



City of Miami Police Department

REPRIMAND

Employee:	Javier Ortiz		P.I.N.	05418
Classification:	Captain	Assignment:	Fleet/Administration	

NARRATIVE:

(If more space is needed, use additional pages)

On March 9th, 2021, Captain Javier Ortiz was transferred to the Property Evidence Management Section where he was assigned to oversee Fleet. Prior to the transfer Captain Ortiz was given a directive by Deputy Chief Ronald Papier and Assistant Chief Manuel Morales that his sole responsibility is the day to day operations at fleet (1390 N.W. 20 St). Captain Ortiz was advised that he will not interpolate himself into patrol functions, and that he is assigned to the Administrative Division. Captain Ortiz agreed to the directives and assured both Chiefs that he will only concern himself with the day to day operations of fleet. I met with Captain Ortiz briefly on March 9th, to welcome him to the section and go over general expectations. On Thursday, March 11th, I met with Captain Ortiz at fleet, to go over in detail his expektorations as the Captain of fleet. One of those expectations that I reiterated is that he is solely responsible for fleet and he should not involve himself in matters outside his current assignment. Captain Ortiz was not pleased with this directive, but he agreed to not involve himself in other areas outside fleet. He went on to say that he won't monitor the radio to ensure that he doesn't get involved in anything. **Note-** fleet personnel do not monitor the working channels during their day to day operations at fleet.

Distribution:		SIGN	P.I.N.	DATE
Disciplinary Detail	Authored by:	Major Keandra Simmons	6515	04/23/21
Employee	Sergeant / Supervisor:			
Police Personnel File	Lieutenant:			
Internal Affairs	Captain:			
Employee Relations (Original)	Commander:			
Civil Service (if applicable)	Major:			
	Assistant Chief:			
	Deputy Chief of Police:			
	Chief of Police:			

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.

DDRB HEARING REQUEST (SWORN ONLY)- To request a Departmental Disciplinary Review Board (DDRB) 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.:		DATE:	
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On April 6th, 2021, I provided Captain Ortiz with a two page redline which indicates his task, assignments, and expectations. In the Notifications section it reads- Incidents that are required to notify me of via phone include (but are not limited to):

- **All incidents involving you or your personnel**

On Friday, April 16th, 2021, I was advised by Assistant Chief Cherise Gause to contact Commander Nerly Papier reference an incident that occurred on in Coral Way involving Captain Ortiz. I contacted Commander Papier (who's acting for the South District Major), she advised that she got information from her personnel that Captain Ortiz was conducting a surveillance by himself on a house in Coral Way, he eventually placed someone at gun point and requested units on a (3)(15). I was not familiar with the incident nor was I made aware by Captain Ortiz that he was involved in an incident.

I obtained a copy of the radio transmission for that incident which is case# 2104140023411 as well as the body worn camera footage associated to the case as well. Below is a brief synopsis of what occurred.

On Wednesday, April 14th, 2021, at 0608 hours, Coral Way Officers Luis Munne and Roberto Lores were dispatched to S.W. 27TH Ave and Dixie Highway reference two males sleeping inside a vehicle at the traffic light. Upon the officers arriving they did in fact locate the males sleeping in the vehicle. According to the officers they knocked on the window and when the vehicles passengers woke up the driver released the brake and placed the vehicle in motion. The units advised via radio but transpired and the last known direction of travel for the vehicle.

Field Duty Lieutenant 7301 advised the units via radio to not pursue the vehicle since it's only traffic. He also advised the dispatcher to give the tag and vehicle description out to the other channels as a point of reference. Officer Lores asked the dispatcher to provide him with the address where the vehicle was registered. The dispatcher provided the address of 1065 S.W. 29TH Ave.

Moments after the address was given Captain Ortiz came on the radio as Miami 62, at which time he repeats the address to the dispatcher to confirm. He then advised the dispatcher " Tell the units to stay out of the area I'm actually sitting on the house right now and the vehicle has not pulled up it's not here" He requested to have units hang out on 30 and 8th street just in case the vehicle pulls up. **(Note-Captain Ortiz was driving a black unmarked Ford Explorer).**

At 0619 hours Captain Ortiz requested the tag for the vehicle.

At 0645 hours he requested a (3)(15) and he advised "I got him at gun point)

At 0647 hours he advised the subject is not complying

He then advised the dispatcher to change his car number to Miami 37 and both subjects were in custody

Captain Ortiz was scheduled to be at work at 0600 hours in the fleet office on April 14th. I did not receive notification from him that he would be late, that he needed time off or that he was involved in an incident. There were no immediate threat or imminent danger to the officers involved or any citizens to warrant the need for Captain Ortiz to interject himself into the situation. There were no additional calls received reference this vehicle or traffic concerns involving this vehicle. The Commanding Field Duty Lieutenant 7301 had given officers an order to not pursue the vehicle. Captain Ortiz was not checked into service nor was he dispatched to the call.

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I hereby find Captain Ortiz in violation of the following Departmental Orders:

Obeying and Executing Orders of Superiors: Every member and civilian employee of the Police Department is required to strictly obey and to promptly and cheerfully execute the orders of superior officers. They shall properly conduct themselves in the discharge of their duties and in their relations with the public, members and civilian employees of the Department, and official agencies in order to bring about the most effective performance of their duties as required by the Police Department. (CALEA 12.1.3)

11.6.17.2 Disobedience of Standard Operating Procedures, General Orders, Rules and Regulations, or any other official directive.

11.6.17.8 Insubordination or disrespect toward a superior officer.

11.6.17.9 Neglect or inattention to duty

11.6.17.13 Being absent from duty without permission.

11.6.17.14 Leaving post without permission

11.6.17.16 Not properly patrolling or guarding a post. Officers absent from their designated zones or areas of responsibility or assignment, without proper supervisory authority, will be in violation of this rule.

11.6.18.6 Tardiness: Failure of a member or civilian employee to report for duty at the designated time and place will be cause for disciplinary action, consistent with existing labor contracts. Additionally, it is the responsibility of the individual to notify his/her office at least 15 minutes prior to his/her assigned reporting time stating the reason for the delay and the approximate time of arrival.

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.

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

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11.6.32.2 Obedience To: Members and civilian employees of the Department shall obey and promptly execute any lawful order emanating from any superior officer, including any order relayed from a superior by an employee of the same or lesser rank. If any order conflicts with a previous order or with any Departmental Order, the member or civilian employee who receives the order shall respectfully call attention to the conflict. If the officer giving the last order does not alter or reconcile the conflict, the last order shall stand; and the responsibility shall be his/hers. The officer obeying the order shall not be held responsible for disobedience of the previous order.

11.6.32.4 Carrying Out Orders: Members and civilian employees shall be held responsible for the proper performance of the duties assigned to them and for strict adherence to the Rules and Regulations adopted from time to time by the Chief of Police. Ignorance of the Rules and Regulations shall not be accepted as an excuse or justification for anything that they may do contrary to the Rules and Regulations, for anything they may omit to do, or for following the advice or suggestion of any person, whether or not that person is connected with the Department, except when a ranking officer takes the responsibility of issuing direct and positive orders. In no instance shall a member or civilian employee attempt to shift the burden of responsibility for executing or neglecting to execute a lawful order or police duty. Disagreeable duties must be performed, and unpopular orders must be obeyed with cheerful willingness. Grouchiness, sarcasm, wisecracks, or flares of temper shall be avoided. Members and civilian employees shall, at all times, perform their duties as outlined or ordered by a superior officer.

(2) a serious breach of proper discipline

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

For the violation of Miami Police Departmental Orders, I recommend Captain Javier Ortiz receive a one hundred and sixty-hour suspension, that he is removed from the fleet section, and that this written reprimand, and a copy of this reprimand be placed in his personnel file. Furthermore, Captain Javier Ortiz is forewarned that any further actions, in any ways like this incident, will result in progressive disciplinary action

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Employee:			
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