons breaking the peace into custody.

**Investigation:** Ms. Mastrapa was interviewed by the CIP and stated that the tenants in her rear apartment were served with an eviction notice. One of the tenants was verbally aggressive with her and the tenant called the police to complain that the lights in the apartment were not working. She said that there was an electrical issue and the tenant disputed her claim when Officer Yearby arrived. She believes that Officer Yearby failed to follow protocol because she should have listened to each person separately. She claimed that Officer Yearby put her in the patrol car and was left there without water for almost half an hour. She said Officer Yearby asked her questions about her daughter and whether she goes to a doctor. She doesn't believe this was proper.

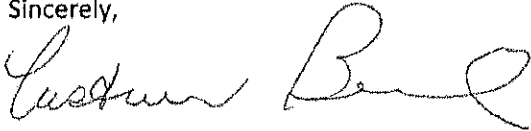
The recordings of 911 calls and radio transmissions were reviewed. The first call was from the tenant asking for the police because the complainant keeps turning off the lights. The second call was from the complainant requesting another officer because she was being harassed by the female officer. She did not mention being in the police car. The third call is from the tenant asking for the police to respond again because the landlord was playing with the lights. The fourth call is from Ms. Mastrapa saying that the police do not need to respond and that she had explained to the officer that there was an electrical problem.

Since this matter was classified as a non-complaint, there was no statement from the officer.

CIP resolution of the complaint: The CIP voted to not sustain the allegations of improper procedure and biased based profiling. There were no witnesses to the incident and there was no evidence to support the allegation that Officer Yearby was biased.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Cristina Beamud', written in dark ink.

Cristina Beamud  
Executive Director

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

# City of Miami



EMILIO T. GONZALEZ, Ph.D.  
City Manager

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

**RECEIVED**

**JUL 20 2018**

**C.I.P.**

RE: Civilian Investigative Panel Complaint Review  
Internal Affairs Case # C18-009N  
Civilian Investigative Panel Case #18-024

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.

- A complaint was filed with the Internal Affairs Section against Officer Dashon Yearby alleging Improper Procedure and Bias-Based Profiling.
- The CIP voted to Not Sustain the allegations of Improper Procedure and Bias-Based Profiling against Officer Yearby.
- The Miami Police Department Internal Affairs Section reviewed this complaint. It was determined that the act complained of did not require additional investigation because the police officer did not violate any departmental regulations. The information provided was documented and was filed in the Office of Internal Affairs.

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:JL:ac

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



MIAMI POLICE DEPARTMENT/P.O. BOX 016777 / Miami, Florida 33101 / (305) 603-6100  
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