

CITY OF MIAMI, FLORIDA  
**INTER-OFFICE MEMORANDUM**

*J. Colina*

TO: Jorge R. Colina  
Chief of Police

DATE: May 22, 2020

FILE:

SUBJECT: Professional Compliance Review

FROM: Major Jose M. Gonzalez *J. Gonzalez*  
Commander  
Professional Compliance Section

REFERENCES: CN# 180527-0040310

ENCLOSURES:

The Professional Compliance Section (PCS) conducted a comprehensive review of Miami Police Department Case#180527-0040310, a fatal traffic crash that occurred on the southbound exit ramp from the Rickenbacker Causeway onto US-1. As a result of the review, 4 violations of MPD Departmental Orders were identified as follows:

1. As required by **MPD D.O. 1.11.6.20.1** Mr. Cruz Pena's GoPro camera should have been turned into the Property Unit as evidence on the day that the crash occurred in order to properly record it as evidence and to ensure safekeeping.
2. As per **MPD D.O. 14.3.4.2** the GoPro camera should have been turned into the Property Unit as evidence and not stored in the lead detective's office/desk from May 27<sup>th</sup>, 2018, until it was turned over to Det. Kurver on June 7<sup>th</sup>, 2018, for processing.
3. The video currently available shows an unknown officer traveling at a high rate of speed in a marked Miami Police vehicle behind a motorcyclist, which is in violation of **MPD D.O. 1.11.6.56.6** requiring "Members and civilian employees shall operate police vehicles in a safe manner at all times" and **D.O. 11.7.1**, which requires "members to operate all vehicles in a safe and prudent manner and to only pursue fleeing violent felony offenders in conformance to our ethical and legal obligation."
4. As required by **MPD D.O. 9.3.4.2 (8)** which states that investigators are "responsible for reporting the incident fully and accurately". Investigators should have completely documented all statements from witnesses.

In addition to violations of MPD policies, 9 areas for improvement were also identified as follows:

1. Responding officers and Traffic Homicide investigators might have attempted to identify and document the names and contact information of the motorcyclists and/or other witnesses on the scene of the crash, or during follow-up investigative actions for subsequent interviews.
2. Traffic Homicide or Internal Affairs investigators might have made additional, more strenuous attempts to identify and contact the uploader of the Instagram video in order to gain access to the unedited and complete video.

3. Traffic Homicide or Internal Affairs investigators might have ensured that Ms. Gonzalez was shown accurate color photographs of the police vehicle lineup that was conducted during her interview at the hospital.
4. Internal Affairs might have ensured that an Internal Affairs investigator accompanied the MDPD Professional Compliance investigator to the hospital when Ms. Gonzalez was re-interviewed and shown the photographs of the police vehicles.
5. A social media and media release might have been initiated by Traffic Homicide investigators to ask for the public to come forward with any information relating to the crash, or the alleged police pursuit.
6. Traffic Homicide and Internal Affairs investigators might have contacted and interviewed the driver of the white vehicle, Mr. [REDACTED] who had been stopped and issued a summons by Ofc. Mathis. (Informal interview conducted by PCS on 10/01/2019).
7. Internal Affairs investigators might have included the Operational Plan for the traffic enforcement initiative that occurred on the Rickenbacker Causeway the weekend of May 26<sup>th</sup>, 2018, in their report. Their final report indicated that an operational plan did not exist. However, the Civilian Investigative Panel obtained copies of the operational plan and the Traffic Unit's daily staffing rosters for their case file.
8. Internal Affairs investigators might have interviewed every member of the Miami Police Department working in the area of the Rickenbacker Causeway on the day and time of the crash.
9. Internal Affairs investigators might have re-interviewed Ms. Gonzalez and asked specific questions relating to the allegations of police misconduct.

As per your direction, I prepared a comprehensive presentation for all members initially involved, as well as all members who would currently handle a similar case. Following your personal address to all attendees, I presented a comprehensive review of the PCS report and findings. Additionally, I coordinated an executive-level discussion with all current and former Majors assigned to each MPD Section. Both the presentation and executive-level discussion were constructive, well-received by all, and the lessons learned were clear.

Please do not hesitate to contact me with any additional questions.

MG



## **PROFESSIONAL COMPLIANCE SECTION REVIEW**

### **PROFESSIONAL COMPLIANCE SECTION REVIEW OF MIAMI POLICE CASE # 180527-0040310**

#### **Objectives:**

Miami Police Chief Jorge Colina directed the Professional Compliance Section (PCS) to conduct a secondary review of a fatal traffic crash, Miami Police Department case# 180528-0040310. The scope of the review included but was not limited to; reviewing case files completed by the Traffic Homicide Unit and the Internal Affairs Section, identifying any departmental procedural or policy deficiencies, and providing the Chief of Police with findings, recommendations, and/or lessons learned.

#### **PCS Review Approach:**

To accomplish our objectives, PCS coordinated with the Civilian Investigative Panel, the Miami Police Traffic Homicide Unit, and Internal Affairs Section to obtain reports generated on the day of the incident, as well as follow-up investigations that were conducted. PCS also coordinated with the Communications Unit, Body Worn Camera Detail, Fleet Liaison Detail, Court Liaison Unit, and the Staffing Detail to provide information relevant to the review. In addition, PCS also coordinated with the Miami-Dade Police Department's Professional Compliance Bureau and The Village of Key Biscayne Police Department to obtain administrative reports generated on the day of the incident in the area of the Rickenbacker Causeway. PCS also interviewed all Miami Police officers working that area on the day of the incident, and made efforts to interview all potential witnesses. PCS then evaluated all the gathered components of the review and compared them to relevant Miami Police Departmental policies and procedures.

## PROFESSIONAL COMPLIANCE SECTION REVIEW

### Incident Summary:

On May 27<sup>th</sup>, 2018, at approximately 3:31 p.m., a motorcycle collided with a concrete retaining wall located on the exit ramp leading from the Rickenbacker Causeway to southbound US-1. The collision with the retaining wall ejected both the motorcycle's operator (Mr. Yoenis Cruz Pena) and passenger (Ms. Yailen Gonzalez) onto the roadway below. Miami Police Department personnel responded immediately to the scene of the crash. The motorcycle operator and passenger, who both suffered severe injuries, were transported to the Jackson Memorial Hospital (JMH) Ryder Trauma Center by Miami Fire Rescue. Mr. Cruz Pena expired shortly after arriving at the hospital as a result of his critical injuries. Miami Police Traffic Homicide Unit investigators responded to the scene and conducted the crash investigation with the assistance of Miami Police Crime Scene investigators.

### Incident Facts Not in Dispute<sup>1</sup>:

- The motorcycle collided with the exit ramp's retaining wall.
- The collision caused the operator and passenger of the motorcycle to be ejected over the exit ramp's retaining wall and fall twenty-seven feet onto the roadway below.
- Both the operator and passenger suffered severe injuries, and the operator of the motorcycle expired shortly after arriving at the hospital.

### Unverified Allegations<sup>1</sup>:

1. **Allegation: A police vehicle pursuit of Mr. Cruz Pena, a motorcyclist, and Ms. Gonzalez, his passenger, occurred on May 27, 2018, on the Rickenbacker Causeway in Miami.**

An allegation was made to the news media by the deceased's cousin, Alejandro Mustafa Claval, that a police vehicle had been pursuing his cousin's motorcycle prior to the crash, and that the pursuit contributed to and/or caused the crash. An incomplete and edited video was posted on the Instagram social media platform by user account 'dade\_county\_riderz' depicting a Miami Police Department vehicle traveling parallel to a group of motorcyclists with its emergency lights activated. The video was later featured in an article written by

---

<sup>1</sup> Traffic Homicide Supplementary Report# 2018-18



## PROFESSIONAL COMPLIANCE SECTION REVIEW

the Miami New Times on June 4<sup>th</sup>, 2018.<sup>2</sup> Mr. Mustafa Claval alleges that the video is evidence depicting the Miami Police officer engaged in a pursuit of Mr. Cruz Pena. During an interview with investigators, Ms. Gonzalez, the motorcycle's passenger, alleged that a police vehicle had been traveling behind them moments before the crash occurred. During subsequent interviews, she also added that the police vehicle had not activated its emergency equipment or siren.

**2. Allegation: The video provided to the media and uploaded to Instagram depicts a Miami Police vehicle involved in a pursuit with a motorcyclist.**

An incomplete and edited video was posted on the Instagram social media platform by user account 'dade\_county\_riderz' depicting a Miami Police Department vehicle traveling parallel to a group of motorcyclists with its emergency lights activated. The video was later featured in an article written by the Miami New Times on June 4<sup>th</sup>, 2018.<sup>3</sup> Mr. Mustafa Claval alleges that the video is evidence depicting the Miami Police officer engaged in the pursuit of Mr. Cruz Pena.

**3. Allegation: More than one Miami Police vehicle was involved in the pursuit.**

During an interview with investigators, Ms. Gonzalez used the word "they" to refer to the police, implying that more than one police vehicle was involved in the pursuit. She also described being, "followed closely by a police car after passing another police car."

**4. Allegation: The Miami Police officer and police vehicle at the exit from Whiskey Joe's was the same officer pursuing Mr. Cruz Pena.**

An incomplete and edited video was posted on the Instagram social media platform by user account 'dade\_county\_riderz' depicting a Miami Police Department vehicle outside of Whiskey Joe's restaurant. The video editor labels Ofc. Mathis' police vehicle and uses the same label later in the video on a police vehicle operating at higher speeds with red and blue lights activated. The video was later featured in an article written by the Miami New Times on June 4<sup>th</sup>, 2018.<sup>5</sup>

**5. Allegation: Miami Police investigators purposely misconstrued Ms. Gonzalez's statements.**

---

<sup>2</sup> Miami New Times Article: "Video Shows Miami Cop Chasing Biker Who Died, Contradicting Police Account" by Jerry Iannelli posted 6/4/2018 09:04 a.m., <https://www.miaminewtimes.com/news/video-miami-police-chase-yoinis-cruz-pena-cyclist-who-died-10409180>

<sup>3</sup> Miami New Times Article: "Video Shows Miami Cop Chasing Biker Who Died, Contradicting Police Account" by Jerry Iannelli posted 6/4/2018 09:04 a.m., <https://www.miaminewtimes.com/news/video-miami-police-chase-yoinis-cruz-pena-cyclist-who-died-10409180>

<sup>5</sup> Miami New Times Article: "Video Shows Miami Cop Chasing Biker Who Died, Contradicting Police Account" by Jerry Iannelli posted 6/4/2018 09:04 a.m., <https://www.miaminewtimes.com/news/video-miami-police-chase-yoinis-cruz-pena-cyclist-who-died-10409180>

## PROFESSIONAL COMPLIANCE SECTION REVIEW

In the CIP letter to Chief Colina dated August 6, 2019, allegations are made by the CIP that “inconsistencies in the statements of Ms. Gonzalez’ words as described” by MPD investigators existed within the investigative reports.

**6. Allegation: At least one Miami Police officer violated MPD policies with regard to police vehicle operation.**

In the CIP letter to Chief Colina dated August 6, 2019, allegations are made by the CIP that an unknown officer “violated departmental policy by not exercising good judgment and care with due regard to the safety of life and property.”

### **Miami Police Department Initial Incident Response<sup>6</sup>:**

CAD Incident Number: 180527-00169605 Report Number: 180527-0040310

Incident Start Time: 5/27/2018 3:31 p.m. Incident Close Time: 5/27/2018 8:47 p.m.

Primary Patrol Unit: Unit 7621 (Ofc. Leslier Diaz #40742)

Primary Investigative Unit: Unit 684 (Det. Alfred Hernandez #03027)

First Unit on Scene: Unit 801 (Lt. Joaquin Freire #02101)

Incident Source: Citizen 9-1-1 calls and self-initiated by Lt. J. Freire, who arrived and found the victims lying severely injured on SW 26<sup>th</sup> Road. Lt. Freire immediately requested additional units, fire rescue, and Traffic Homicide investigators.

Fire Rescue: Miami Fire Rescue #4 and #24 responded to treat the victims and transport them to the hospital. (Alarm# 18-039959)

---

<sup>6</sup> CAD Incident History - Case# 18052700169605

## PROFESSIONAL COMPLIANCE SECTION REVIEW

### REVIEW OF MIAMI POLICE TRAFFIC HOMICIDE UNIT INVESTIGATION

#### Miami Police Department Traffic Homicide Unit Investigation<sup>7</sup>:

The MPD Traffic Homicide Unit was notified and requested to respond immediately upon Lt. Freire's arrival at the traffic crash on May 27<sup>th</sup>, 2018, at 3:31 p.m. Traffic Homicide Unit 684 (Det. Alfred Hernandez #03027), was notified at 3:36 p.m. and arrived on the scene at 3:42 p.m.

#### Assigned Detectives:

- Sgt. Eddie Avila #00222 - Investigative Supervisor
- Det. Alfred Hernandez #03027 – Lead Investigator
- Det. Angel Fernandez #28394 – Assisting Investigator
- Det. Jose Sepulveda #41666 – Assisting Investigator

#### Summary of Investigative Actions:

May 27<sup>th</sup>, 2018

- Det. A. Hernandez and Det. A. Fernandez responded to the scene of the traffic crash.
- From 3:36 p.m. to 6:00 p.m., detectives conducted the on-scene crash investigation, obtained various scene measurements, and assisted the Crime Scene Investigations Unit (CSI) with the identification and collection of physical evidence.
- Detectives were informed by Miami Police Communications personnel at 4:12 p.m. that [REDACTED] had phoned the Communications Unit to inform them that Mr. Cruz Pena had expired at the hospital.
- At 6:00 p.m., the scene was cleared, the road was re-opened, and the investigators returned to their offices to complete their required reports. Det. Hernandez's attempts to retrieve/view video from the motorcycle operator's GoPro camera were unsuccessful due to damage that the camera

---

<sup>7</sup> Traffic Homicide Supplementary Report #2018-18

## PROFESSIONAL COMPLIANCE SECTION REVIEW

sustained during the crash. Det. Hernandez's subsequently stored the GoPro camera by placing it in a locked drawer in his desk and did not turn it into the Property Unit as evidence.

May 28<sup>th</sup>, 2018

- An autopsy of Mr. Cruz Pena was performed by Dr. Kailee Imperatore of the Miami-Dade County Medical Examiner's Office.<sup>8</sup>
- Dr. Imperatore listed the cause of death as "multiple blunt force injuries" in her report.

May 29<sup>th</sup>, 2018

- Detectives were made aware of the police pursuit allegations made on the social media platform Instagram, by 'dade\_county\_riderz' and video provided to the media by Mr. Mustafa Claval, Mr. Cruz Pena's cousin.
- Det. Antonius Kurver #03833, was assigned to the Investigative Support Section and was assigned to the U.S. Secret Service's Miami Electronic Crimes Task Force (MECTF), was contacted for assistance in recovering the video files on the damaged GoPro camera. He informed detectives that he was out on vacation and would return to work on June 7<sup>th</sup>.
- At 3:00 p.m. and 4:25 p.m., Det. A. Hernandez and Det. J. Sepulveda conducted two separate recorded interviews with Ms. Gonzalez at the JMH Ryder Trauma Center. In summary, she stated<sup>9</sup>:
  - She and her husband (Mr. Cruz Pena) were eating lunch at Whiskey Joe's located at 3301 Rickenbacker Causeway with a group of motorcyclists who meet regularly and travel to destinations all over South Florida.
  - While at the restaurant, Mr. Cruz Pena received a phone call from an unknown person informing him that the police were outside waiting for the motorcycle group.
  - As the group was leaving Whiskey Joe's, they observed two police cars. They believed that the police officers were waiting for the motorcycle group to leave and were planning to take enforcement action on members of the group. After reviewing CCTV video, the vehicles were later identified as Officer Mathis' police vehicle and

---

<sup>8</sup> Miami-Dade Medical Examiner Department Investigations Report (ME Case# 2018-01571)

<sup>9</sup> Transcribed audio interview statements for Ms. Gonzalez (MPD IA Case# 2018-0063)



## PROFESSIONAL COMPLIANCE SECTION REVIEW

the traffic violator's white vehicle involved in the traffic stop with Officer Mathis. Only one police vehicle was observed on the video outside of Whiskey Joe's.

- Mr. Cruz Pena and Ms. Gonzalez "waited" at some point during their departure, as a group of motorcycles left before them with a police car following the initial group.
- Ms. Gonzalez stated that shortly after entering the Rickenbacker Causeway, they passed one police car, and that is when another police car began following them closely. She further stated that the police car was white with green or yellow stripes, had only its yellow parking lights turned on and did not have its red and blue lights, or siren activated.
- Ms. Gonzalez stated that the police car followed them closely to the exit ramp where the crash occurred.

May 29<sup>th</sup>, 2018

- Sgt. Avila contacted Sgt. Ivonne Valdes #27423 of the Miami Police Internal Affairs Section and relayed the allegations of the police pursuit. Sgt. Valdes then notified the Miami-Dade Police Department's Professional Compliance Bureau of the alleged pursuit due to the description provided of the police vehicle involved.

May 30<sup>th</sup>, 2018

- Det. Hernandez retrieved recorded video footage from the Rickenbacker Marina located at 3301 Rickenbacker Causeway [REDACTED]
- The video depicted the following:
  - 5/27/2018 3:24 p.m.: Ofc. Andre Mathis #04451 is seen conducting a traffic stop of a 4-door white vehicle while facing west on the access road to 3301 Rickenbacker Causeway. Several motorcyclists are observed leaving the access road onto the Rickenbacker Causeway. After completing the traffic stop, Ofc. Mathis and the traffic violator's vehicle proceed to make U-turns on the service road in order to drive back onto the Rickenbacker Causeway.
  - 5/27/2018 3:25 p.m.: Mr. Cruz Pena and Ms. Gonzalez, can be seen on their motorcycle, leaving the access road from Whiskey Joe's onto the Rickenbacker Causeway.
  - 5/27/2018 3:27 p.m.: Ofc. Mathis' police vehicle leaves the access road and enters the Rickenbacker Causeway. The police vehicle is

## PROFESSIONAL COMPLIANCE SECTION REVIEW

seen traveling at a normal rate of speed and without any emergency equipment activated.

- Det Hernandez retrieved the 911 call log from the Miami Police Department Communications Unit. He then attempted to obtain video recordings from the following locations:
  1. Vizcaya Metrorail Station (3201 SW 1<sup>st</sup> Ave): [REDACTED]
  2. Brickell Baptist Health Medical Plaza Urgent Care Center (2660 Brickell Ave): [REDACTED]
  3. Brickell Biscayne Condos Association (150 SE 25<sup>th</sup> Rd): [REDACTED]
  4. Twenty-Five Bay Tower Association Inc. (175 SE 25<sup>th</sup> Rd): [REDACTED]
  5. Hotel Urbano (2500 Brickell Ave): [REDACTED]

May 31<sup>st</sup>, 2018

- At approximately 1:00 p.m., Sgt. John Perez #5953, from the Miami-Dade Police Department's Professional Compliance Bureau, was provided a briefing regarding the crash and the pursuit allegations.
- Sgt. J. Perez and Sgt. E. Avila went to the JMH Ryder Trauma Center and interviewed Ms. Gonzalez at 2:35 p.m.<sup>10</sup>
- Ms. Gonzalez's statements remained consistent, but she added the following:
  - Sgt. Perez presented her with multiple black and white photographs of local agency police vehicles, and she selected a City of Miami Police vehicle photograph as the vehicle that looked most familiar to her.
  - Ms. Gonzalez also stated that they were traveling at 120 mph on the Rickenbacker Causeway and had slowed to approximately 70 to 80 mph prior to reaching the overpass where the crash occurred.

June 6<sup>th</sup>, 2018

- Sgt. Avila contacted the Miami Police Communications Unit and requested any Automatic Vehicle Resource Location (AVRL) GPS data for Ofc. Mathis for May 27<sup>th</sup>, 2018.

June 7<sup>th</sup>, 2018

---

<sup>10</sup> Transcribed audio interview statements for Ms. Gonzalez (MPD IA Case# 2018-0063)

## PROFESSIONAL COMPLIANCE SECTION REVIEW

- Emergency Dispatch Supervisor Luz Ponce informed Sgt. Avila that no AVRIL data existed for Ofc. Mathis for May 27<sup>th</sup>, 2018.
- Det. Hernandez delivered the GoPro camera to Det. Kurver at the U.S. Secret Service field office located at 10350 NW 112<sup>th</sup> AVE. A chain of custody form was generated, and the camera, memory card, and accessories were provided to Det. Kurver.

June 22<sup>nd</sup>, 2018

- Det. Hernandez was informed by Det. Kurver that the GoPro camera contained various personal pictures and videos of Mr. Cruz Pena, motorcycle gatherings that had occurred on earlier dates, and a video that was recorded after the crash had occurred.

November 28<sup>th</sup>, 2018

- Det. Hernandez picked up the GoPro camera from Det. Kurver at the U.S. Secret Service field office. A chain of custody form was completed.
- The video and pictures that were retrieved by Det. Kurver were reviewed by Det. Hernandez in his office and he confirmed that no videos of the actual crash or prior events on the day of the crash existed.
- The GoPro camera and accessories were turned into the Miami Police Property Unit at 4:00 p.m. by Det. Sepulveda #41666.

December 23<sup>rd</sup>, 2018

- Det. Hernandez completed the Traffic Homicide Supplementary Report and submitted it to his chain of command for supervisory review.
- Based on his investigative conclusions, he requested to close the case as a Non-Criminal Traffic Fatality.

## PROFESSIONAL COMPLIANCE SECTION REVIEW

### REVIEW OF MIAMI POLICE INTERNAL AFFAIRS SECTION INVESTIGATION

#### **Miami Police Department Internal Affairs Section Investigation:**

On May 29, 2018, Sgt. Avila notified the Miami Police Internal Affairs Section (IAS) of the allegations of a police pursuit made by Ms. Gonzalez and the deceased's cousin, Mr. Mustafa Claval. Due to Ms. Gonzalez's initial description of the police vehicle having green or yellow stripes, Sgt. Ivonne Valdez #27423 contacted the Miami-Dade Police Department's (MDPD) Professional Compliance Bureau and briefed Sgt. John Perez #5953. Once Traffic Homicide investigators completed their initial investigation, IAS conducted an administrative review of the case.

#### Assigned Detectives:

- Sgt. Ivonne Valdez #27423 – Lead IAS Investigator
- Lt. Altarr Williams # 07644 – IAS Unit Commander
- Sgt. John Perez # 5953 – MDPD Professional Compliance Bureau Investigator

#### Summary of Investigative Actions<sup>11</sup>:

- Sgt. Valdes notified the MDPD Professional Compliance Bureau regarding the allegations and the description of the police car provided by Ms. Gonzalez.
- Sgt. Valdes obtained a copy of the Miami Police Traffic Homicide Unit's case file, supporting audio, video, and photographic evidence.
- MDPD Sgt. Perez accompanied Sgt. Avila during the third and final interview of Ms. Gonzalez.
- IAS ensured that all audio interviews were translated and transcribed into English.
- A review of the case file and evidence was conducted.
- Sgt. Valdes completed the final Report of Investigation on February 14<sup>th</sup>, 2019.
- Sgt. Valdes' report concluded that "it was not possible for a police vehicle to be traveling alongside Mr. Cruz Pena and Ms. Gonzalez on the overpass without being involved in a collision."

---

<sup>11</sup> MPD IA Report of Investigation – Case# T18-078



## **PROFESSIONAL COMPLIANCE SECTION REVIEW**

- Sgt. Valdes' report also stated that the edited video that was uploaded to Instagram did not clearly depict the vehicle or tag number of the Miami Police vehicle, and that the police vehicle did not appear to be pursuing any of the motorcyclists.

### **Miami Police Department Professional Compliance Section**

#### **Administrative Review**

On August 7<sup>th</sup>, 2019, the Professional Compliance Section was directed to conduct an administrative review of this case. Section personnel immediately began collecting case files and documentation from the various investigative entities, the Miami Civilian Investigative Panel (CIP), and attempted to collect any new or updated information from multiple sources.

#### Assigned Personnel:

- Lt. Michelangelo Rojas #05972 – Lead Investigator
- Capt. Sean MacDonald #04246 – Investigative Supervisor

#### Summary of Administrative Review:

- Received and reviewed copies of the complete case files from:
  - Miami Police Department Traffic Homicide Unit Case File #2018-18
  - Miami Police Department Internal Affairs Section Case File #T18-078
  - Miami-Dade P.D. Professional Compliance Bureau Case File #IA 2018-0063
  - Miami Civilian Investigative Panel Case File 18-081
- Requested additional information as follows:
  - Lt. Rojas contacted the Rickenbacker Marina to verify the authenticity and accuracy of their video's time stamps. Video time stamps were confirmed to be currently accurate at the date and time that they were reviewed.
  - Lt. Rojas submitted a request to Sunpass for records of all non-revenue license plates for May 27<sup>th</sup>, 2018, entering the Rickenbacker Causeway Toll Plaza. Sunpass officials refused to provide the data as requested, without a court order, because it contained data for other government agencies.
  - Lt. Rojas submitted a request for video from the Florida Department of Transportation and Miami-Dade Expressway Authority for possible video of the Rickenbacker Causeway and the area surrounding the crash site. Both

## PROFESSIONAL COMPLIANCE SECTION REVIEW

agencies replied that no recorded video existed for that date. [REDACTED]  
[REDACTED]  
[REDACTED]

- Lt. Rojas requested daily assignment rosters and worksheets from the Miami-Dade Police Department and the Village of Key Biscayne Police Department. Both agencies provided the requested information. No officers documented any activity in the area of Whiskey Joe's or the Rickenbacker Causeway near to, or at the time of the crash.
  - Lt. Rojas requested the toxicology reports for Mr. Cruz Pena from the Miami-Dade County Medical Examiner's Office. The report revealed no controlled substances were detected.
- Lt. Rojas listened to all recorded audio interview statements from Ms. Gonzalez and compared the audio to the translated transcripts from Internal Affairs for accuracy. No inconsistencies were identified.
  - Lt. Rojas conducted a detailed comparison of the edited Instagram video that was uploaded by 'dade\_county\_riderz' with unedited video provided by the Rickenbacker Marina, statements from Ms. Gonzalez, and time stamps from the 9-1-1 call logs, police radio records, and Computer Aided Dispatch System comments. The comparison confirmed Det. Hernandez's documented timeline in his Traffic Homicide Supplemental Report.
  - Lt. Rojas reviewed the Traffic Crash Report and the Traffic Homicide Supplementary Report generated by Det. Alfred Hernandez and noted inconsistencies with his on-scene arrival times.
  - Lt. Rojas noted Det. Hernandez's quick arrival to the scene and verified that he was working an Extra-Duty job at Mercy Hospital, located at 3663 S. Miami Avenue, and was only 1.13 miles from the scene of the crash. A copy of Mercy Hospital's sign-in sheet for that day was obtained and included in the investigative file.
  - Lt. Rojas reviewed the Rickenbacker Marina video and observed the following:
    - 5/27/2018 3:24:45 p.m.: Ofc. Mathis is observed conducting a traffic stop on a 4-door white vehicle [REDACTED]. The video coincides with the last traffic summons that Ofc. Mathis issued (#A9YNM1E) on that date, on which he recorded a violation date and time of 5/27/2018, 3:18 p.m.
    - 5/27/2018 3:25:52 p.m.: A group of twenty-one (21) motorcyclists are observed lining up on the access road from Whiskey Joe's to enter the Rickenbacker Causeway, passing perpendicular to Ofc. Mathis' police vehicle.
    - The video depicts Mr. Cruz Pena and Ms. Gonzalez twelfth (12<sup>th</sup>) in line, and the yellow motorcycle whose operator captured the Instagram video, nineteenth (19<sup>th</sup>) in line.

## PROFESSIONAL COMPLIANCE SECTION REVIEW

- 5/27/2018 3:26:10 p.m.: The group of twenty-one motorcycles begins entering the Rickenbacker Causeway.
- 5/27/2018 3:26:51 p.m.: The final motorcyclist is seen entering the Rickenbacker Causeway.
- 5/27/2018 3:27:05 p.m.: Ofc Mathis' police vehicle is observed moving towards the exit and onto the Rickenbacker Causeway.
- 5/27/2018 3:27:19 p.m.: Ofc. Mathis' police vehicle is last seen on the video driving on the Rickenbacker Causeway at normal speed, and with no emergency equipment activated.
- Lt. Rojas reviewed the Instagram video uploaded by 'dade\_county\_riderz' and observed the following:
  - The video that was uploaded to Instagram was incomplete and had been edited.
  - The video was filmed from the perspective of the nineteenth (19<sup>th</sup>) motorcyclist in line, seen entering the Rickenbacker Causeway on the Rickenbacker Marina's video.
  - The first portion of the edited video shows a group of motorcyclists lining up to enter the Rickenbacker Causeway, passing perpendicular to Ofc. Mathis' parked vehicle.
  - The second portion of the edited video shows a solo motorcyclist passing the motorcycle recording the video on the left. A Miami Police vehicle is seen following the passing motorcycle with its overhead emergency lights turned on, but no siren is heard. The motorcyclist that is observed driving in front of the police vehicle is also seen in the Rickenbacker Marina's video eighth (8<sup>th</sup>) in line, preparing to exit at 3:25:33 p.m. The low resolution of the video does not allow for the driver of the police vehicle or the police vehicle number to be identified.
  - The third and final video depicts the motorcyclist recording his arrival onto the exit ramp overpass after the crash had occurred. The recording also contains a brief video of the crashed motorcycle lying on its right side in the roadway on the overpass, as well as video of Mr. Cruz Pena and Ms. Gonzalez lying on the roadway below.
  - It should be noted that Mr. Cruz Pena's motorcycle was re-positioned by an unknown person prior to police arrival. Crash scene photographs depict Mr. Cruz Pena's motorcycle in a different position from the 'dade\_county\_riderz' video. The crime scene photographs do not accurately represent the final rest position of the motorcycle following the crash.
  - Due to editing and the lack of time stamps, it is not possible to determine the exact times that the videos were recorded.
- On August 30, 2019, Lt. Rojas contacted Det. Kurver, who was still assigned to the U.S. Secret Service MECTF. Lt. Rojas requested that Det. Kurver complete a digital forensic analysis of Mr. Cruz Pena's GoPro SIM card to confirm its integrity,

## PROFESSIONAL COMPLIANCE SECTION REVIEW

and to confirm that the SIM card had not been altered, and that no files had ever been deleted for the date of the crash.

- On September 26, 2019, Lt. Rojas received a report from Det. Kurver which confirmed the integrity of Mr. Cruz Pena's GoPro SIM card. The report confirmed that there had been no deletions or modifications to files recorded on the date of the crash<sup>12</sup>.
- On October 1<sup>st</sup>, 2019, Lt. Rojas interviewed [REDACTED] the operator of the white vehicle stopped by Ofc. Mathis recorded on the Rickenbacker Marina's video. In summary, Mr. [REDACTED] stated the following:

Mr. [REDACTED] stated that Ofc. Mathis pulled him over for speeding. After being issued a traffic summons by Ofc. Mathis, Mr. [REDACTED] attempted to exit the Whisky Joe's parking lot and was surrounded by several motorcyclists. Mr. [REDACTED] [REDACTED] remembered several motorcycles entering the Rickenbacker Causeway "all around" him, and those motorcyclists began accelerating to a higher rate of speed, passing him on both sides of his vehicle. Mr. [REDACTED] also recalled seeing at least one police car driving in the same direction as the motorcycles but could not remember if the police vehicle's emergency lights were activated or not. Of note is that Mr. [REDACTED] was very hesitant to meet with police and only agreed to meet Lt. Rojas in a public setting and requested that he not wear a police uniform. Mr. [REDACTED] was informed that he was a possible witness to the incident, and he was speaking to investigators voluntarily. Mr. [REDACTED] did not want to be recorded and stood up and attempted to leave twice during the conversation. Mr. [REDACTED] stated that he was applying for U.S. citizenship and did not "want anything to jeopardize or negatively affect his process." Despite assurances that his cooperation would not harm his citizenship status, he refused to permit the conversation to be recorded. Subsequent attempts to contact Mr. [REDACTED] by certified mail, telephone, or in-person were unsuccessful.
- On October 8<sup>th</sup>, 2019, Lt. Rojas sent a direct message to the 'dade\_county\_riderz' via the social media platform Instagram requesting assistance or information with this review but did not receive any response.
- On October 10<sup>th</sup>, 2019, Lt. Rojas attempted to contact Alejandro Mustafa Claval, who had shared the video clips on social media and to the news media.
  - [REDACTED] Mr. Mustafa Claval's aunt, informed Lt. Rojas that Mr. Claval was at work, and requested that the "family be left alone."

---

<sup>12</sup> U. S. Secret Service Miami Electronic Crimes Task Force Digital Forensics Laboratory Forensic Media Analysis Report, September 18, 2019, page 3 of 11, section 5 Summary of Findings.



## PROFESSIONAL COMPLIANCE SECTION REVIEW

- She further stated that Mr. Cruz Pena's death was traumatic, and that the family did not want to re-live the events of that day, and that nothing would bring back Mr. Cruz Pena.
  - Mrs. [REDACTED] was provided Lt. Rojas' contact information and advised to contact him if they had any information that they would be willing to provide.
  - A Certified Witness Letter was mailed to Mr. Mustafa Claval requesting that he contact Lt. Rojas, and no response was received.
- On November 1, 2019, PCS mailed certified letters to Mr. [REDACTED] Officer Mathis (Retired July 1, 2019), and Mr. Mustafa Claval, notifying them that they have been identified as possible witnesses and requesting that they contact the PCS office immediately.
- On November 19, 2019, Captain MacDonald conducted a search for AVRL data for any and all City of Miami Police vehicles on the Rickenbacker Causeway for May 27, 2018. Captain MacDonald searched between 7:00 a.m. and 11:00 p.m. and was unable to locate any Miami Police vehicles on the Rickenbacker Causeway for that day. It should be noted that AVRL data was available for other areas in the city during the time searched. Additionally, if officers working special assignments on the Rickenbacker Causeway elected not to sign into the Computer Aided Dispatch (CAD) program on their computers or did not have an assigned computer with CAD installed, then no AVRL data would have been created. Also, of note is that the majority of officers assigned to the Traffic Enforcement Unit in 2018 were assigned only portable devices which did not transmit AVRL data.
- In January of 2020, PCS began to schedule all officers working or assigned in the area near the Rickenbacker Causeway on May 27, 2018, for interviews. The first interview occurred on February 4, 2020.
- On February 27, 2020, Major Jose M. Gonzalez, Commander of PCS, spoke with Ms. Gonzalez's attorney, Maria Vargas-Mejia Ricart, Esq, regarding her public records request pertaining to the crash. Major Gonzalez also attempted to coordinate an interview of Ms. Gonzalez with Ms. Vargas-Mejia-Ricart and agreed to email several dates and times to Ms. Vargas-Mejia-Ricart to confirm availability. Major Gonzalez did so that same day and there has been no response.
- On March 3, 2020, Lt. Rojas mailed a Certified Witness Letter to Ms. Gonzalez, C/O Maria Vargas-Mejia-Ricart, Esq. notifying them that Ms. Gonzalez has been identified as a witness and requesting that they contact the PCS office. To date, there has been no response.
- On multiple occasions during this review Lt. Rojas listened to all police radio channels assigned to the district, as well as Special Operations Traffic channel on May 27, 2018, and did not hear any transmissions regarding motorcyclists traveling at a high rate of speed, or any police pursuit on the Rickenbacker Causeway.

## PROFESSIONAL COMPLIANCE SECTION REVIEW

- An analysis of all summonses issued in the area of the Rickenbacker Causeway for May 27, 2018, revealed that only Officer Mathis had issued any summonses prior to the crash.

## CONCLUSIONS AND RECOMMENDATIONS

### Policy and Document Review

The following actions taken by the Miami Police Department **complied** with the applicable Departmental Orders and Standard Operating Procedures:

- Miami Police Department personnel responded promptly to the incident in accordance with **MPD D.O.'s 1.11.6.18.11 and D.O. 9.7.4, D.O. 9.7.5.1.1 (a-k), D.O. 9.7.5.2, D.O. 9.7.5.2.1**
- City of Miami Fire Rescue was promptly requested and responded quickly to provide medical assistance and to transport the victims to the hospital. **MPD D.O.'s 4.2.4.16.2, D.O. 9.7.5.1.1 (d)**
- Traffic Homicide was requested immediately. **D.O. 9.7.5.1.1 (j), D.O. 9.8.5.1**
- Crime Scene Investigations was requested to assist investigators. **D.O. 9.8.5.1**
- The traffic crash scene was properly handled by first responders and Traffic Homicide investigators. **D.O. 9.8.5.1**
- Crime Scene investigators collected physical evidence and photographs. **MPD D.O. 16.2.4.1**
- Traffic Homicide consulted with the Miami-Dade Medical Examiner's Office to establish the cause of death. **MPD D.O. 9.8.5.7**
- Traffic Homicide consulted with the Miami-Dade State Attorney's Office regarding any possible criminal charges. **MPD D.O. 9.8.5.4**
- Traffic Homicide promptly contacted the Miami Police Internal Affairs Section after allegations of a police pursuit were made. **MPD D.O. 2.1.4.3**

## PROFESSIONAL COMPLIANCE SECTION REVIEW

- Miami Police Internal Affairs notified and involved the Miami-Dade Police Department's Professional Compliance Bureau, based on Ms. Gonzalez's description of the police vehicle as having green or yellow stripes.
- Miami Police Traffic Homicide worked closely with Miami Police Internal Affairs and the Miami-Dade Police Professional Compliance Bureau to conduct the interviews of Ms. Gonzalez.
- All required case reports were completed and included in the case file.

The following actions taken by the Miami Police Department were **not in compliance** with the following Departmental Orders and Standard Operating Procedures:

1. As required by **MPD D.O. 1.11.6.20.1** Mr. Cruz Pena's GoPro camera should have been turned into the Property Unit as evidence on the day that the crash occurred in order to properly record it as evidence and to ensure safekeeping.<sup>13</sup>
2. As per **MPD D.O. 14.3.4.2** the GoPro camera should have been turned into the Property Unit as evidence and not stored in the lead detective's office/desk from May 27<sup>th</sup>, 2018, until it was turned over to Det. Kurver on June 7<sup>th</sup>, 2018, for processing.<sup>14</sup>

In addition, the Professional Compliance Section believes that the following additional investigative actions might have been taken during the investigation:

1. Responding officers and Traffic Homicide investigators might have attempted to identify and document the names and contact information of the motorcyclists and/or other witnesses on the scene of the crash, or during follow-up investigative actions for subsequent interviews.
2. Traffic Homicide or Internal Affairs investigators might have made additional, more strenuous attempts to identify and contact the uploader of the Instagram video in order to gain access to the unedited and complete video.

---

<sup>13</sup> Miami Police Departmental Orders, Chapter 1, Section 11.6.20.1: "All evidence or other material shall be properly collected, identified, preserved, and turned into the Department's Property Unit and properly recorded therewith for safekeeping."

<sup>14</sup> Miami Police Departmental Orders, Chapter 14, Section 3.4.2: "Property taken into custody by any member or unit of the Department of Police shall be delivered to the Property Unit and receipted as soon as possible and practicable, but no later than the end of the members tour of duty."

## **PROFESSIONAL COMPLIANCE SECTION REVIEW**

3. Traffic Homicide or Internal Affairs investigators might have ensured that Ms. Gonzalez was shown accurate color photographs of the police vehicle lineup that was conducted during her interview at the hospital.
4. Internal Affairs might have ensured that an Internal Affairs investigator accompanied the MDPD Professional Compliance investigator to the hospital when Ms. Gonzalez was re-interviewed and shown the photographs of the police vehicles.
5. A social media and media release might have been initiated by Traffic Homicide investigators to ask for the public to come forward with any information relating to the crash, or the alleged police pursuit.
6. Traffic Homicide and Internal Affairs investigators might have contacted and interviewed the driver of the white vehicle, Mr. [REDACTED] who had been stopped and issued a summons by Ofc. Mathis. (Informal interview conducted by PCS on 10/01/2019).
7. Internal Affairs investigators might have included the Operational Plan for the traffic enforcement initiative that occurred on the Rickenbacker Causeway the weekend of May 26<sup>th</sup>, 2018, in their report. Their final report indicated that an operational plan did not exist. However, the Civilian Investigative Panel obtained copies of the operational plan and the Traffic Unit's daily staffing rosters for their case file.
8. Internal Affairs investigators might have interviewed every member of the Miami Police Department working in the area of the Rickenbacker Causeway on the day and time of the crash.
9. Internal Affairs investigators might have re-interviewed Ms. Gonzalez and asked specific questions relating to the allegations of police misconduct.

### **PCS FINDINGS:**

As to the allegation in a CIP letter to Chief Colina dated August 6, 2019, of a Miami Police vehicle pursuit of Mr. Cruz Pena and Ms. Gonzalez is **Not Sustained**.

### **BASIS:**

1. The only video currently available from the incident was an edited version obtained from social media outlets. The video depicts a Miami Police vehicle behind a motorcyclist who was not Mr. Cruz Pena and Ms. Gonzalez.
2. The video does not capture any other police vehicles or motorcyclists driving on the Rickenbacker Causeway within the last half mile before the location of the crash.
3. The video only depicted Mr. Cruz Pena and Ms. Gonzalez on the ground after the crash. It did not capture Mr. Cruz Pena and Ms. Gonzalez on a motorcycle anywhere on the Rickenbacker Causeway.



## PROFESSIONAL COMPLIANCE SECTION REVIEW

As to the allegation in the CIP letter to Chief Colina dated August 6, 2019, of the Instagram video depicting a Miami Police vehicle involved in a pursuit with a motorcyclist is **Sustained**.

### **BASIS:**

1. The Miami Police vehicle in the video remains behind and matches speed with one specific motorcyclist with emergency lights activated. The motorcyclist in the Instagram video is identified as the solo rider and 8<sup>th</sup> in line in the Rickenbacker Marina video surveillance video.
2. Based on the video, the Miami Police vehicle appears to accelerate to an undetermined high rate of speed, well above the speed limit.
3. The Miami Police vehicle matches speed with the solo motorcyclist, passing all other motorcyclists until disappearing from view in the video. No other motorcyclist or police vehicles are observed in the video.
4. Due to the low resolution of the video currently available, the vehicle number of the Miami Police vehicle nor the officer can be determined.

As to the allegation in the CIP letter to Chief Colina dated August 6, 2019, that there was more than one police vehicle pursuing motorcyclists is **Not Sustained**.

### **BASIS:**

1. The video currently available depicts only one police vehicle.
2. There are no police recordings advising of a pursuit from any police agencies with jurisdiction on the Rickenbacker Causeway.
3. There is no documentation of a police pursuit from any police agencies with jurisdiction on the Rickenbacker Causeway.
4. The statements from officers and cooperation from witnesses did not provide evidence to support this allegation.

As to the allegation in the CIP letter to Chief Colina dated August 6, 2019, that the Miami Police officer and Miami Police vehicle at the exit from Whiskey Joe's was the officer pursuing Mr. Cruz Pena and Ms. Gonzalez is **Not Sustained**.

### **BASIS:**

1. The only video currently available depicts a Miami Police vehicle behind a solo motorcyclist identified as the solo rider and 8<sup>th</sup> in line in the Rickenbacker Marina video surveillance camera.
2. Mr. Cruz Pena and Ms. Gonzalez are never captured on video driving on the Rickenbacker Causeway or being pursued by a police vehicle.
3. Currently, there is no video or documentation to support this allegation.

## PROFESSIONAL COMPLIANCE SECTION REVIEW

As to the allegation in the CIP letter to Chief Colina dated August 6, 2019, that Miami Police investigators **mischaracterized** Ms. Gonzalez's statements is **Not Sustained**. However, this allegation has been modified to Miami Police investigators **omitted** portions of Ms. Gonzalez's statements is **Sustained**.

### **BASIS:**

1. Both the Traffic Homicide and Internal Affairs reports containing Ms. Gonzalez's statements do not contain any mischaracterizations or translation errors.
2. The Traffic Homicide supplementary report did not include part of Ms. Gonzalez's statement where she stated that there was more than one police vehicle pursuing the group of motorcycles on the Rickenbacker Causeway.
3. The Traffic Homicide supplementary report did not include part of Ms. Gonzalez's statement where she stated that a police vehicle was pursuing and "edging" Mr. Cruz Pena's motorcycle up until they crashed on the overpass.

As to the CIP allegation in a letter to Chief Colina dated August 6, 2019, that at least one Miami Police officer violated MPD policies regarding police vehicle operation is **Sustained**.

### **BASIS:**

1. The video currently available shows an unknown officer traveling at a high rate of speed in a marked Miami Police vehicle behind a motorcyclist, which is in violation of **MPD D.O. 1.11.6.56.6** requiring "Members and civilian employees shall operate police vehicles in a safe manner at all times" and **D.O. 11.7.1**, which requires "members to operate all vehicles in a safe and prudent manner and to only pursue fleeing violent felony offenders in conformance to our ethical and legal obligation."
2. Due to the low resolution of the video currently available, the Miami Police vehicle number and the officer cannot be identified.

This review was completed with the totality of information available to the Professional Compliance Section at the time. Additional information may become available in the future and may impact these findings. Please feel free to contact me if you have any questions or concerns regarding this administrative review.

## PROFESSIONAL COMPLIANCE SECTION REVIEW

JG:SDM:mr

### Addendum

#### Miami Police Personnel Interviewed

##### **PERSONS INTERVIEWED:**

1. Officer Joseph Adner	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
2. Officer Yolanda Sands	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
3. Officer Matthew Williams	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
4. Officer Joseph Pastor	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
5. Sergeant Mario Dell Amico	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
6. Officer Armando Rigau	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
7. Officer George Castillo	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
8. Officer Damian Simmons	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
9. Sergeant Raul Valdez	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
10. Officer Antionette Hinson	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
11. Officer Carlos Rodriguez	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
12. Officer Andrew Mesa	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
13. Officer Andrew Goyos	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128

## PROFESSIONAL COMPLIANCE SECTION REVIEW

14. Officer Luis Ortiz	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
15. Officer Magdiel Perez	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
16. Sergeant Jorge Lazcano	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
17. Officer Ney Suero	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
18. Office Eugene Roque	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
19. Officer Allixen Stevens II	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
20. Officer Randy Diaz	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
21. Officer Octavio Guerrero	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
22. Officer Yader Somarriba	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
23. Officer Lexey Tejera	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
24. Officer Katly Guerrier	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
25. Lieutenant Joaquin Freire	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
26. Captain Javier Ortiz	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
27. Officer Jorge Sanabria	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
28. Officer Leslier Diaz	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
29. Officer Carolina Acosta	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
30. Sergeant Jason Kostowic	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
31. Officer Willie Everette	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
32. Officer Jose Estevez	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
33. Sergeant John P Kocur	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
34. Officer Ryan Dreseris	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
35. Officer Alexander Antelo	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
36. Officer Jorge Castro	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128
37. Officer Miguel Borges	400 N.W. 2 <sup>nd</sup> Avenue, Miami, FL 33128

## PROFESSIONAL COMPLIANCE SECTION REVIEW

### **WITNESS OFFICER STATEMENTS:**

On February 4, 2020, at 07:30 a.m., I obtained a sworn audio recorded statement from Officer Joseph Adner #43804. The following is a summary of the statement:

Officer Joseph Adner was working patrol “C” shift on Sunday, May 27, 2018, and was drafted to work patrol “A” shift from 07:00 a.m. to 1:00 p.m. but does not remember who the supervisor was. Officer Adner was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Adner did not generate any reports, parking citations, or traffic citations. Officer Adner did submit a worksheet. Officer Adner had a Mobile Data Computer (MDC) and logged in during the shift. Officer Adner did not recall seeing any motorcyclist traveling on the Rickenbacker Causeway and did not recall hearing any radio transmissions regarding motorcyclists on the Rickenbacker Causeway. Officer Adner did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe’s and did not recall hearing any radio transmission from Officer Mathis. Officer Adner did not observe Officer Mathis following any motorcyclist. Officer Adner did not recall hearing any radio transmissions advising of motorcyclists traveling at a high rate of speed or fleeing from officers. Officer Adner did not see any police vehicles engaged in a pursuit of any motorcyclists on the Rickenbacker Causeway. Officer Adner did not recall hearing radio transmissions involving a motorcycle crash. Officer Adner did not recall responding to the scene of the crash. Officer Adner did not engage in any conversation regarding the incident. Officer Adner was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 4, 2020, at 09:38 a.m., I obtained a sworn audio recorded statement from Officer Yolanda Sands #41703. The following is a summary of the statement:

Officer Yolanda Sands was working patrol on Sunday, May 27, 2018 from 06:00 a.m. to 4:00 p.m. with Sgt. Valdez as her supervisor. Officer Sands was not involved in a pursuit with a motorcycle

## PROFESSIONAL COMPLIANCE SECTION REVIEW

on the Rickenbacker Causeway. Officer Sands may have generated reports and was not certain of issuing any parking or traffic citations. Officer Sands should have submitted a worksheet. Officer Sands had an MDC and would have utilized it if it were working. Officer Sands was dispatched to the area of the Rickenbacker Causeway in reference to the motorcycle crash to assist with traffic. Officer Sands did not see any motorcyclists traveling on the Rickenbacker Causeway. Officer Sands does not know who Officer Mathis is and did not see him conducting a traffic stop in front of Whiskey Joe's. Officer Sands did not hear any radio transmission from Officer Mathis. Officer Sands did not see any police vehicles or motor officers engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Sands did not hear any radio transmissions advising motorcyclists traveling at a high rate of speed or fleeing from officers. Officer Sands believes she was raised on the police radio in reference to the motorcycle crash to assist with traffic around the scene. Officer Sands did not engage in any conversation regarding the incident. Officer Sands was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 4, 2020, at 11:05 a.m., I obtained a sworn audio recorded statement from Officer Matthew Williams #41665. The following is a summary of his statement:

Officer Matthew Williams was working for the Brickell NET area Problem-Solving Team (PST) on Sunday, May 27, 2018 assigned to Virginia Key Beach with Sgt. Roberto Valdez as his supervisor. Officer Williams was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Williams did not generate reports and was not certain if he had his body camera on him that day. Officer Williams did not issue any parking or traffic citations. Officer Williams should have submitted a worksheet. Officer Williams had an MDC but did not remember using it. Officer Williams was assigned to a Key Biscayne detail, responded to the motorcycle crash, and remembers hearing the call advising of the crash broadcasted over the radio but does not remember if he was dispatched. Officer Williams did not see any motorcyclist traveling on the Rickenbacker Causeway but stated, "you can actually hear them speeding by" throughout the day. Officer Williams did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, and he did not hear any radio transmission from Officer Mathis. Officer Williams did not see any police vehicles involved in a pursuit of any motorcyclists on the Rickenbacker Causeway. Officer Williams did not hear any radio transmissions advising of motorcyclists traveling at a high rate of speed or fleeing from officers. Officer Williams responded to the crash from Virginia Key county office, contacted the female passenger of the crash, and attempted to render aid. Officer Williams did not engage in any conversation regarding the incident. Officer Williams learned via news media that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

## PROFESSIONAL COMPLIANCE SECTION REVIEW

On February 4, 2020, at 12:32 p.m., I obtained a sworn audio recorded statement from Officer Jose Pastor #5533. The following is a summary of the statement:

Officer Jose Pastor was working on Sunday, May 27, 2018 assigned to the Breath Alcohol Testing (BAT) Unit, and Sgt. Mario Dell Amico was his supervisor. Officer Pastor was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Pastor did not generate reports, parking citations, or traffic citations. Officer Pastor submitted an After-Action Report for the Traffic Enforcement Unit. Officer Pastor had an MDC and was signed-in as unit 841. Officer Pastor was assigned to the Rickenbacker Causeway. Officer Pastor did not see any motorcyclists traveling on the Rickenbacker Causeway. Officer Pastor did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmissions from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Pastor did not recall hearing any radio transmissions advising motorcyclists traveling at a high rate of speed or fleeing from officers. Officer Pastor did not see any police vehicles engaged in a pursuit of any motorcyclists on the Rickenbacker Causeway. Officer Pastor heard police radio transmissions regarding the motorcycle crash and responded to the scene of the crash to assist with traffic. Officer Pastor did not engage in any conversation regarding the incident. Officer Pastor learned via news media that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 4, 2020, at 12:54 p.m., I obtained a sworn audio recorded statement from Sergeant Mario Dell Amico #1465. The following is a summary of the statement:

Sergeant Mario Dell Amico was working for on Sunday, May 27, 2018 assigned to the Traffic Enforcement Unit with Lieutenant Joaquin Freire as his supervisor. Sergeant Dell Amico was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Sergeant Dell Amico did not recall generating reports, parking citations, or traffic citations. Sergeant Dell Amico believes a worksheet was submitted. Sergeant Dell Amico had an MDC but did not remember using it. Sergeant Dell Amico was assigned to the Rickenbacker Causeway. Sergeant Dell Amico does not believe he saw any motorcyclists traveling on the Rickenbacker Causeway. Sergeant Dell Amico did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not remember hearing any radio transmissions from Officer Mathis, nor did he observe Officer Mathis following any motorcyclists. Sergeant Dell Amico did not recall hearing any radio transmissions advising motorcyclists traveling at a high rate of speed or fleeing from officers. Sergeant Dell Amico did not see any police vehicles engaged in a pursuit of any motorcyclists on the Rickenbacker Causeway. Sergeant Dell Amico heard police radio transmissions regarding the motorcycle crash and responded to the scene of the crash. Sergeant Dell Amico discussed the incident during on scene but uncertain of specifics. Sergeant Dell Amico only learned of allegations of a pursuit via news media days after the incident.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

## PROFESSIONAL COMPLIANCE SECTION REVIEW

On February 4, 2020, at 1:09 p.m., I obtained a sworn audio recorded statement from Officer Armando Rigau #5952. The following is a summary of the statement:

Officer Armando Rigau was working on Sunday, May 27, 2018 assigned to the Traffic Enforcement Unit with Sergeant Dell Amico as his supervisor. Officer Rigau was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Rigau did not generate reports or parking citations but did issue traffic citations. Officer Rigau did not submit a worksheet. Officer Rigau had an MDC and utilized it during the shift. Officer Rigau was not assigned to the Rickenbacker Causeway. Officer Rigau does not believe he saw any motorcyclists traveling on the Rickenbacker Causeway. Officer Rigau did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not remember hearing any radio transmissions from Officer Mathis, nor did he observe Officer Mathis following any motorcyclists. Officer Rigau did not recall hearing any radio transmissions advising of motorcyclists traveling at a high rate of speed or fleeing from officers. Officer Rigau did not see any police vehicles engaged in a pursuit of any motorcyclists on the Rickenbacker Causeway. Officer Rigau did not hear the police radio transmissions regarding the motorcycle crash but did respond to the scene of the crash. Officer Rigau did not engage in any conversation regarding the incident. Officer Rigau only learned of allegations of a pursuit via news media days after the incident.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 4, 2020, at 1:26 p.m., I obtained a sworn audio recorded statement from Officer George Castillo #0941. The following is a summary of his statement:

Officer George Castillo was working on Sunday, May 27, 2018, assigned to the Traffic Enforcement Unit on the Rickenbacker Causeway with Sergeant Dell Amico as his supervisor. Officer Castillo was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Castillo did not generate reports, parking citations, or traffic citations. Officer Castillo was not sure if he submitted a worksheet. Officer Castillo had a tablet but did not remember utilizing it. Officer Castillo was assigned to the Rickenbacker Causeway. Officer Castillo did not observe any motorcyclists traveling on the Rickenbacker Causeway. Officer Castillo did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmissions from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Castillo did not recall hearing any radio transmissions advising of motorcyclists traveling at a high rate of speed or fleeing from officers. Officer Castillo did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Castillo heard police radio transmissions regarding the motorcycle crash and responded to the scene of the crash. Officer Castillo did not engage in any conversation regarding the incident. Officer Castillo only learned of allegations of a pursuit via news media days after the incident.

(Please refer to sworn audio recorded statement contained with the case file for complete details)



## PROFESSIONAL COMPLIANCE SECTION REVIEW

On February 4, 2020, at 1:53 p.m., I obtained a sworn audio recorded statement from Officer Damian Simmons #27823. The following is a summary of the statement:

Officer Damian Simmons was working on Sunday, May 27, 2018, assigned to the Traffic Enforcement Unit on the Rickenbacker Causeway with Sergeant Dell Amico as a supervisor. Officer Simmons was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Simmons did not generate reports, parking citations, or traffic citations. Officer Simmons submitted a worksheet. Officer Simmons had an MDC and utilized it during the shift. Officer Simmons was assigned to the Rickenbacker Causeway. Officer Simmons did not observe any motorcyclist traveling on the Rickenbacker Causeway. Officer Simmons did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis or observe Officer Mathis following any motorcyclists. Officer Simmons did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Simmons did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Simmons heard police radio transmissions regarding the motorcycle crash and responded to the scene of the crash. Officer Simmons did not engage in any conversation regarding the incident. Officer Simmons was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 4, 2020, at 2:18 p.m., I obtained a sworn audio recorded statement from Sergeant Raul Valdez #7228. The following is a summary of the statement:

Sergeant Raul Valdes was working on Sunday, May 27, 2018, assigned to Brickell Patrol and was not certain of who the supervisor was. Sergeant Valdes was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Sergeant Valdes did not generate reports, parking citations, or traffic citations. Sergeant Valdes should have submitted a worksheet. Sergeant Valdes had an MDC and utilized it during the shift. Sergeant Valdes responded to the Rickenbacker Causeway regarding the motorcycle crash. Sergeant Valdes did not see any motorcyclist traveling on the Rickenbacker Causeway. Sergeant Valdes did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Sergeant Valdes did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Sergeant Valdes did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Sergeant Valdes heard police radio transmissions regarding the motorcycle crash and responded to the scene of the crash. Sergeant Valdes did not engage in any conversation regarding the incident. Sergeant Valdes was not told and was not aware that there was an allegation of a pursuit prior to the crash.

## **PROFESSIONAL COMPLIANCE SECTION REVIEW**

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 5, 2020, at 6:55 a.m., I obtained a sworn audio recorded statement form Sergeant Allixen Stevens II #27239. The following is a summary of the statement:

Sergeant Allixen Stevens II was not working on Sunday, May 27, 2018.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 5, 2020, at 7:03 a.m., I obtained a sworn audio recorded statement form Officer Eugene Roque #28620. The following is a summary of the statement:

Officer Eugene Roque was working on Sunday, May 27, 2018, assigned to the Traffic Enforcement Unit on the Rickenbacker Causeway with Sergeant Dell Amico as a supervisor. Officer Roque was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Roque did not generate reports, parking citations, or traffic citations. Officer Roque believes he did not submit a worksheet. Officer Roque had an MDC and is not certain if he utilized it during the shift. Officer Roque was assigned to the Rickenbacker Causeway. Officer Roque did not see any motorcyclist traveling on the Rickenbacker Causeway. Officer Roque did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Roque did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Roque did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Roque heard police radio transmissions regarding the motorcycle crash and responded to the scene of the crash. Officer Roque did not engage in any conversation regarding the incident. Officer Roque was not told nor did he hear that there was a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 5, 2020, at 7:17 a.m., I obtained a sworn audio recorded statement form Officer Ney Suero #6844. The following is a summary of the statement:

Officer Ney Suero does not recall working on Sunday, May 27, 2018, or who the supervisor would have been that day. Officer Suero was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Suero did not generate reports, parking citations, or traffic citations. Officer Suero did not submit a worksheet. Officer Suero had an MDC but did not recall utilizing it during the shift. Officer Suero was not assigned to the Rickenbacker Causeway. Officer Suero did not see any motorcyclist traveling on the Rickenbacker Causeway. Officer Suero did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio

## PROFESSIONAL COMPLIANCE SECTION REVIEW

transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Suero did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Suero did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Suero did not hear police radio transmissions regarding the motorcycle crash and did not respond to the scene of the crash. Officer Suero did not engage in any conversation regarding the incident. Officer Suero was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 5, 2020, at 7:27 a.m., I obtained a sworn audio recorded statement form Sergeant Jorge Lazcano #63982. The following is a summary of the statement:

Sergeant Jorge Lazcano was working on Sunday, May 27, 2018, assigned as a Patrol supervisor for Coconut Grove NET with Lieutenant Rodolfo Bertrand as a supervisor. Sergeant Lazcano was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Sergeant Lazcano did not generate reports, parking citations, or traffic citations. Sergeant Lazcano submitted a worksheet. Sergeant Lazcano had an MDC and utilized it during the shift. Sergeant Lazcano was not assigned to the Rickenbacker Causeway. Sergeant Lazcano did not see any motorcyclist traveling on the Rickenbacker Causeway. Sergeant Lazcano did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Sergeant Lazcano did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Sergeant Lazcano did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Sergeant Lazcano heard police radio transmissions regarding the motorcycle crash but did not respond to the scene of the crash. Sergeant Lazcano did not engage in any conversation regarding the incident. Sergeant Lazcano was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 5, 2020, at 8:48 a.m., I obtained a sworn audio recorded statement form Officer Magdiel Perez #27822. The following is a summary of the statement:

Officer Magdiel Perez was working on Sunday, May 27, 2018, assigned to the Brickell NET with Sergeant Freddy Mesa as a supervisor. Officer Perez was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Perez did not generate reports but may have issued parking citations and traffic citations. Officer Perez is not certain if a worksheet was submitted. Officer Perez had an MDC and utilized it during the shift. Officer Perez was not assigned to the Rickenbacker Causeway. Officer Perez did not observe any motorcyclist traveling on the Rickenbacker Causeway. Officer Perez heard that there was a group of motorcyclists on the causeway. Officer Perez did not observe Officer Mathis conducting a traffic stop in front of

## PROFESSIONAL COMPLIANCE SECTION REVIEW

Whiskey Joe's, did not hear any radio transmission from Officer Mathis or observe Officer Mathis following any motorcyclists. Officer Perez did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Perez did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Perez heard police radio transmissions regarding the motorcycle crash but did not respond to the scene of the crash. Officer Perez did not engage in any conversation regarding the incident. Officer Perez was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 5, 2020, at 9:34 a.m., I obtained a sworn audio recorded statement from Officer Luis Ortiz #5422. The following is a summary of the statement:

Officer Luis Ortiz was working on Sunday, May 27, 2018, assigned to the Traffic Enforcement Detail on the Rickenbacker Causeway with Sergeant Mario Dell Amico as a supervisor. Officer Ortiz was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Ortiz did not generate reports, parking citations, or traffic citations. Officer Ortiz does not remember if a worksheet was submitted. Officer Ortiz had a tablet and did not remember utilizing it. Officer Ortiz was assigned to the Rickenbacker Causeway. Officer Ortiz did not observe any motorcyclist traveling on the Rickenbacker Causeway. Officer Ortiz did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Ortiz did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Ortiz did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Ortiz heard police radio transmissions regarding the motorcycle crash and responded to the scene of the crash. Officer Ortiz responded to the crash from Virginia Key Beach and assisted with traffic on 26<sup>th</sup> Road. Officer Ortiz remembers seeing Det. Hernandez, Sgt. Avila, and Officer Pastor on the scene. Officer Ortiz did not engage in any conversation regarding the incident. Officer Ortiz was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 5, 2020, at 10:14 a.m., I obtained a sworn audio recorded statement from Officer Reynaldo Goyos #27232. The following is a summary of the statement:

Officer Reynaldo Goyos was working on Sunday, May 27, 2018, assigned to the Memorial Weekend Detail on the Rickenbacker Causeway from 9:00 a.m. to 7:00 p.m. with Commander Antonio Diaz as a supervisor. Officer Goyos was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Goyos did not generate reports, parking citations, or traffic citations. Officer Goyos submitted a worksheet. Officer Goyos had an MDC and does not recall

## PROFESSIONAL COMPLIANCE SECTION REVIEW

utilizing it during the shift. Officer Goyos was assigned to the Rickenbacker Causeway. Officer Goyos did not observe any motorcyclist traveling on the Rickenbacker Causeway. Officer Goyos heard an officer on the radio advising of “motorcycles speeding in a pack together,” and then something was mentioned of a crash. Officer Goyos did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe’s, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Goyos does not remember hearing any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Goyos did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Goyos recalls hearing police radio transmissions regarding the motorcycle crash but did not respond to the scene of the crash. Officer Goyos did not engage in any conversation regarding the incident. Officer Goyos was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 5, 2020, at 10:26 a.m., I obtained a sworn audio recorded statement from Officer Andrew Mesa #27547. The following is a summary of the statement:

Officer Andrew Mesa was working on Sunday, May 27, 2018, Patrol Beat Officer assigned to the Rickenbacker Causeway with Commander Antonio Diaz as a supervisor. Officer Mesa was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Mesa did not generate reports and does not remember issuing any parking citations or traffic citations. Officer Mesa submitted a worksheet. Officer Mesa had an MDC and utilized it during the shift. Officer Mesa was assigned to the Rickenbacker Causeway. Officer Mesa did not observe any motorcyclist traveling on the Rickenbacker Causeway. Officer Mesa did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe’s, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Mesa did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Mesa did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Mesa was at the entrance of Virginia Key Beach on Arthur Lamb Road and “barely saw them” but heard a large group of motorcycles” traveling at a high rate of speed on the Rickenbacker Causeway. Officer Mesa stated he heard the engines of the motorcycles, but by the time he looked, they were gone. Officer Mesa heard an officer advise of the motorcycle crash over the police radio, and then the dispatcher issued an emergency beep tone over the radio advising of the crash. Officer Mesa advised via police radio that he was responding to the crash, announced his arrival on the scene, and contacted Mr. Cruz Pena and Ms. Gonzalez. Officer Mesa tried to keep Ms. Gonzalez calm until the City of Miami Fire Rescue responded. Officer Mesa did not engage in any conversation regarding the incident. Officer Mesa was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

## PROFESSIONAL COMPLIANCE SECTION REVIEW

On February 5, 2020, at 11:16 a.m., I obtained a sworn audio recorded statement from Officer Carlos Rodriguez #40853 The following is a summary of the statement:

Officer Carlos Rodriguez was working Patrol on Sunday, May 27, 2018, and was assigned to the Rickenbacker Causeway with Sergeant Valdez as a supervisor. Officer Rodriguez was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Rodriguez did not generate reports, parking citations, or traffic citations. Officer Rodriguez does not remember submitting a worksheet. Officer Rodriguez had an MDC and did not remember utilizing it. Officer Rodriguez did not observe any motorcyclist traveling on the Rickenbacker Causeway. Officer Rodriguez did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Rodriguez did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Rodriguez did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Rodriguez heard an emergency beep tone broadcasted over the police radio advising of the motorcycle crash and responded to the scene of the crash from Virginia Key Beach. Officer Rodriguez was assigned to a traffic post at the crash scene and observed a male and female lying on the road. Officer Rodriguez did not engage in any conversation regarding the incident. Officer Rodriguez was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 5, 2020, at 11:31 a.m., I obtained a sworn audio recorded statement from Officer Antionette Hinson #6558 The following is a summary of the statement:

Officer Antionette Hinson was working on Sunday, May 27, 2018, as a Neighborhood Resource Officer with Commander Diaz as a supervisor. Officer Hinson was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Hinson did not generate reports, parking citations, or traffic citations. Officer Hinson does not remember submitting a worksheet. Officer Hinson had an MDC and does not remember utilizing it. Officer Hinson was not assigned to the Rickenbacker Causeway. Officer Hinson did not observe any motorcyclist traveling on the Rickenbacker Causeway. Officer Hinson does not know who Officer Mathis is and did not see any officer conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis or observe Officer Mathis following any motorcyclists. Officer Hinson did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Hinson did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Hinson heard police radio transmissions regarding the motorcycle crash and may have responded to the scene of the crash from the Virginia Key fuel pumps. Officer Hinson did not engage in any conversation regarding the incident. Officer Hinson was not told and was not aware that there was an allegation of a pursuit prior to the crash.

## PROFESSIONAL COMPLIANCE SECTION REVIEW

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 6, 2020, at 08:01 a.m., I obtained a sworn audio recorded statement from Officer Octavio Guerrero #41300. The following is a summary of the statement:

Officer Octavio Guerrero was working on Sunday, May 27, 2018, assigned to Brickell Patrol with Sgt Valdez as a supervisor. Officer Guerrero was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Guerrero did not remember generating reports, parking citations, or traffic citations. Officer Guerrero assumed he submitted a worksheet. Officer Guerrero had an MDC and utilized it during the shift. Officer Guerrero does not recall being assigned to the Rickenbacker Causeway. Officer Guerrero does not remember observing any motorcyclist traveling on the Rickenbacker Causeway. Officer Guerrero did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Guerrero does not remember hearing any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Guerrero did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Guerrero heard police radio transmissions regarding the motorcycle crash but did not respond to the scene of the crash. Officer Guerrero spoke about the crash on the scene but does not remember the specifics. Officer Guerrero was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 6, 2020, at 08:53 a.m., I obtained a sworn audio recorded statement from Officer Randy Diaz #41536. The following is a summary of the statement:

Officer Randy Diaz was working on Sunday, May 27, 2018, assigned to the Brickell Problem-Solving Team, which was on the Rickenbacker Causeway, providing high visibility with Sgt Roberto Valdez as a supervisor. Officer Diaz was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Diaz did not generate reports and does not remember issuing parking citations or traffic citations. Officer Diaz submitted a worksheet. Officer Diaz had an MDC but does not remember utilizing it. Officer Diaz was assigned to the Rickenbacker Causeway. Officer Diaz does not remember observing any motorcyclist traveling on the Rickenbacker Causeway. Officer Diaz did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Diaz does not remember hearing any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Diaz did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Diaz heard an emergency beep tone over the police radio advising of the motorcycle crash but did not respond to the scene of the crash. Officer Diaz did not engage in any

## PROFESSIONAL COMPLIANCE SECTION REVIEW

conversation regarding the incident. Officer Diaz was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 7, 2020, at 08:13 a.m., I obtained a sworn audio recorded statement from Officer Katly Guerrier #2610. The following is a summary of the statement:

Officer Katly Guerrier was working on Sunday, May 27, 2018, assigned to Patrol in Coconut Grove and was not certain who was the supervisor. Officer Guerrier was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Guerrier did not generate reports and does not remember issuing parking citations or traffic citations. Officer Guerrier believes a worksheet was submitted. Officer Guerrier had an MDC and utilized it during the shift. Officer Guerrier does not remember observing any motorcyclist traveling on the Rickenbacker Causeway. Officer Guerrier did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Guerrier does not remember hearing any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Guerrier did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Guerrier heard broadcasts over police radio regarding the motorcycle crash and responded to the scene of the crash. Officer Guerrier did not engage in any conversation regarding the incident. Officer Guerrier was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 7, 2020, at 08:45 a.m., I obtained a sworn audio recorded statement from Officer Lexey Tejera #27565. The following is a summary of the statement:

Officer Lexey Tejera was working on Sunday, May 27, 2018, on Patrol, but was not certain who the supervisor was. Officer Tejera was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Tejera did not remember generating reports, parking citations, or traffic citations. Officer Tejera submitted a worksheet. Officer Tejera had an MDC and utilized it during the shift. Officer Tejera responded to the Rickenbacker Causeway regarding the motorcycle crash. Officer Tejera does not remember observing any motorcyclist traveling on the Rickenbacker Causeway. Officer Tejera did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Tejera does not remember hearing any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Tejera did not observe any police vehicles engaged in a pursuit of any motorcyclist on the



## PROFESSIONAL COMPLIANCE SECTION REVIEW

Rickenbacker Causeway. Officer Tejera heard police radio transmissions regarding the motorcycle crash but did not respond to the scene of the crash. Officer Tejera did not engage in any conversation regarding the incident. Officer Tejera was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 7, 2020, at 09:37 a.m., I obtained a sworn audio recorded statement from Officer Yader Somarriba #27891. The following is a summary of the statement:

Officer Yader Somarriba was working on Sunday, May 27, 2018, on Patrol and, Sergeant Mesa may have been the supervisor. Officer Somarriba was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Somarriba did not remember generating reports, parking citations, or traffic citations. Officer Somarriba submitted a worksheet. Officer Somarriba had an MDC and utilized it during the shift. Officer Somarriba responded to the Rickenbacker Causeway regarding the motorcycle crash. Officer Somarriba does not remember observing any motorcyclist traveling on the Rickenbacker Causeway. Officer Somarriba did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Somarriba does not remember hearing any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Somarriba did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Somarriba recalls hearing police radio transmissions regarding the motorcycle crash, but he did not respond to the scene of the crash. Officer Somarriba did not engage in any conversation regarding the incident. Officer Somarriba was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 25, 2020, at 01:04 p.m., I obtained a sworn audio recorded statement from Lieutenant Joaquin Freire #2101. The following is a summary of the statement:

Lieutenant Joaquin Freire was working on Sunday, May 27, 2018, as the Traffic Enforcement Commander with Captain Javier Ortiz as a supervisor. Lieutenant Freire was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Lieutenant Freire did not generate reports, parking citations, or traffic citations. Lieutenant Freire does not recall submitting a worksheet. Lieutenant Freire did not have an MDC or tablet assigned. Lieutenant Freire was in the area of the Rickenbacker Causeway and was not dispatched to a call. Lieutenant Freire does not remember observing any motorcyclist traveling on the Rickenbacker Causeway. Lieutenant Freire did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Lieutenant Freire did not observe any police vehicles engaged in a pursuit of any

## PROFESSIONAL COMPLIANCE SECTION REVIEW

motorcyclist on the Rickenbacker Causeway. Lieutenant Freire did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Lieutenant Freire had returned from the City of Miami Police Department's central district station when he pulled up onto the crash scene. Lieutenant Freire was the first officer on the scene and advised of the incident via police radio. Lieutenant Freire did not engage in any conversation regarding the incident. Lieutenant Freire was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 26, 2020, at 11:19 a.m., I obtained a sworn audio recorded statement from Captain Javier Ortiz #5418. The following is a summary of the statement:

Captain Javier Ortiz was working on Sunday, May 27, 2018, as the Deputy Section Commander for the Specialized Operations Section. Capt. Ortiz was wearing a Miami Police Marine Patrol uniform and was on one of the vessels when the crash occurred. Capt. Ortiz does not recall who his supervisor was. Captain Ortiz was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Captain Ortiz did not generate reports, parking citations, or traffic citations. Captain Ortiz did not submit a worksheet. Captain Ortiz had a tablet assigned but does not remember utilizing it. Captain Ortiz does not remember observing any motorcyclist traveling on the Rickenbacker Causeway. Captain Ortiz did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Captain Ortiz did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Captain Ortiz did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Captain Ortiz heard police radio transmissions regarding the motorcycle crash, had his vessel pull up to the Miami Marine Stadium, and had two officers drive him to the scene of the crash to ensure the incident. Capt. Ortiz took charge of the scene, assisted Lt. Joaquin Freire until he ensured the scene was secure and returned to the Marine Patrol vessel for the remainder of the shift. Captain Ortiz did not engage in any conversation regarding the incident. Captain Ortiz was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On February 26, 2020, at 12:20 p.m., I obtained a sworn audio recorded statement from Officer Jorge Sanabria #6256. The following is a summary of the statement:

Officer Jorge Sanabria was working on Sunday, May 27, 2018, assigned to the Traffic Enforcement Unit on the Rickenbacker Causeway with Sergeant Mario Dell Amico as the supervisor. Officer Sanabria was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Sanabria did not generate reports, does not remember issuing parking citations, or traffic citations. Officer Sanabria does not recall submitting a worksheet. Officer Sanabria had

## PROFESSIONAL COMPLIANCE SECTION REVIEW

an MDC but did not remember utilizing it. Officer Sanabria does not remember observing any motorcyclist traveling on the Rickenbacker Causeway. Officer Sanabria did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Sanabria did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Sanabria did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Sanabria did not hear police radio transmissions regarding the motorcycle crash, but he did respond to the crash. Officer Sanabria did not engage in any conversation regarding the incident. Officer Sanabria was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On March 3, 2020, at 3:38 p.m., I obtained a sworn audio recorded statement form Officer Leslier Diaz #40742 The following is a summary of the statement:

Officer Leslier Diaz was working on Sunday, May 27, 2018, assigned to Brickell Patrol with Sergeant Edwin Gomez as the supervisor. Officer Diaz was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Diaz did not generate reports but initially responded as the primary officer for the crash. Officer Diaz stated Traffic Homicide ultimately generated the report. Officer Diaz did not generate parking citations or traffic citations. Officer Diaz may have submitted a worksheet. Officer Diaz had an MDC and utilized it during the shift. Officer Diaz was dispatched to the crash at the Rickenbacker Causeway. Officer Diaz does not remember observing any motorcyclist traveling on the Rickenbacker Causeway but observed approximately four or five motorcyclists on the overpass when he arrived on the scene. Officer Diaz was able to speak to one or two of the motorcyclists that remained on the scene who said they did not know how it happened and did not see anything. The motorcyclists left the scene and did not provide any personal information to Officer Diaz. Officer Diaz does not know Officer Mathis and did not observe any officers conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis or observe Officer Mathis following any motorcyclists. Officer Diaz did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Diaz did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Diaz was dispatched to the motorcycle crash and responded to the scene of the crash. Officer Diaz cleared the scene when Traffic Homicide told him to, and he impounded Mr. Cruz Pena's motorcycle helmet into Property. Officer Diaz did not engage in any conversation regarding the incident. Officer Diaz was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

## PROFESSIONAL COMPLIANCE SECTION REVIEW

On March 3, 2020, at 4:02 p.m., I obtained a sworn audio recorded statement from Officer Carolina Acosta #42677. The following is a summary of the statement:

Officer Carolina Acosta was working on Sunday, May 27, 2018, assigned to Coconut Grove Patrol with Sergeant McGuffey as the supervisor. Officer Acosta was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Acosta did not generate reports, parking citations, or traffic citations. Officer Acosta submitted a worksheet. Officer Acosta had an MDC and utilized it during the shift. Officer Acosta was dispatched to the crash on the Rickenbacker Causeway to assist in direct traffic around the scene. Officer Acosta does not remember observing any motorcyclist traveling on the Rickenbacker Causeway. Officer Acosta did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not recall any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Acosta did not recall any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Acosta did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Acosta did not recall hearing police radio transmissions regarding the motorcycle crash, but she was dispatched to the scene of the crash. Officer Acosta did not engage in any conversation regarding the incident. Officer Acosta was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On March 4, 2020, at 9:44 a.m., I obtained a sworn audio recorded statement from Sergeant Jason Kostowic #3777. The following is a summary of the statement:

Sergeant Jason Kostowic was working on Sunday, May 27, 2018, assigned to the Marine Patrol Unit with Lieutenant Alex Valdes as the supervisor. Sergeant Kostowic was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Sergeant Kostowic did not generate reports, parking citations, traffic citations, or vessel citations. Sergeant Kostowic did not recall submitting a worksheet. Sergeant Kostowic had a tablet but does not recall utilizing it. Sergeant Kostowic was not dispatched or assigned to the Rickenbacker Causeway. Sergeant Kostowic did not observe any motorcyclist traveling on the Rickenbacker Causeway. Sergeant Kostowic did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not recall hearing any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Sergeant Kostowic did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers but did hear about the motorcycle crash. Sergeant Kostowic did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Sergeant Kostowic did not hear police radio transmissions regarding the motorcycle crash and did respond to the scene of the crash. Sergeant Kostowic did not engage in any conversation regarding the incident. Sergeant Kostowic was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

## PROFESSIONAL COMPLIANCE SECTION REVIEW

On March 5, 2020, at 9:35 a.m., I obtained a sworn audio recorded statement from Officer Willie Everett #40896. The following is a summary of the statement:

Officer Willie Everett was working on Sunday, May 27, 2018, assigned to Brickell Patrol and does not remember his supervisor was. Officer Everett was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Everett did not generate reports, parking citations, or traffic citations. Officer Everett possibly submitted a worksheet. Officer Everett had an MDC and utilized it during the shift. Officer Everett was dispatched to the Rickenbacker Causeway to control traffic around the crash. Officer Everett did not observe any motorcyclist traveling on the Rickenbacker Causeway. Officer Everett did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Everett did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Everett did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Everett was dispatched to the motorcycle crash and responded to the scene of the crash to assist with traffic. Officer Everett did not engage in any conversation regarding the incident during or afterward. Officer Everett was not told or hear that there was a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On March 5, 2020, at 9:35 a.m., I obtained a sworn audio recorded statement from Officer Jose Estevez #1615. The following is a summary of the statement:

Officer Jose Estevez was working on Sunday, May 27, 2018, assigned to Marine Patrol and rode with Officer Antelo in the same vessel for the duration of the shift. Officer Estevez's supervisor was Sgt Jason Kostowic. Officer Estevez was aware that Captain Javier Ortiz was riding with the Marine Patrol Units on that day but did not know who he was riding with. Officer Estevez was not aware of a Marine Patrol Vessel dropping off Captain Ortiz to respond to a crash involving a motorcycle. Officer Estevez did not generate reports and does not recall issuing any parking citations, traffic citations, or vessel citations. Officer Estevez submitted a worksheet. Officer Estevez had a tablet and utilized it during the shift. Officer Estevez was not dispatched to the Rickenbacker Causeway. Officer Estevez did not observe any motorcyclist traveling on the Rickenbacker Causeway. Officer Estevez did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Estevez did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Estevez did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Estevez was not dispatched to the motorcycle crash and did not respond to the scene of the crash. Officer Estevez did not engage in any conversation regarding the incident. Officer Estevez was not told and was not aware that there was an allegation of a pursuit prior to the crash.

## PROFESSIONAL COMPLIANCE SECTION REVIEW

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On March 5, 2020, at 2:47 p.m., I obtained a sworn audio recorded statement form Sergeant John Peter Kocur #28612 The following is a summary of the statement:

Sergeant Kocur was working on Sunday, May 27, 2018, assigned to Marine Patrol Unit and does not recall if he had anyone on the vessel with him during the shift. Sergeant Kocur's supervisor at the time was Sgt Jason Kostowic. Sergeant Kocur did not recall if Captain Javier Ortiz was riding with the Marine Patrol Units on May 27, 2018. Sergeant Kocur did not recall a Marine Patrol vessel dropping off Captain Ortiz to respond to a crash involving a motorcycle. Sergeant Kocur did not generate reports, parking citations, traffic citations, or vessel citations. Sergeant Kocur submitted a worksheet. Sergeant Kocur did not have a tablet or an MDC assigned. Sergeant Kocur responded to the Rickenbacker Causeway in reference to the crash to assist but never docked his vessel. Sergeant Kocur did not observe any motorcyclist traveling on the Rickenbacker Causeway. Sergeant Kocur heard police radio transmissions advising of a large group of motorcyclists traveling at high speeds. Sergeant Kocur did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Sergeant Kocur recalled hearing radio transmissions advising motorcyclist traveling at a high rate of speed, but not fleeing from officers. Sergeant Kocur did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Sergeant Kocur heard radio transmission advising of a motorcycle crash but did not respond to the scene of the crash. Sergeant Kocur did not engage in any conversation regarding the incident. Sergeant Kocur was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On March 5, 2020, at 3:07 p.m., I obtained a sworn audio recorded statement form Officer Ryan Dreseris #42810 The following is a summary of the statement:

Officer Ryan Dreseris was working on Sunday, May 27, 2018, assigned to Coconut Grove Patrol "B" shift, and his supervisor was Sgt. McGuffey. Officer Dreseris was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Dreseris did not generate reports, parking citations, or traffic citations. Officer Dreseris submitted a worksheet. Officer Dreseris did not have an MDC or a tablet issued. Officer Dreseris was dispatched to the area of the Rickenbacker Causeway to the crash. Officer Dreseris did not observe any motorcyclist traveling on the Rickenbacker Causeway. Officer Dreseris did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Dreseris did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers.

## PROFESSIONAL COMPLIANCE SECTION REVIEW

Officer Dreseris did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Dreseris was dispatched to the motorcycle crash and responded to the scene of the crash to assist with traffic. Officer Dreseris did not engage in any conversation regarding the incident. Officer Dreseris was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On March 6, 2020, at 6:44 a.m., I obtained a sworn audio recorded statement from Officer Alexander Antelo #42532 The following is a summary of the statement:

Officer Alexander Antelo was working on Sunday, May 27, 2018, assigned to the Marine Patrol, and his supervisor was Sgt. Jason Kostowic. Officer Antelo rode with Officer Estevez for the duration of his shift. Officer Antelo was aware Captain Javier Ortiz was riding with Marine Patrol on that day, but he does not remember what vessel he was on. Officer Antelo does not recall if Captain Ortiz was dropped off by a Marine Patrol vessel to respond to the motorcycle crash. Officer Antelo did not generate reports, parking citations, or traffic citations. Officer Antelo submitted a worksheet. Officer Antelo did not have an MDC or a tablet issued. Officer Antelo was not dispatched to the area of the Rickenbacker Causeway. Officer Antelo did not observe any motorcyclist traveling on the Rickenbacker Causeway. Officer Antelo did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Antelo did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Antelo did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Antelo was not dispatched to the motorcycle crash and did not respond to the scene. Officer Antelo did not engage in any conversation regarding the incident. Officer Antelo was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On March 6, 2020, at 6:51 a.m., I obtained a sworn audio recorded statement from Officer Jorge Castro #41706 The following is a summary of the statement:

Officer Jorge Castro was working on Sunday, May 27, 2018, assigned to the Marine Patrol, and his supervisor was Sgt. Jason Kostowic. Officer Castro did not recall if anyone was on his vessel during his shift. Officer Castro did not recall if Captain Javier Ortiz was riding with Marine Patrol on that day. Officer Castro did not recall if Captain Ortiz was dropped off by a Marine Patrol vessel to respond to the motorcycle crash. Officer Castro did not recall generating reports, parking citations, or traffic citations. Officer Castro submitted a worksheet. Officer Castro had an MDC but did not utilize it. Officer Castro did not recall being dispatched to the area of the Rickenbacker Causeway. Officer Castro did not recall observing any motorcyclist traveling on the Rickenbacker

## PROFESSIONAL COMPLIANCE SECTION REVIEW

Causeway. Officer Castro did not recall observing Officer Mathis conducting a traffic stop in front of Whiskey Joe's, hearing any radio transmission from Officer Mathis, or observing Officer Mathis following any motorcyclists. Officer Castro did not recall hearing any radio transmissions advising of motorcyclists traveling at a high rate of speed or fleeing from officers. Officer Castro did not recall observing any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Castro did not recall hearing any radio transmission involving the motorcycle crash, and he does not recall responding to the scene. Officer Castro did not recall engaging in any conversation regarding the incident. Officer Castro was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On March 6, 2020, at 10:36 a.m., I obtained a sworn audio recorded statement from Officer Miguel Borges #42513. The following is a summary of the statement:

Officer Miguel Borges was working on Sunday, May 27, 2018, assigned to a church detail in the Coconut Grove NET, and his supervisor was Sgt. Lazcano. Officer Borges was not involved in a pursuit with a motorcycle on the Rickenbacker Causeway. Officer Borges did not generate reports, parking citations, or traffic citations. Officer Borges submitted a worksheet. Officer Borges had an MDC and utilized it during the shift. Officer Borges was not dispatched to the area of the Rickenbacker Causeway. Officer Borges did not observe any motorcyclist traveling on the Rickenbacker Causeway. Officer Borges did not observe Officer Mathis conducting a traffic stop in front of Whiskey Joe's, did not hear any radio transmission from Officer Mathis, or observe Officer Mathis following any motorcyclists. Officer Borges did not hear any radio transmissions advising motorcyclist traveling at a high rate of speed or fleeing from officers. Officer Borges did not observe any police vehicles engaged in a pursuit of any motorcyclist on the Rickenbacker Causeway. Officer Borges did not hear any radio transmission regarding a motorcycle crash, and he did not respond to the scene. Officer Borges did not engage in any conversation regarding the incident. Officer Borges was not told and was not aware that there was an allegation of a pursuit prior to the crash.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

On March 12, 2020, at 2:34 p.m., I obtained a sworn follow-up audio recorded statement from Sergeant John Peter Kocur #28612. The following is a summary of the statement:

Sergeant Kocur stated that after speaking with me on March 5, 2020, he located an arrest form dated Sunday, May 27, 2018 with Capt. Javier Ortiz's information on it. The arrest form aided him in recalling that Capt. Ortiz had been riding on his vessel on May 27, 2018. Sgt. Kocur further recalled dropping Capt. Ortiz off at the Miami Marine Stadium to respond to the motorcycle crash. Sergeant Kocur recalls hearing the motorcycle crash broadcasted over the police radio. Sergeant Kocur stated that Capt. Ortiz stepped off the vessel, got into a patrol car with another officer, and



## **PROFESSIONAL COMPLIANCE SECTION REVIEW**

responded to the scene of the crash. Capt. Ortiz returned to Marine Stadium approximately one hour later, got back into Sgt. Kocur's vessel, and remained with him for the remainder of the shift.

(Please refer to sworn audio recorded statement contained with the case file for complete details)

## PROFESSIONAL COMPLIANCE SECTION REVIEW

Office of the Chief

Departmental Order 1  
Chapter 11

**11.6.18.18 Recognize Criminal Investigator:** Members shall not, either on or off duty, recognize or speak to plainclothes investigators outside the police building area, unless spoken to first.

**11.6.18.19 Work Sheets:** Each member, unless otherwise ordered by his commanding officer, shall complete a daily worksheet, accurately and completely listing his activities during his tour of duty. Daily worksheets must be completed on the Electronic Worksheet Program (EWP) **which can be located on the Miami Police Department's intranet website. Worksheets will be submitted using the EWP at the end of the tour of duty, unless otherwise directed by a superior officer.** All supervisors/superior officers will approve and finalize the daily worksheet electronically on the EWP, on a daily basis. In the event that a worksheet cannot be completed on the EWP, on a daily basis a paper worksheet will be generated and submitted by the end of the tour of duty.

**11.6.19 Employment Outside of the Department:** (CALEA 22.2.4)

**11.6.19.1 Outside Employment Defined:** Outside employment or business activity is deemed to include participation in or affiliation with any commercial business activity, except solely by investments, for the purpose of financial gain for which remuneration is received from any source other than from the City of Miami for the performance of police duty or other work.

**11.6.19.2 Business Management Prohibited:** Members and civilian employees of the Department will not participate in the active management of any business in which they may have an interest; they may not accept employment outside the Department, where such management or employment in any way reflects discredit on the member, the civilian employee or on the Department, where such activity affects the physical condition of the member or civilian employee in the performance of his regular duties (by reason of fatigue or other detrimental conditions), or where the duties to be performed are incompatible or inconsistent with the performance of departmental police duties or his position as a police officer or Police Department civilian employee.

**11.6.19.3 Work Permit Required:** Members or civilian employees who desire to engage in outside employment, business activity or occupation during off-duty time must request authorization by submitting an "outside" work application, through channels, to the Chief of Police for his/her approval. Approval must be authorized before a member or civilian employee accepts or performs such work. Such authorization may be terminated at any time, at the discretion of the Chief of Police.

**11.6.19.4 Conduct During Off-Duty Police Work:** Any outside policing activity will be considered to be regular police work insofar as conduct, performance of duty, and compliance with Rules and Regulations are concerned; and all members and civilian employees performing such duty will be under the direction of any superior officer, then on duty, who shall supervise the officer's activity in a manner consistent with good police work. (CALEA 22.2.5 b)

**11.6.20 Evidence:**

**11.6.20.1 Proper Handling:** Members and civilian employees of the Department shall not (under any circumstances) manufacture, destroy, remove from the scene, or convert to personal use any evidence or other material found in connection with an investigation of a

Rev: 09/27/2019

## PROFESSIONAL COMPLIANCE SECTION REVIEW

Departmental Order 14  
Chapter 3

provide a ready reference of all property within the official possession of the Property and Evidence Unit. (CALEA 84.1.5)

**3.4.1.1 Record of Persons Entering the Property and Evidence Unit:** No one shall enter the Property and Evidence Unit without the express approval of the Commander of the Property and Evidence Unit or designated representative. A sign-in log shall be maintained by the Property and Evidence Unit to be completed by all members, sworn and civilian, who enter. They will indicate their name, IBM number, time, and reason for entry. Visitors, other than City employees, shall provide the log with their official title, name, and address, in addition to the other required information. (CALEA 84.1.2)

**3.4.2 Policy for Handling Evidence, Found Property, and Personal Property:** Property taken into custody by any member or unit of the Department of Police shall be delivered to the Property and Evidence Unit and receipted as soon as possible and practicable, but no later than the end of the member's tour of duty. In addition, a written report detailing the circumstances by which the ~~property came into the member's possession and a description of the property must be~~ completed. Final disposition/destruction of found, recovered, and evidentiary property shall be accomplished within six months after legal requirements have been satisfied. This procedure will facilitate the management and disposal of property and reduce storage space. (CALEA 84.1.1a,b,c; 82.3.2c; 83.3.2a,b)

**3.4.2.1** The Commander of the Property and Evidence Unit shall require all property coming into the unit to be properly marked, tagged, and packaged. A receipt shall be issued for all property. Officers requesting evidence to be scientifically analyzed shall complete a Miami-Dade County Property Receipt form (RF# 32.12.07-2) at the time the evidence is submitted to the Property and Evidence Unit. (CALEA 84.1.1 a,b; 83.3.2b,c,d)

**3.4.2.1.1 All containers,** including but not limited to bags, boxes, briefcases, and luggage, must be opened, and the contents inventoried.

**3.4.2.1.2** It is the ultimate responsibility of the member submitting property to the Property and Evidence Unit for storage to ensure that the receipt contains an accurate and exact description of said property, prior to submission. This is especially important when the property submitted is money, guns, narcotics, or valuables. (CALEA 84.1.1 c; 83.3.2b)

**3.4.2.2 Prisoner's Personal Property:** Personal property taken from prisoners will be checked in at the Booking Desk at the Turner Guilford Knight Correctional Center (T.G.K.). The County facility will accept only one bag per prisoner and it can be no larger than **17" inches by 12" inches by 6 3/4" inches**. The Property and Evidence Unit will store larger items such as duffel bags, suitcases and other containers that are not accepted at T.G.K..

**3.4.2.3 Perishable Property:** Perishable property will not be placed into the Property and Evidence Unit. Officers must photograph and document these items and properly dispose of them.

**3.4.2.4 Explosive Property:** Explosive property will not be placed into the Property and Evidence Unit. When an explosive is found, it shall be handled in accordance with the Departmental Order referring to Bomb Threats, Explosives, and Hazardous Materials. Small arms and long rifle ammo may be placed in the Property and Evidence Unit Gun Vault only.

Rev: 12/24/2019