



LAW OFFICES OF
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September 29, 2021

Via Certified Return Receipt:

jcarollo@miamigov.com
Commissioner Joe Carollo
District 3
1300 SW 12 Ave.
Miami FL 33129

Dear Mr. Carollo:

This letter is sent pursuant to Florida Statute §770.01.

I represent Captain Javier Ortiz ("Captain Ortiz") in connection with his claim for defamation against you relating to statements you made about Captain Ortiz at the September 27, 2021 Commission meeting. Below are the specific defamatory statements you made.

Your false defamatory statement No. 1:

"There are police officers that have been abusive, that have used excessive force incorrectly, and that senior officers have been covering up. If he would have telling me that he was talking about his main defender and henchman, Javi Ortiz, I could believe it. But, the worst abuser of our citizens and residents in Miami and the State of Florida, that's his henchman, that he's been protecting and he's given cart blanche to go out on to the streets when he was not being able to go on to the streets but allowed to go on to the streets by the prior police chief; I'm to believe that he really cares about that? This is laughable." @ 25:40

The truth:

In every use of force allegation that has been brought forth against Captain Ortiz has always been deemed justified. To further bolster this point, any litigation in which Captain Ortiz has been involved in, the City of Miami has always defended his actions. In his seventeen year career with the Miami Police Department, he had two minor infractions wherein he received a formal counseling (one is for missed court and the other was an improper procedure). At the conclusion of his reassignment, Captain Ortiz was cleared of any wrongdoing and was reinstated with no discipline. Captain Ortiz volunteered and is the only Commanding Officer in the Miami Police Department with a body worn camera to record all police actions.

Your false defamatory statement No. 2:

"His #1 henchman, his right hand that he took out of the dungeon, that he gave card blanche with unlimited overtime to roam the streets again. The #1 abuser of our residents. The one guy in the State of Florida that has the worst record of any police officer of beating up residents and the majority have been African American by the way. Even though he didn't limit himself to that. And, this is the guy that he is protecting and in return, the same character is protecting Mr. Acevedo like we will get into shortly here." @32:55

The truth:

There is absolutely no evidence nor is it possible that two minor disciplinary infractions in a 17 year career would place Captain Ortiz as the worst record of any police officer in the State of Florida. Can you spell "German Bosque"? To further the claim that the majority is African Americans is also false. In all of the litigation involving Captain Ortiz, he has been sued only once by a minority in which he received qualified immunity in Federal Court.

Your false defamatory statement No. 3: 4 hours, 13 minutes

"The individual with the worst record of any Miami Police Officer. When he was finally brought back he was put in a place that he had no contact with the public. You all know that. Who let him out and has given him roaming rights with unlimited overtime? Mr. Acevedo. Who has written for him all kinds of reports, the way Acevedo wants them; including the report on his so-called, alleged fender bender accident. The same individual. And, you all know how you expressed yourselves to me about him. And, I don't think you would deny that and I'm not breaking any confidential information because you all have been very verbal about that especially when you came to speak that day. I made sure that you had the opportunity that you never have had."

The truth:

Captain Ortiz is afforded the same overtime rights as any other Miami Police employee. He is being falsely accused of being an accessory in a coverup involving Chief Acevedo for alleged damage to his police vehicle. One of Captain Ortiz's responsibilities is the Commander of Traffic Homicide and Chairman of the Accident Review Board. Out of an abundance of caution and for transparency, Captain Ortiz activated his bodyworn camera to document the investigation which conclusively established that the scuff marks did not constitute a motor vehicle accident.

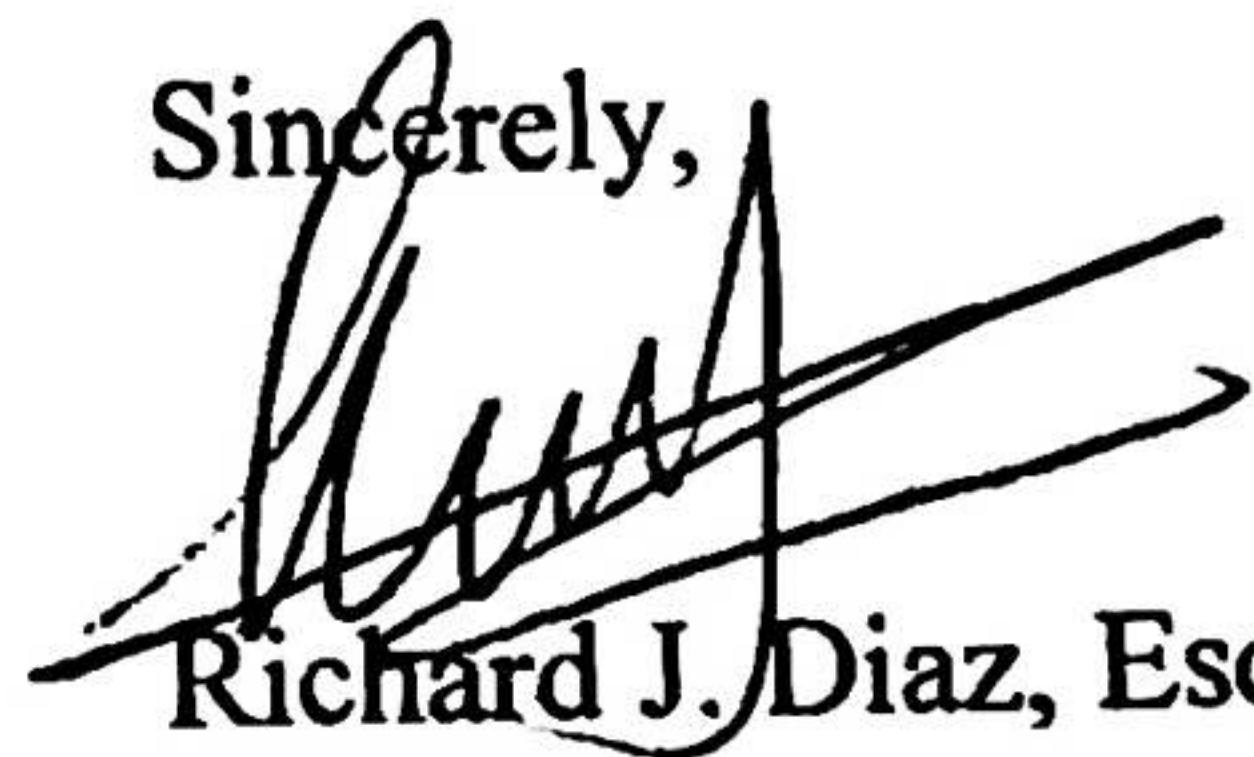
We demand for you to provide the documents in which you allege Captain Ortiz wrote for the Chief of Police. Captain Ortiz has never written any reports for the Chief of Police or in any investigation involving him.

In sum, pursuant to Florida Statute §770.01, you are hereby notified that if you do not issue a retraction to the statements/comments made regarding Captain Ortiz within five (5) days of this letter, suit for defamation will follow. Please note that the retraction should be made in a manner and forum consistent with targeting the same public to whom the initial defamatory statements

were published. Also, Captain Ortiz does not waive any right to sue you, merely because you issue a retraction.

Govern yourself accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard J. Diaz", with a long horizontal flourish extending to the right.

Richard J. Diaz, Esq.

RJD/ez

Encl.