


**INTER-OFFICE MEMORANDUM**

TO : Arthur Noriega  
City Manager  
City of Miami

DATE : October 5, 2021

FILE :

SUBJECT : Whistleblower Retaliation

FROM :   
Javier Ortiz  
Captain of Police  
Specialized Operations Section

REFERENCES :

ENCLOSURES:

Please treat this as a report of whistleblower retaliation as well as a hostile work environment that has been created by a City of Miami employee. In the event you are not the proper individual in leadership to investigate this, please advise me in writing who it shall be forwarded to.

The employee who is retaliating against me is City of Miami, Commissioner Joe Carollo. Not only is he an employee, he can also be considered my employer due to the fact that he is part of the elected body that sets our terms and conditions of employment in our police department's collective bargaining agreement.

Time and time again, Commissioner Carollo berates me publicly, targets me, making defamatory and slanderous statements regarding my work performance as a City of Miami employee. In order to not waste your time with a lengthy memo, please review the letter from my legal counsel (Certified letter from the Law Officers of Richard J. Diaz, P.A.) identifying some of the outrageous and damaging statements from this employee.

After investigating the aforementioned allegations in that letter, Commissioner Carollo has made several allegations and slanderous statements against me. Please be advised of the following for your investigation:

**Commissioner Carollo Calling Me The Worst Police Officer In The State of Florida**

Commissioner Carollo boasts at Commission meetings how he was a Deputy Sherriff with the Miami-Dade Police Department. With that said, he has made some very slanderous claims against me with no evidence or facts. I have never been substantiated for misconduct on using force within my scope of work. He also slandered me saying that my uses of force were primarily towards African Americans. I feel he is only saying this to redirect his past of racism when he was a Police Officer. While conducting your investigation, please compare my discipline with the police department for almost two decades to the disciplinary profile of Commissioner Carollo who was a Police Officer for a few years. Mr. Carollo was documented in placing advertisements in government mailboxes to recruit individuals to join the Ku Klux Klan. The flyer depicts an African American man being surrounded by members of the KKK in their white gowns with pointy hats. His credibility should be considered worthless.

### Allegations of Misuse of Motors Resources

Commissioner Carollo made a statement that there was a misuse of police resources at a Cuban Event in which we provided an escort for Gente de Zona. What he intentionally left out was that Commissioner Carollo was the first vehicle that jumped in the escort. He was so thankful that he personally thanked all the Motor Officers for their participation. At that escort, we had a total of ten motors (four of them were in escort training and were not allowed to work on their own for safety reasons). The request came from the Special Investigations Section.

### Commissioner Carollo's Motion For Investigating Corruption

Commissioner Carollo has called for an investigation into corruption involving damage on Chief Acevedo's police vehicle. He has even alleged that he directed me on writing a report on this damage. I have every intention to fully cooperate with the process. I am invoking my rights afforded for me under FSS 112.532 and will give a statement when ordered to. There are several facts on this investigation that must be taken into consideration. At the time of the incident being reported to the police department, the following occurred:

Chief Acevedo's vehicle had been assigned to three separate staff members prior to it being given to him. I am not aware of any prior vehicle inspections when he was assigned this (used vehicle) unit. To the best of my knowledge, the alleged damage was photographed by a Supervisor of the Miami Police Department two weeks before the MPD was advised. The photograph that I was shown that was provided by the media did not appear to match Chief Acevedo's vehicle. Out of an abundance of caution, I utilized my body worn camera to document what was observed on his vehicle when the damage was first reported to the Miami Police Department.

If I would have suspected that Chief Acevedo was involved in some type of corruption or cover up, I would have immediately reported it. I knew Commander Nerly Papier for seventeen years and promptly reported her actions in her unreported car crash. Chief Acevedo has been here barely five months and there is no loyalty when it comes to corruption. There is absolutely no comparison between Commander Papier's crash and what was observed on Chief Acevedo's vehicle. Chief Acevedo's vehicle is a used car that you can clearly see by simply walking around it shows minor wear and tear (such as dings, minor scratches, etc). In Commander Papier's case, the vehicle in which she blew two tires and heavily damaged two rims was issued to her brand new. The **surveillance video** shows her jumping a curb, almost striking two pedestrians (who literally catapulted out of the way), veering to avoid crashing into a traffic sign, and then fleeing the scene while taking a red light.

At the special meeting set on October 1, 2021, the City Manager stated that I was not the best person to respond to survey the damage on the Chief's vehicle. My question respectfully is, who should have responded? Two Traffic Homicide Detectives (Police Officers) responded to investigate. There are two Sergeants assigned to THI. One was off and the other was out on a work related injury. There is no Lieutenant assigned to THI and I am the Commander over Traffic Homicide. I am also the Chairman of the Accident Review Board and have reviewed hundreds of police involved crashes.

There is no doubt in my mind that if I didn't respond, I would be accused of not supervising my personnel assigned to me. I did not observe the front bumper of his vehicle disconnected as shown on the photo provided by the Miami Herald. When I saw the smudge mark on the bumper was superficial, I directed a call out and had Sergeant Avila respond on overtime because I thought it was important that we had multiple investigators give their decision of what should be in the case. I wonder if it's even the same vehicle. The only reason a redline memorandum was generated by Sergeant Avila was because I directed him to. In normal circumstances, no paperwork would be generated. I've heard the rumors that the Fraternal Order of Police is now going to provide photographs of "undercarriage damage" of this vehicle to further bolster their claims in order to try to pressure the City Manager to rehire the Papiers.

Unless the City of Miami is going to revamp their vehicle issuance policy, photographs on a vehicle that has been transferred to several employees without a thorough inspection are worthless. This would require a body shop expert to put every vehicle on a lift to inspect the undercarriage and the entire vehicle. Bumpers (inside & out) as well as the rest of the vehicle would have to be photographed. Bumpers are for the most part always misaligned because of the installation of aftermarket accessories (push bumpers, siren boxes, howlers, etc.) that will never be as good as when the vehicle was assembled by the manufacturer. The City Manager stated in his report to the commission that whatever was found internally in that front bumper was most likely caused by light installation. Mind you, this first inspection was done five weeks after the damage was sent to the Miami Herald by a City of Miami Police Supervisor. I don't know of one police vehicle in my entire career that was ever taken to GSA to be inspected for damage and I've been employed here for over seventeen years. I request for the investigator to get a statement from Commissioner Carollo with his evidence that I fabricated a report on behalf of the Chief of Police.

### **Commissioner Carollo's False Statements of Unlimited Overtime**

There is no such thing as unlimited overtime. I am the Commander over Traffic Homicide and the Motors Unit. I am woken up with notifications of vehicle crashes involving serious injuries or death at all hours of the night when I'm off duty. I have never put in an overtime slip for this. A snapshot of my overtime revealed that unlike Commissioner Carollo's false claims of working unlimited overtime, I am afforded the same opportunity as any other sworn members based on my training and skillset. The snapshot revealed (as of 9/21/21):

#### 41 entries for grant-based assignments

*These traffic grants are available to all members of the Miami Police Department. However, the main grant required for a member working the detail to be radar certified. To show how underutilized the grants are used (because its voluntary to participate), the City is returning approximately \$41,000 in grant funding.*

#### 11 Summer Heat Missions & 6 Entries For Cuban protests

*Summer Heat was an initiative by the Miami Police Department to combat violent crime. On the days in which I worked, I supervised the entire Motors Unit which also consists of three Sergeants. The unit does not have a Lieutenant assigned. In working this detail, we were heavily enforcing traffic, taking guns off the street, as well as I coordinated several traffic operations (DUI saturations,*

*ATV enforcement, etc). As for Cuban protests, I was directing traffic operations during the protests. Nearly every specialized unit was working long hours to keep our community safe.*

When comparing my training to the other Captains, I am the only one carrying these certifications: Motors Certified / Marine Patrol Certified / Recovery Diver Certified / Mounted Certified / TFO Certified (Tactical Flight Officer for Aviation) / FBI Bomb Squad Commander School Certified to name a few.

There is no overtime maximum per week. However, there is a maximum of 16 hours per day of total working hours. There is a 36 hour maximum for special events/extra-duty assignments (aka off-duty jobs). I've attached the departmental order for Special Events. There were two times in 2021 that I went past 16 hours which was for a car jacking suspect that also killed an innocent woman and the other was for a Cuban demonstration. Motors was usually the last to leave the demonstrations to enforce our noise ordinance and to deter reckless drivers endangering our residents.

*Most members of the department rather work off duty jobs that are a higher rate than their overtime, or patrol overtime which consists of answering calls for service. Below is a snapshot of how much is available to work at any given time.*

*(Sample Openings As Of Today)*

Patrol Overtime	City of Miami	5	TUE	10/5/21	14:00	00:01	10		True
Patrol Overtime	City of Miami	2	TUE	10/5/21	21:00	07:00	10		True
Patrol Overtime	City of Miami	3	WED	10/6/21	06:00	16:00	10		True
Patrol Overtime	City of Miami	5	WED	10/6/21	14:00	00:01	10		True
Patrol Overtime	City of Miami	3	WED	10/6/21	21:00	07:00	10		True
Patrol Overtime	City of Miami	4	THU	10/7/21	06:00	16:00	10		True
Patrol Overtime	City of Miami	5	THU	10/7/21	14:00	00:01	10		True
Patrol Overtime	City of Miami	5	THU	10/7/21	21:00	07:00	10		True
Patrol Overtime	City of Miami	2	FRI	10/8/21	06:00	16:00	10		True
Patrol Overtime	City of Miami	5	FRI	10/8/21	14:00	00:01	10		True
Patrol Overtime	City of Miami	5	FRI	10/8/21	21:00	07:00	10		True
Patrol Overtime	City of Miami	2	SAT	10/9/21	06:00	16:00	10		True
Patrol Overtime	City of Miami	5	SAT	10/9/21	14:00	00:01	10		True
Maluma Concert	FTX Arena	1	SAT	10/9/21	18:30	23:30	5		True
Patrol Overtime	City of Miami	5	SAT	10/9/21	21:00	07:00	10		True
Patrol Overtime	City of Miami	3	SUN	10/10/21	06:00	16:00	10		True

### **Internal Documents Leaked By Commissioner Carollo**

During the October 1<sup>st</sup> Special Commission meeting, Commissioner Carollo disseminated internal documents of a draft reprimand that he claimed was stopped by Chief Acevedo in order to protect me. He claims that I put Police Officers in harms way for a minor traffic infraction. After reviewing the document, I remember that call. While I went to get a cup of coffee, I heard units pursuing a suspect vehicle that appeared DUI. I asked the dispatcher to run the tag for an address. Once I got

the address, I went to the location because we didn't have any unmarked units in the entire city. When the suspect vehicle pulled up, I conducted a traffic stop and backup units took him into custody. It is within our policy that when in a city vehicle, you are to be monitoring your radio. I did exactly that. I'm a Police Officer. The real reason this discipline with a recommendation of a one month suspension was written was quite simple: Retaliation. Commander Nerly Papier was the acting Major for the South District. Her academy classmate, Lieutenant Keandra Simmons (she got demoted from Police Major) concocted this discipline because I refused in covering up Commander Papier's crash. I had no idea about this discipline until Commissioner Carollo publicized these documents, further defaming me.

As for the October 1<sup>st</sup> meeting, contrary to popular belief, I was directed to be there with the two THI Investigators (email attached). We were there to answer any questions into the damage on the Chief's vehicle. Due to the serious nature of everything occurring, I appeared as directed and brought my PBA attorney with me. When it was clear this was going to be possibly investigated by another entity, I asked my superior if myself and the others could leave.

This is pure retaliation for doing the right thing and reporting corruption involving staff members. Commissioner Carollo should demand to see the surveillance video of Commander Papier's crash and he will see he has been taken for a ride. There is no doubt that Commissioner Carollo will not stop until he has the Chief of Police terminated. He will then attempt to use his position as an elected official to run the police department the way he sees fit which is against the City Charter. I am forwarding a copy of this report to the City Attorney, Ms. Victoria Mendez so she can advise her client to cease his actions of harassment. I don't want him interfering in my workplace nor speak of me anymore. I am in fear of retaliation in being terminated without cause, improperly transferred, or demoted.

## THI Case - Chief Acevedo

Ortiz, Javier (Capt) <5418@miami-police.org>

Thu 9/30/2021 11:51 AM

To: Carroll, Thomas (Assistant Chief) <0856@miami-police.org>; Fernandez, Francisco (Major) <1921@miami-police.org>; Avila, Eddie <0222@miami-police.org>; Block, Renee (Sgt.) <28584@miami-police.org>

Chief Carroll,

As directed, myself as well as the two THI Investigators will be at City Hall.

I am requesting for a copy of my BWC involved in this case to be uploaded to a USB stick. We will have photographs as well as the redline that was prepared by Sgt Avila.

Please note that Sergeant Avila will be out of town till Tuesday. As for me, I will be available until 1700 HRS because I have a flight to catch.

**CAPTAIN JAVIER ORTIZ**  
**SPECIAL OPERATIONS DIVISION**  
City of Miami Police Department  
400 NW 2<sup>nd</sup> Ave Miami, FL 33128

## SPECIAL EVENTS UNIT / EXTRA DUTY

### Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Definitions
- 1.5 Procedures

**1.1 POLICY:** It is the policy of the Miami Police Department to coordinate police services for special events and allow members to engage in extra duty employment, provided the activity has prior departmental approval. Job basis members are prohibited from working extra duty jobs. Working special events or extra duty jobs shall be considered a privilege, not a right, to the members of the Miami Police Department.

**1.2 ORGANIZATION:** The Special Events Unit is a function of the Specialized Operations Section under the Field Operations Division.

**1.3 RESPONSIBILITIES:** The Special Events Unit is primarily responsible for the planning, implementation, and analysis of police services required for maintaining public safety for citizens who patronize special events within the City of Miami. These events occur throughout the City on a continual basis, thus requiring a special unit of the Police Department to coordinate staffing, payroll, pre-event coordination with event sponsors, other governmental services, post-event analysis, and documentation.

The Special Events Unit is also responsible for the management of extra duty employment. This includes the responsibility for the monitoring of roadway construction projects, utility maintenance work, and related functions, which temporarily close streets or sidewalks and impede the normal flow of vehicular or pedestrian traffic. As part of the monitoring process, extra duty employees are used to direct traffic around such construction sites.

### **1.4 DEFINITIONS:**

**1.4.1.1 Extra Duty Police Jobs:** Extra duty police jobs are any approved jobs worked by members in which a non-routine police service is provided to a private entity. Non-routine is defined as any service similar in scope to routine police functions but, because of resource limitations or those that serve a limited segment of the community, cannot be provided by on-duty personnel. All uniformed police officers are expected to enforce all laws as they would normally enforce on-duty while working in an extra duty capacity.

**1.4.1.2 Temporary Extra Duty Police Jobs:** Short term, non-repetitive in nature, and usually occur on short notice (i.e., parties, dances, traffic assignments, etc.). Such assignments must be made in conformance with this order.

**1.4.1.3 Permanent Extra Duty Police Jobs:** Repetitive jobs extending more than a one month period, and involving the same employer. The assignment will be made in conformance with this order.

# (SPECIAL EVENTS UNIT)

(Final)  
Departmental Order 12  
Chapter 1

to fill the job at the required rank. Captains will be permitted to work as supervisors on permanent extra duty jobs and as police officers on permanent single officer jobs. Captains will be permitted to work as supervisors or officers on all special request temporary jobs. No captain shall work as a subordinate to another captain. Any exceptions must be approved by the Special Operations Section Commander or designee.

**1.6.8** Members are prohibited from working more than sixteen (16) hours during a (24) hour period. The (16) hour maximum will include a combined total of extra duty and on duty working hours. The total extra duty hours worked during a given work week (Sunday through Saturday) shall not exceed (36) hours. Any exceptions must be approved by the Special Operations Section Commander or designee.

**1.6.9** Members scheduled to attend an extra duty job while suspended must notify the Special Events Unit of their inability to attend.

**1.6.9.1 Attendance at Extra Duty Jobs:** Members are reminded that attendance at scheduled extra duty jobs is mandatory. Extra duty jobs, including special events, are staffed at the necessary level by the Special Events Unit. Officers who fail to report at the scheduled time create several issues for the job, including the creation of an officer safety situation. It is therefore imperative that officers selected to work any extra duty job report to the designated roll call at the scheduled place and time. Members failing to report to an extra duty job at a designated place and time are subject to progressive discipline.

**1.6.10 Notification:** Members must notify the Special Events Unit of any tardiness, no later than one (1) hour prior to the commencement of the job. If the Special Events Unit is closed the employee must call Communications. The Special Events Unit is open Monday through Friday from 0700 to 1700.

**1.6.10.1** Any member arriving late to an extra duty job will be subject to removal from the job at the discretion of the event supervisor or commander. Members removed from an extra duty job due to being late will not be entitled to compensation for the job.

**1.6.11 Calling in "I" or "IF" to an Extra Duty Job:** Members unable to report or who will be late to an extra duty job, must call the Special Events Unit one (1) hour prior to their scheduled arrival time. If the Special Events Unit is closed the member must call Communications. The Special Events Unit is open Monday through Friday from 0700 to 1700.

**1.6.11.1** Members calling in "I" or "IF" to an extra duty job will not be able to work any other extra duty job for a period of twenty-four (24) hours.

**1.6.11.2** Members unable to attend an extra duty job as a result of calling in "I" or "IF", will not be able to report to regular duty for a period of twenty-four (24) hours. Members scheduled to work regular duty within that twenty-four (24) hour period, will be carried "I" or "IF" during their regular work hours, unless approved by their Commanding Officer.

**1.6.11.3** Members who call in "I" or "IF" to their regular duty assignment or court are prohibited from working any extra duty job for a period of 24 hours, or until they have completed a regular tour of duty. Any exceptions must be approved by the Specialized Operations Section Commanding Officer or designee.

TBA





# 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 9<sup>th</sup>, 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 9<sup>th</sup>, to welcome him to the section and go over general expectations. On Thursday, March 11<sup>th</sup>, I met with Captain Ortiz at fleet, to go over in detail his expectations 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.

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

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: \_\_\_\_\_

Employee:

Captain Javier Ortiz

05418

On April 6<sup>th</sup>, 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 16<sup>th</sup>, 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 14<sup>th</sup>, 2021, at 0608 hours, Coral Way Officers Luis Munne and Roberto Lores were dispatched to S.W. 27<sup>TH</sup> 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. 29<sup>TH</sup> 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 8<sup>th</sup> 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.

Employee: Captain Javier Ortiz

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.**

Employee: Captain Javier Ortiz

**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

Employee: \_\_\_\_\_

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