



# City of Miami Police Department

## DISCIPLINARY ACTION

Employee: Javier Ortiz P.I.N. 05418

Classification: Police Captain Assignment: SOS/Traffic Enforcement Unit

### TYPE OF DISCIPLINE:

RECORD OF FORMAL COUNSELING  REPRIMAND

### NARRATIVE:

(If more space is needed, use additional pages)

On November 10, 2021, the Internal Affairs Section was made aware of Captain Javier Ortiz #5418 allegedly working an excessive amount of hours. As a result of the investigation conducted by the Internal Affairs Section, the allegation of **Improper Procedure** was investigated and **Exonerated**. During the investigation, additional policy violations were discovered, relating to Captain Ortiz submitting overtime slips to supervisors of lower rank, failing to supervise by allowing motor sergeants to approve each others overtime slips, and failing to keep his superiors informed by not advising his direct supervisor, then Assistant Chief Manuel Morales #4886, of his hours worked.

<u>Distribution:</u>		SIGN	P.I.N.	DATE
Disciplinary Detail	Authorized by:	A. Caraballo <i>[Signature]</i>	28124	4/18/22
Employee	Sergeant / Supervisor:			
Police Personnel File	Lieutenant:			
Internal Affairs	Captain:			
Employee Relations (Original)	Commander:	B. Joseph <i>[Signature]</i>	27233	6/10/22
Civil Service (if applicable)	Major:	<i>[Signature]</i>	1441	6/21/22
	Assistant Chief:	<i>[Signature]</i>	2302	7/5/22
	Chief of Police:			

Employee **MUST** initial his/her choice for each statement below. The employee is also forewarned that any future similar violation will result in progressive disciplinary action.

- 1) I AGREE \_\_\_\_\_ or I DISAGREE  WITH THE FACTS AS STATED
- 2) I AGREE \_\_\_\_\_ or I DISAGREE  WITH THE RECOMMENDED PENALTY
- 3) REBUTTAL SUBMITTED: YES or NO

**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: *[Signature]* P.I.N.: 5418 DATE: 7/11/22

**(Continuation)**

**Employee:**

Javier Ortiz

**P.I.N.:**

05418

Sergeant Mario Dell Amico #1465 stated in his sworn audio recorded Garrity statement that he advised Captain Ortiz that overtime slips for details related to Motors are not routed through the chain; they are kept in house for purposes of checks and balances, and it has always been done that way. Captain Ortiz was assigned as the Commanding Officer of the Motors Unit and he allowed the practice to continue.

Sergeant Dell Amico (in the capacity of acting lieutenant since February 2019) submitted overtime slips to Sergeant Magdiel Armenteros #0197 and Sergeant Darren Brown #27063 for approval on the following dates:

<u>Date</u>	<u>Overtime code</u>	<u>Reference/event</u>
July 13, 2021	081280	Versailles protest
July 14, 2021	081280	Versailles protest
July 17, 2021	081280	Versailles protest
July 18, 2021	081280	Versailles protest
July 21, 2021	081280	Versailles protest
July 23, 2021	030050	Surfside escort
July 23, 2021	081269	Rolling Loud
July 24, 2021	081269	HEAT/Rolling Loud
July 25, 2021	081269	HEAT/Rolling Loud
July 31, 2021	081280	Worked day off

All of this occurred while Captain Ortiz was the Commanding Officer of the Motors Unit.

Captain Ortiz submitted non-grant related overtime slips to Sergeant Armenteros and Sergeant Dell Amico (in the role of acting lieutenant) for approval on the following dates:

**JUNE**

<u>Date</u>	<u>Regular duty hours</u>	<u>Overtime hours</u>	<u>Comments</u>	<u>Project supervisor/ Commanding officer</u>
06/14/21	off	1600-2200	walkwise	Sergeant Dellamico
06/17/21	0600-1600	1600-2200	walkwise	Sergeant Dellamico
06/19/21	off	1030-1830	walkwise	Sergeant Dellamico
06/24/21	0600-1600	1600-2030	walkwise	Sergeant Dellamico
06/25/21	0600-1600	1600-2000	walkwise	Sergeant Dellamico
06/27/21	off	1000-1600	walkwise	Sergeant Dellamico
06/28/21	off	0700-1300	walkwise	Sergeant Dellamico

**(Continuation)**

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**JULY**

Date	Regular duty hours	Overtime hours	Comments	Project supervisor/ Commanding officer
07/08/21	0600-1600	1600-2100	walkwise	Sergeant Dellamico
07/12/21	off	0700-1300	walkwise	Sergeant Dellamico
07/13/21	0600-1600	1600-2330	protest	Sergeant Armenteros
07/14/21	0900-1700	1700-2400	protest	Sergeant Armenteros
07/17/21	off	1400-2400	traffic	Sergeant Armenteros
07/18/21	off	1100-2400	traffic	Sergeant Armenteros
07/21/21	0700-1700	1700-2300	protest	Sergeant Brown
07/23/21	off	1100-1600	surfside	Sergeant Armenteros
	off	1600-0400	rolling loud	Sergeant Armenteros
07/24/21	0600-1600	1600-0400	heat/rolling	Sergeant Armenteros
07/25/21	0600-1600	1600-0400	heat/rolling	Sergeant Armenteros
07/27/21	0600-1600	1700-2200	traffic	Sergeant Armenteros

However, as of July 28, 2021, Captain Ortiz stopped submitting his overtime slips to sergeants for approval and instead began submitting his overtime slips to Major Francisco Fernandez #1921 for approval.

Date	Regular duty hours	Overtime hours	Comments	Project supervisor/ Commanding officer
07/28/21	off	1600-2200	gun vio init	Major Fernandez
07/29/21	0600-1600	1600-2200	traffic	Major Fernandez
08/03/21	0600-1600	1600-2200	motor safety	Major Fernandez
08/04/21	0600-1600	1600-2200	demonstr	Major Fernandez
08/06/21	off	0930-1530	agg driv grt	Major Fernandez
08/07/21	off	0700-1700	atv op	Major Fernandez
08/09/21	off	0600-1200	motor safety	Major Fernandez
	off	1200-1800	agg driv	Major Fernandez
08/13/21	0600-1600	1600-2300	agg driv	Major Fernandez
08/14/21	off	0700-1300	gun vio init	Major Fernandez
08/15/21	off	1000-2100	gun vio init	Major Fernandez
08/16/21	off	0700-1300	speed enf	Major Fernandez
	off	1300-1900	motor grant	Major Fernandez
	off	1900-0300	RTR/29A	Major Fernandez
08/17/21	0600-1600	1600-2200	safety grant	Major Fernandez
08/18/21	0600-1600	1800-2300	callout	Major Fernandez
08/19/21	0600-1600	1600-2300	resubmit	Major Fernandez
08/24/21	0600-1600	1600-2300	motor grant	Major Fernandez
08/25/21	0600-1600	1600-2200	motor grant	Major Fernandez
08/26/21	0600-1600	1600-2200	motor safety	Major Fernandez
08/27/21	off	0700-1700	funeral	Major Fernandez
08/28/21	off	0700-1700	funeral	Major Fernandez
08/29/21	off	1800-2300	speed enf	Major Fernandez
08/30/21	0600-1600	1600-2200	motor safety	Major Fernandez
08/31/21	0600-1600	1600-2200	motor grant	Major Fernandez

**(Continuation)**Employee: Javier OrtizP.I.N.: 05418

In his sworn witness statement, Chief Manuel Morales stated he was Captain Ortiz's direct supervisor in June and July of 2021. Captain Ortiz did not submit his overtime slips to him for approval. He stated he (Chief Morales) should have been listed as the approving supervisor and commanding officer for any overtime slips Captain Ortiz submitted at that time.

Therefore, Captain Ortiz is in violation of the following City of Miami Departmental Orders.

Departmental Order 1, Chapter 11, Rules and Regulations:

**11.1 POLICY:** The policy of the Miami Police Department is to make these Rules and Regulations, which contain information and guidance, available to all employees, including members and civilian employees of the Miami, Florida, Police Department. Each police officer's value to the City of Miami will be measured by his/her ability to exercise discretion, sound judgment, and by his/her zeal and activity in properly performing his/her duty on all occasions. (CALEA 12.2.1 f, g, h; 33.7.1 b)

As a representative of the law, police officers must fully realize that they are not THE AUTHORITY, but, instead are the VOICE OF AUTHORITY. They are given the power and responsibility by the people to protect individual rights, to preserve the public peace, to enforce the law, to protect life and property, to prevent and detect crime, and to arrest violators of the law. Neither abuse this power nor neglect this responsibility; instead, endeavor to perform your sworn duty in a manner that a citizen would expect it to be performed.

Superior officers are delegated by the Chief of Police to supervise, direct, and instruct subordinates in the proper performance of their duties. Respect for the rank held by superior officers is shown by giving unqualified obedience, promptly carrying out orders, and honestly, efficiently performing all duties that are assigned. (CALEA 11.3.2; 26.1.5)

**11.2.27 Line of Authority, Communication:** The lines of authority and/or communication through official channels (chain of command) are clearly set forth in the table of organization chart and shall be observed and enforced during routine operations. In cases where the efficiency, effectiveness, and reputation of the Department would be jeopardized as a result of time required to follow the lines of authority through official channels or when an emergency exists, the member or civilian employee may, with discretion, report information to the proper authority, notwithstanding the line of official channels of communication.

**11.4.5.5 Commanding Officer to Set Example For Subordinates:** To assure success in the performance of the basic duties of members and civilian employees, it is imperative that the commanding officer set examples for subordinates in energy, morality, sobriety, courtesy, courage, skill, discipline, and professionalism.

**11.4.5.6 The Commanding Officer Must COMMAND:** Commanding officers must not perform the work of subordinates. They must see that subordinates under their authority are properly instructed and supervised.

**11.4.6 Superior Officers are accountable for all activities of employees under their immediate control.** (CALEA 11.3.2)

(Continuation)

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**11.4.6.2 Responsible for Enforcement of Rules and Regulations:** Superior officers shall be responsible for the enforcement of the Rules and Regulations, for compliance with department policies and procedures, and for the maintenance of strict discipline. They shall give close attention to this duty to render it unnecessary for a complaint to be lodged before action is taken, whenever possible. They will take suitable action on the discovery of any failure, error, violation, misconduct, or neglect of duty by a subordinate; and they shall act as promptly as circumstances will allow.

**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.

**11.6.28.3 Members and Civilian Employees to Conform:** Members and civilian employees shall be required to conform to and abide by the Rules and Regulations, Departmental Orders and other directives of the Police Department, the Ordinances of the City of Miami and the County of Dade, and the laws of the State of Florida and the United States of America.

**Departmental Order 6, Chapter 14, Payroll:**

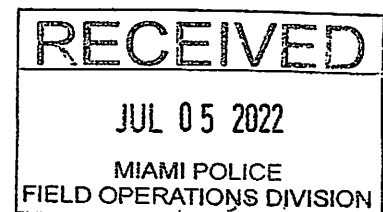
**14.4.3.1 Submitting Overtime:** The approving supervisor is the employee who directly supervised the OT. The Commanding Officer must be a Lieutenant or above unless they are a civilian commander. Employees of the same rank cannot approve overtime for one another.

Furthermore, Captain Ortiz is in violation of the following City of Miami Civil Service Rules and Regulations:

**Rule 14; Section 14.2. Grounds for Dismissal, Suspension and Demotion.** The following are declared 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:

- (2) a serious breach of proper discipline.



(Continuation)

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**DISCIPLINARY REVIEW PANEL:**

The Disciplinary Review panel convened and recommended the following penalty:

	STAFF MEMBER:	RECOMMENDATION:
30	major Chiquita Thomas-Butler #7013	<del>Demotion</del> Termination
26-2.	major Daniel Garrido #2219	<del>Demotion</del> Termination
13.	Andy Winsor Lozano #4182	<del>Demotion</del> Termination

**FINAL RECOMMENDATION:**

- \_\_\_ hours of suspension
- \_\_\_ hours forfeiture of earned overtime
- Demotion
- Termination
- Other \_\_\_\_\_

## DDRB DISCIPLINARY PROFILE

**LAST NAME:** Ortiz **Printed on :** Thursday, April 14, 2022  
**FIRST NAME:** Javier **3:12:54 PM**  
**IBM:** 5418

**DOI:** 7/17/2008 **Discipline:** RFC- **CHARGES:** Vehicle Operation of **Status:** Signed by Chain of Command - 11-10-08. Closed.

### SUMMARY:

As the driver of a rental vehicle assigned to the South District Station, Sergeant Javier Ortiz #5418 was observed making a right turn without signaling. Then, he refused to stop when his vehicle was pursued by another police vehicle with its lights activated and siren chirping. Then later, he voluntarily stopped the vehicle at a gas station - RFC

**DOI:** 7/3/2008 **Discipline:** RFC **CHARGES:** Attendance **Status:** Signed by Chain of Command - 11-19-08. Closed.

### SUMMARY:

Sergeant Javier Ortiz #5418 failed to attend Traffic Court - RFC

**DOI:** 4/3/2014 **Discipline:** Reprimand **CHARGES:** Attendance **Status:** Closed-COP signed on 11-5-14.

### SUMMARY:

Sergeant Javier Ortiz #5418 failed to attend court as scheduled. REP 14-131

**DOI:** 2/26/2014 **Discipline:** RFC **CHARGES:** Attendance **Status:** Signed by chain of command. Closed.

### SUMMARY:

Sergeant Javier Ortiz #5418 was scheduled to attend court on the above date and failed to advise court liaison or the SAO of his inability to attend. RFC.

## DDRB DISCIPLINARY PROFILE

**LAST NAME:** Ortiz **Printed on :** Thursday, April 14, 2022  
**FIRST NAME:** Javier **3:12:54 PM**  
**IBM:** 5418

<b>DOI:</b>	<b>Discipline:</b>	<b>CHARGES:</b>	<b>Status:</b>
2/3/2016	Reprimand	Commanding Officer to Set Example For Subordinates	Signed by COP on 11/18/16. Closed.

### SUMMARY:

Lieutenant Javier Ortiz #5418 used his social media as Facebook and Twitter to post comments and images that were perceived to be unprofessional in essence. These posts were against a citizen named Claudia Castillo. REP 16-189

<b>DOI:</b>	<b>Discipline:</b>	<b>CHARGES:</b>	<b>Status:</b>
3/23/2018	RFC	Members to have knowledge	Signed by DC Papier on 9/18/2018. Closed.

### SUMMARY:

While working an Extra Duty at the Ultra Music Festival, Captain Javier Ortiz #5418 encountered the complainant, who was operating a drone for commercial purposes. Captain Ortiz informed the complainant he would be arrested if he did not cease operating his drone, the complainant complied. Further investigation revealed that the complainant was not in violation of Florida State Statutes/City Ordinance. RFC.