

City of Miami



DANIEL I. ALFONSO
City Manager

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

OCT 17 2017
RECEIVED
OCT 23 2017
C.I.P.

RE: Civilian Investigative Panel Complaint Review
Internal Affairs Case # 17-062N
Civilian Investigative Panel Case #17-125

Dear Ms. Beamud:

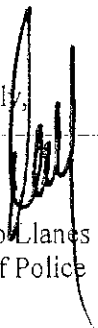
This letter is written in response to your letter regarding the findings and conclusions of the Civilian Investigative Panel (CIP) at its meeting on August 15, 2017, pertaining to the above-referenced case. Your letter was thereafter brought to the attention of the Internal Affairs Section for appropriate review and response. The outcome of their review is as follows.

- A complaint was directly filed with the Civilian Investigative Panel against Officer Andrew Garcia and Sergeant Antonio Ginzo alleging Improper Procedure.
- The CIP voted to Not Sustain the allegation of Improper Procedure against Officer Garcia and Sergeant Ginzo.
- The Miami Police Department Internal Affairs Section reviewed the initial complaint and it was determined that the act complained of did not require additional investigation because the police officer did not violate any departmental regulations.

If you should have any further questions, please contact Major Jose A. Rodriguez at (305) 835-2000, Monday through Friday, 8:00 am to 5:00 pm. If Major Rodriguez 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,


Rodolfo Llanes
Chief of Police

RL:JR:mv

cc: George Wysong, Legal Advisor
Daniel Alfonso, City Manager



MIAMI POLICE DEPARTMENT P.O. BOX 616777 / Miami, Florida 33161-0677
E-Mail Address: chief@police-miamifl.net or chief@police-miami.org



city of miami



HORACIO S. AGUIRRE
Chairperson

civilian investigative panel

CRISTINA BEAMUD
Executive Director

August 22, 2017

RE: CIP#: 17-125 IA#: 17-062N
Complainant: Judith Oriental Pierre
Involved Officers: Andrew Garcia, 41763
Antonio Ginzo, 27415
Date of Incident: August 27, 2016

Dear Chief Llanes:

The Civilian Investigative Panel ("CIP") considered the above case at its meeting on August 15, 2017. The Panel voted to not sustain the allegation of improper procedure as to Officer Garcia and Sergeant Ginzo.

Procedural History: On May 8, 2017, Ms. Oriental Pierre sent an email/complaint to the CIP against Officer Garcia alleging misconduct. During the course of our investigation Sergeant Ginzo was identified as the supervisor who responded and he was added as an involved officer. The complaint was then forwarded to the Miami Police Department on May 9, 2017. On May 15, 2017 the complaint was forwarded to Florida Highway Patrol (FHP) Sergeant Venegas for his agency's investigation/review. On May 31, 2017, the CIP received the IA RF 121 complaint form showing they has closed the complaint as a non-complaint, stating that the accident was handled by FHP and that Ms. Oriental- Pierre did not witness the incident.

Policies Considered: DO 1, Chapter 11, Rules and Regulations Section 1.6.17.17 making a false statement, report, communication, or entry into any official police record or other official or required report of the record. **Section 11.6.20 Evidence: 11.6.20.1 Proper handling:** Members and civilian employees of the Department shall not (under any circumstances) manufacture, destroy, remove from the scene, or convert to personal use any evidence or other material found in connection with an investigation of the crime.

Complaint: Ms. Oriental Pierre's vehicle, which was driven by her brother, was involved in a motor vehicle crash with Officer Garcia in his marked City of Miami Police car on the 836 westbound, as it connects to the 826 southbound exit ramp. Ms. Oriental Pierre, who was not on the scene, alleged that Officer Garcia's crash was Officer Garcia's fault and that Officer Garcia, Sergeant Ginzo, and the FHP officer who responded and handled the report, conspired against her brother.

Investigation: The driver and sole occupant of Ms. Oriental Pierre's vehicle the night of the incident was her brother, Mackenson Marcellos. Staff met with and obtained a taped statement from Mr. Marcellos who advised that he was traveling in the far left lane exit lane to get onto the 826 expressway southbound from 836 westbound expressway, when the officer cut over and sideswiped the car he was driving. Mr. Marcellos advised that two City of Miami officers arrived first and spoke to him, and later walked back to the accident scene. A Florida Highway Patrol officer arrived later and spoke to the involved parties. The Florida Traffic Report written by Trooper TD Kemp was reviewed. The document shows that Mr. Marcellos changed lanes from the outside lane of SR 836 to access the exit ramp, violating the painted no change of lanes device, and collided with the vehicle being driven by Officer Garcia. Sergeant Ginzo's investigation of police vehicle Crash Report notes that the crash was non-preventable by Officer Garcia, because while driving west on 836 to merge onto 826 SB, the other vehicle crossed the safety median from 836 WB and side swiped his vehicle. Miami Dade clerk of Court Records show that Mr. Marcellus was cited for Disobey No change of Lane Device (dismissed defective citation).

CIP Resolution of the Complaint: The CIP voted to not sustain the allegation of improper procedure because there was no further evidence to support his claim.

Sincerely,



Cristina Beamud
Executive Director

cc: Daniel J. Alfonso, City Manager