

city of miami



MAITHE GONZALEZ
Chairperson

civilian investigative panel

CRISTINA BEAMUD
Executive Director

July 14, 2021

Chief Art Acevedo
Miami Police Department
400 NW 2nd Avenue
Miami, FL 33128

RE: Javier Ortiz
Complainant: Civilian Investigative Panel

Dear Chief Acevedo:

At the April 2020 CIP meeting, the Panel tasked staff with writing you a letter concerning the behavior of Captain Javier Ortiz. Over his tenure as a City of Miami Law Enforcement officer, he has complied over 58 Citizens complaints, ranging from abuse of force to discourtesy, dating back to 2008. He has been flagged over 11 times for having more than 3 complaints in a 12-month period.

Over the years, Captain Ortiz has given rise to a pattern of conduct that has been deeply concerning. Of note, from 2019 to 2020, our investigators interviewed a number of people who had complained about Ortiz's misconduct and use of force, including Francois Alexandre, who alleged he was severely beaten and wrongfully arrested by police officers, including Ortiz, in 2013; Ruben Sebastian, who sued Ortiz and the MPD after Ortiz allegedly searched his car without a warrant during a traffic stop, arrested him for resisting an officer, and placed him in excessively tight handcuffs that later gave Sebastian nerve damage; and Melissa Lopez, who recently won a \$100,000 settlement from the City of Miami after she alleged in court that Ortiz had pushed her to the ground during Art Basel, in 2017, leaving her with a fractured wrist. In addition, in 2016, he shared the phone number and Facebook photos of Claudia Castillo, a woman who pulled over a speeding Miami-Dade police officer, urging his social-media followers to call and harass her. Castillo, was later granted a temporary restraining order against Ortiz by a municipal court judge, due to his continuous harassment.

Furthermore, Captain Ortiz has conducted himself in questionable ways when addressing one of the most sensitive aspects in our culture, race. In January 2020, Ortiz was relieved of duty with pay after he, a white Hispanic man, claimed to be a Black man on two promotional exams. Ortiz explained at a city commission meeting that he was a "Black male or a Negro" under the "one-drop rule," an antiquated, racist principle implying that anyone with the slightest bit of African ancestry should be considered Black.

Lastly, a recent, extensive 53-page investigation into Ortiz's policing career by the state and the FBI details his behavior with the public. It found that Ortiz has exercised "a pattern of abuse and bias against minorities, particularly African Americans." The report also found that Ortiz "has been known for cyber-stalking civilians who question his authority or file complaints against him." The city has had to pay almost \$600,000 to settle lawsuits stemming from his behavior. To date, the CIP has also received significant complaints from members of MPD for Ortiz's inappropriate behavior towards his colleagues.

It gives the CIP no pleasure in writing you this letter upon your arrival in Miami. But, in the past few months, the CIP has heard a new case each month detailing alleged misconduct by Captain Ortiz. This trend, if left unchecked, can create lasting and damaging cultural issues within MPD and the community. It is the CIP's mission to conduct fair and impartial investigations, as well as to alert you of concerning patterns of conduct of MPD officers. This notice fits squarely within our mission as well as the City of Miami Charter specifications. We urge you to act on this matter in a way that promotes public safety, accountability, community trust, and transparency.

Sincerely,

A handwritten signature in black ink, featuring a large, stylized 'M' and 'G' that are interconnected, with a long horizontal line extending to the right.

Maithe Gonzalez, Esq.
Chair, City of Miami Civilian Investigative Panel