



City of Miami Police Department

20-105
MAY 27 2020

REPRIMAND

DEPARTMENTAL DISCIPLINARY
REVIEW BOARD

Employee: Mario Menegazzo **P.I.N.:** 40820

Classification: Sergeant of Police **Assignment:** FOD/SDSS/Flagami N.E.T.

NARRATIVE:

(If more space is needed, use additional pages)

On April 20, 2020, the Internal Affairs Section lodged a formal complaint against Sergeant Mario Menegazzo #40820 alleging **Improper Procedure** and **Discourtesy**, which was investigated. As a result of the Internal Affairs Investigation (Case #ADM20-006), attached hereto and incorporated herein, the allegation of **Discourtesy** against Sergeant Menegazzo is **Sustained**. During the course of the Internal Affairs Investigation, a separate allegation of **Improper Procedure** against Sergeant Menegazzo was discovered and **Sustained**.

On April 10, 2020, Dr. Armen Henderson was placing boxes on the street in front of his residence, located at 55 S.W. 6 Street. Sergeant Menegazzo (who is assigned to the Flagami N.E.T. area where Dr. Henderson lives) approached Dr. Henderson and asked him what he was doing with the boxes. After a conversation about illegal dumping/littering and asking Dr. Henderson to provide identification to verify his residence, Sergeant Menegazzo handcuffed Dr. Henderson. While Dr. Henderson was handcuffed, Sergeant Menegazzo pointed his finger in Dr. Henderson's face. Ms. Leila Hussein exited the home and provided her identification,

Distribution:		SIGN	P.I.N.	DATE
Disciplinary Detail	Authored by:		27430	5/5/20
Employee	Sergeant / Supervisor:		27430	5/5/20
Police Personnel File	Lieutenant:		25889	5/5/20
Internal Affairs	Captain:		4246	5/5/20
Employee Relations (Original)	Commander:			
Civil Service (if applicable)	Major:		2744	5/5/20
	Assistant Chief:	1		
	Deputy Chief of Police:			5/5/20
	Chief of Police:		1124	6/9/20

Employee **MUST** initial his/her choice for each statement below.

- 1) I AGREE Or I DISAGREE WITH THE FACTS AS STATED.
 2) I AGREE or I DISAGREE WITH THE RECOMMENDED PENALTY.

DDR B HEARING REQUEST (SWORN ONLY)- To request a Departmental Disciplinary Review Board (DDR B) hearing, you must submit a written request to the Labor Relations Unit Commander within 10 working days from the date this document is received and signed. Failure to do so will constitute a waiver of this entitlement.

Employee Signature: **P.I.N.:** 40820 **DATE:** 05/14/2020

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identification, confirming that she and Dr. Henderson lived at the residence. Sergeant Menegazzo removed the handcuffs from Dr. Henderson and released him without arrest. Sergeant Menegazzo did not advise the dispatcher of this self-initiated call for service, nor was he wearing his protective mask during his interaction with Dr. Henderson. On April 5th thru 9th, 2020, Miami Police Official Bulletins were disseminated ordering the use of protective masks. The Official Bulletins stated, "Employees are directed to wear these masks at all times during working hours to protect themselves, their colleagues and the public."

In his sworn audio recorded Garrity statement, Sergeant Menegazzo stated that when Dr. Henderson walked away from him without providing any of the information requested, he raised his voice in order to gain control of the situation. He subsequently detained Dr. Henderson by placing him in handcuffs to further investigate. Sergeant Menegazzo stated during the time Dr. Henderson was handcuffed, he was pointing at the boxes on the ground and not towards Dr. Henderson's face. Video surveillance footage; however, captures Sergeant Menegazzo pointing his fingers at Dr. Henderson's face at a very close distance as Dr. Henderson is handcuffed and complying. Sergeant Menegazzo acknowledged he did not take a signal or advise the dispatcher of this self-initiated call. Sergeant Menegazzo stated he is aware of several directives requiring the use of a protective mask when dealing with the public; however, Sergeant Menegazzo did not wear his protective mask while interacting with Dr. Henderson.

Therefore, Sergeant Menegazzo is found to be in violation of the following Miami Police Departmental Orders:

Departmental Order 1, Chapter 11, RULES AND REGULATION:**11.6 GENERAL RULES OF CONDUCT: (CALEA 26.1.1)**

11.6.1.2 Members and Civilian Employees to Know Rules and Regulations: It shall be the duty of all members and civilian employees of the Police Department to thoroughly familiarize themselves with such provisions of the Rules and Regulations that deal specifically and generally with the duties of their rank, grade, or position. This should occur within **ten days** from the date of issuance. Within thirty days of issuance, every member and every civilian employee shall familiarize himself or herself with all the provisions of the Rules and Regulations. Failure on the part of any member or civilian employee to acquaint himself/herself with the provisions of the Rules and Regulations, as hereby directed, shall be considered negligence of duty and subject to disciplinary action.

11.6.13 Conduct, Department:

11.6.13.6 Tact and Consideration: Members and civilian employees should remember that tact and consideration will be of great value in any work that is to be done, and they should cultivate the ability to meet and deal with people easily.

11.6.17.33 Neglect or refusal to comply with oral or written orders.

Departmental Order 4, Chapter 2, RADIO COMMUNICATIONS:**2.4 PROCEDURES:**

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2.4.2.1 Any unit checking out of service (self-dispatch) on any signal, will broadcast the unit number and signal requested only. The dispatcher will then acknowledge the unit's transmission, repeating the signal and time. The unit will then proceed with the location and other information required to complete the transmission. The dispatcher will then clear the air by stating, "QSL, Miami" and the time of the transmission. (CALEA 81.2.4 b)

Additionally, Sergeant Mario Menegazzo is found in violation of the following City of Miami Civil Service Rules and Regulations:

Rule 14, Sec. 14.2. Grounds for Dismissal, Suspension and Demotion. The following are declared are to constitute a breach of duty and to be grounds for dismissal or suspension from the classified service or grounds for demotion, though charges may be based upon causes other than those enumerated; viz, that any employee who has been guilty of conduct unbecoming any employee of the City of Miami, who:

(e) Has violated any lawful and reasonable official regulation or order, or failed to obey any lawful or reasonable direction made and given by his/her superior, where such violation or failure to obey amounts to:

(1) an act of insubordination; or

(2) a serious breach of proper discipline; or

(h) Has been guilty of actions which amount to insubordination or disgraceful conduct, whether committed on duty or off; or

(i) Has been wantonly offensive in conduct or language toward the public or City officers or employees.

Therefore, it is recommended that Sergeant Mario Menegazzo receive this Reprimand and that it becomes a permanent part of his personnel file. Sergeant Mario Menegazzo is forewarned that any similar violation, may result in progressive disciplinary action.