

**CIP#:** 21-241 **IA#:** ADM21-025

**Complainant:** Henry Diaz

**Principal Officer(s) and Allegations:**

Rebecka Rowley, 44248: Negligence of Duty, Improper Procedure

**Witness Officers:** none

**Other Witness(s):** none known

**Officer Supervisor:** unknown

**DOI:** June 9, 2021

**Date Received by CIP:** October 5, 2021

**DOI:** June 9, 2021

## I. Summary

Mr. Diaz approached Officer Rowley at the Miami Dade Water Sewer Department and advised her that he observed an unresponsive male laying beneath a tree in an empty lot. Officer Rowley advised she was not on duty but would make notification of the information and call it in. Approximately five (5) hours later, Mr. Diaz observed the same unresponsive male still laying in the same spot.

Internal Affairs Not Sustained an allegation of Negligence of Duty, and Sustained an Improper Procedure against Officer Rowley.

Staff recommends the allegation of Negligence of Duty be Sustained.

*Officer Rowley was hired on 09/05/2017 and had had 1 administrative complaint and 2 citizen complaints.*

## II. Investigation

**Introduction:** Attempts were made unsuccessfully to contact Officer Rowley and Mr. Diaz.

IA Complaint Form: Sergeant Thelia Reynolds took the complaint from Mr. Diaz against an unknown female MPD officer, who was later identified by IA as Officer Rowley. The complainant advised Sergeant Reynolds he observed “an unresponsive male laying beneath a tree” while he was picking mangos in an empty lot located at 1319 NW 8 Avenue. He did not have his phone on his person, but immediately responded back to the yard, 1001 NW 11 Street, to seek assistance for the male. At the fuel pumps, he

observed the female officer and advised her of the “unresponsive male and his location.” The female officer advised him, “I’m getting off, but I’ll call it in.”

According to the IA Report, GPS data and fuel usage logs show Officer Rowley was at the WASD station, fuel pumps at 6:48 a.m.

The Incident Search shows Officer Banks was dispatched to an unclassified death at 1319 NW 8 Avenue at 12:21 p.m. after an unknown person advised there was a body in the lot lying dead on the floor. Fire Rescue arrived and confirmed the death. Homicide responded.

The Incident Report, written by Officer Banks, documents an Unclassified Death. Fire Rescue responded and pronounced an unknown white male expired at approximately 12:30 p.m. Mr. Diaz advised Officer Banks he observed the body face down under a blanket and called 911.

A supplemental report identified the male as a 33 year-old male, and advised the postmortem examination done by the Medical Examiner’s Office determined the cause of death was acute Fentanyl and Cocaine toxicity, and the manner of death was accidental.

The Investigations Report generated by the Miami-Dade County Medical Examiner Department documents that the decedent was found unresponsive lying in a field covered in a blanket and was confirmed deceased by Fire Rescue. There was no suspicion of foul play at the time. The remains were transported to the Miami Dade Medical Examiner Department for proper certification.

According to medical records, the decedent had been seen previously at Jackson Memorial Hospital and a Rehabilitation facility for drug use. He had multiple overdoses and a history of depression. The decedent did not continue the drug program and came to live in Miami, Florida. He had an extensive drug and arrest history. The manner of death was accidental.

**A. CIP Statements:** none taken

**B. IA Statements:**

1. Henry Diaz: Mr. Diaz states there are some mango trees on 13th Street and 12<sup>th</sup> Avenue. He passes by and picks up some mangoes and sees the body there. He says there are always vagrants in that area. He says the body was purple, and he thought “he’s gone.” He didn’t have his phone with him, and he sees an officer putting gas in her car and says, “hey I saw a body over there”. He told her so she could report it since he didn’t have his cellphone. He thought that it was the right thing to do. The officer responded that she had finished her work shift and she would report it. He describes the officer as a pretty, dark haired, Hispanic female. She was wearing her City of Miami police uniform. Mr. Diaz states that he was sure the body was deceased because it wasn’t moving or breathing, and it looked purple. When he approached the officer, he stated to her specifically that the body was deceased.

2. Officer Rowley: On the date of incident, she worked an off duty job at Magic City Casino from midnight to 7:00 a.m. She was at the fuel pumps on that day and was approached by Mr. Diaz. Mr. Diaz had concerns about “a sick homeless man” who might have been by the Marriott hotel. He did not give her any more description about where the body was located. He said, “go check by the Marriott, there is someone there who might be sick or asleep. Go check on him.” She also advised Mr. Diaz told her he may have been “sick or injured.” She believed he was talking about the Marriott near JMH on 13th. He did not tell her anything about the physical description of the body. She never notified anyone of the information Mr. Diaz gave to her. She went to see if she could locate the person first. She drove by the hotel, taking a right at the hotel, driving down and following the roundabout before coming out and going home. She did not get out of her vehicle or speak to anyone. No one flagged her down. She told Mr. Diaz to call 911 so he could provide more detail. Mr. Diaz did not appear to know exactly where the body was. He suggested that the person may be near a hotel, and she asked him if he meant the Marriot hotel, to which he said yes. Mr. Diaz spoke to her in Spanish, and she speaks Spanish “to an extent.”

The SpringHill Suites by Marriott is located at 1311 NW 10 Avenue. The body was located at 1319 NW 8 Avenue.

GPS data showed Officer Rowley’s marked patrol vehicle in the area of the Marriott for approximately 3 minutes.

#### **A. Body Worn Camera (BWC) Footage:**

VPU advised Officer Rowley was issued a BWC prior to this incident but there were no recordings for her on the date of incident.

### **III. CIP Staff Recommendations and Findings:**

#### **1. Officer Rowley:**

a. According to Mr. Diaz initial complaint to Sergeant Reynolds (06/09/221) he observed an unresponsive male laying underneath a tree. Officer Rowley admits she was told the male was sick or injured, yet she did not notify the dispatcher, her supervisor, and only spent approximately 3 minutes (according to vehicle’s GPS) driving into and out of the hotel before heading home. Officer Rowley admitted to IA she speaks Spanish “to an extent” but made no efforts to request a Spanish speaking officer to assist her. Staff finds Officer Rowley’s actions rise above an Improper Procedure, as found by IA, and recommend an allegation of Negligence of Duty be closed as Sustained based on the following Departmental Orders:

#### **DO 2 Chapter 3 CODE OF ETHICS:**

3.3 RESPONSIBILITIES: A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by Statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace, and ensuring the rights of all to liberty, equality and justice.

#### **DO 1, Chapter 11, Rules and Regulations:**

11.6.1.2 Members and Civilian Employees to Know Rules and Regulations: It shall be the duty of all members and civilian employees of the Police Department to thoroughly familiarize themselves with such provisions of the Rules and Regulations that deal specifically and generally with the duties of their rank, grade, or position. This should occur within ten days from the date of issuance. Within thirty days of issuance, every member and every civilian employee shall familiarize himself or herself with all the provisions of the Rules and Regulations. Failure on the part of any member or civilian employee to acquaint himself/herself with the provisions of the Rules and Regulations, as hereby directed, shall be considered negligence of duty and subject to disciplinary action.

11.6.13.2 Effort and Manner of Members and Civilian Employees: Members and civilian employees shall direct and coordinate their efforts in carrying out the functions of the Department in such a manner as will tend to establish and maintain the highest standard of efficiency and effectiveness.

11.6.17 Disciplinary Action - General Offenses: A member or civilian employee of the Department found guilty of violating a rule, regulation, provision of a general or special order, or any of the offenses below, or upon conviction in a court having criminal jurisdiction, shall be subject to reprimand, suspension, dismissal, or suffer other disciplinary action as the Chief of Police may impose.

11.6.17.7 Conduct unbecoming a police officer that shall include any act or conduct not specifically mentioned in these Rules and Regulations that tends to bring the Department into disrepute or reflects discredit upon the individual member as a police officer.

11.6.41 Reports: Members will make a report of actions taken whether in response to a request for service or for self-initiated actions. 11.6.41.1 Citizens Report Complaint: Citizens appealing to members on the street, at a Police building, or at any crime scene, for assistance or advice in entering a report or a Rev: 01/22/2021 complaint shall be given every possible consideration consistent with the circumstances. This is a duty incumbent on the member being contacted, and he/she shall not refer citizens to another member or division unless the circumstances necessitate such action. A member or PSA shall make a written report of the incident appropriate to the dispatch signal, when applicable. The reports are to be completed prior to returning to service from the dispatch signal or as soon as possible thereafter with approval of the member's supervisor. In no instance shall the written report be submitted later than the end of the member's shift in which the incident occurred and the report information was taken. (CALEA 82.2.1 e; 82.2.2 a, b, c)

**DO 4, Chapter 2, Radio Communication:**

2.4.2.1 Any unit checking out of service (self-dispatch) on any signal, will broadcast the unit number and signal requested only. The dispatcher will then acknowledge the unit's transmission, repeating the signal and time. The unit will then proceed with the location and other information required to complete the transmission. The dispatcher will then clear the air by stating, "QSL, Miami" and the time of the transmission. (CALEA 81.2.4 b)

b. VPU advised Officer Rowley was issued a BWC prior to this incident but there were no recordings for her on the date of incident. Staff recommends an allegation of

Improper Procedure be added and Sustained based on the following Departmental Orders:

**DO 11, Chapter 26, BODY WORN CAMERA (BWC):**

26.3 RESPONSIBILITIES: Any officers utilizing BWC equipment shall ensure the device is in working order prior to starting their tour of duty and shall activate the BWC at all times when they become involved in any official action, enforcement action, are in the custody of or transporting a detainee, or engage in any self-initiated interactions with citizens. In addition to the officer, Supervisors will be held strictly accountable, and subject to disciplinary action, for any failure on a subordinate's part to adhere to this policy. Violation of this policy will be addressed in accordance with progressive discipline. (CALEA 41.3.8 b)

26.4.2.2 Use of and Recording with the BWC: (CALEA 41.3.8 b)

d) Officers with a BWC shall activate their BWC for all investigative or enforcement contacts including, but not limited to:

1. Responding to calls for service in an emergency mode
2. All vehicle pursuits, or foot pursuits
3. All traffic stops including the investigation of a vehicle and vehicle occupants
4. All searches including, but not limited to, people, vehicles, and buildings
5. All requests for a consent to search without a warrant, including searches of persons, buildings, or vehicles
6. All requests for searches and deployments of drug detection canines involving vehicles, when practical
7. All arrests and/or citations.
8. While in custody of a detainee
9. Statements from victims/witnesses
10. Any incident upon the direction of a supervisor, at the request of another police officer, or on any incident where the officer deems it appropriate to activate the body camera
11. Officers shall only use the Department issued BWC equipment to record official Departmental activities
12. Any other legitimate law enforcement contacts, including contacts made while working the front desk at any departmental facilities.

CITY OF MIAMI, FLORIDA

## INTER-OFFICE MEMORANDUM

TO: Commander Brandon Lanier  
Commander  
Internal Affairs Section

DATE: August 10, 2021

FILE:

SUBJECT: Officer Rebecka Rowley

FROM: Sergeant Alberto Echaburu #27998  
Internal Investigations Unit  
Internal Affairs Section

REFERENCES: I.A. Case #ADM21-025

ENCLOSURES:

CIR 21-241

ALLEGATION:

On June 9, 2021 at approximately 0700 hours, Mr. Henry Diaz Faxas approached a female City of Miami police officer, later identified as Officer Rebecka Rowley, at the Miami Dade Water and Sewer Department (WASD) located at 1001 N.W. 11 Street and advised her that he observed an unresponsive male laying beneath a tree in an empty lot located at 1319 N.W. 8<sup>th</sup> Avenue. Officer Rowley stated to Mr. Diaz Faxas that she was not on duty but would make notification of the information and call it in. Mr. Diaz Faxas then returned to the empty lot at approximately 1200 hours and observed the unresponsive male still laying beneath the tree.

The allegation against Officer Rebecka Rowley is Negligence of Duty.

PERSONS INTERVIEWED

1. Henry Diaz Faxas	1001 N.W. 11 Street; Miami, Florida 33136	(786) 268 5492
2. Officer Felix Piloto	400 N.W. 2 <sup>nd</sup> Avenue; Miami, Florida 33128	(305) 603 6640
3. Sergeant Michelle Alfonso	400 N.W. 2 <sup>nd</sup> Avenue; Miami, Florida 33128	(305) 603 6640
4. Officer Rebecka Rowley	2200 W. Flagler St.; Miami, Florida 33135	(305) 579 6111

SUMMARY OF THE INVESTIGATION:

On June 10, 2021, I obtained a sworn audio recorded statement from Henry Diaz Faxas. The following is a summary of his statement:

On June 9, 2021, Mr. Diaz Faxas was at a mango tree within a lot in the area of N.W. 13 Street and 8 Avenue. Mr. Diaz Faxas usually observes homeless males and females sleeping in the area and observed a male laying down by the tree and appeared to have a purple discoloration to his skin. Mr. Diaz Faxas surmised that the male was deceased although did not contact law enforcement as he did not have his cellphone on his person at that moment. Mr. Diaz Faxas returned to his assigned workstation at 1001 N.W. 11 Street, observed a female City of Miami police officer and stated to her that there was a deceased body around N.W. 13 Street and 8 Avenue. The officer stated to him that she was just ending her shift and that she would report the information. Mr. Diaz Faxas described the officer as a Cuban female with long, straight hair. The officer was driving a marked City of Miami police vehicle. The officer was wearing a City of Miami police uniform with a possible gold badge. Mr. Diaz Faxas was sure that the male he observed was deceased because he could not see the male breathing and the onset of purple discoloration to his skin was observed.

Attachment: IA ADM21-025 (11437 : Henry Diaz)

Commander Brandon Lanier  
Commander  
Internal Affairs Section

I.A. Case No. ADM21-025

On June 14, 2021, I obtained a sworn audio recorded witness statement from Officer Felix Piloto. The following is a summary of his statement:

Officer Piloto was working in an off-duty capacity on the day of June 9, 2021. Officer Piloto was at 1001 N.W. 11 Street to fuel up his vehicle. Officer Piloto does not recall making contact or anyone else contacting Mr. Henry Diaz Faxas.

On July 22, 2021, I obtained a sworn audio recorded witness statement from Sergeant Michelle Alfonso. The following is a summary of his statement:

Sergeant Alfonso does not recall observing Mr. Diaz at the WASD station on June 9, 2021. Sergeant Alfonso did not recognize Mr. Diaz Faxas.

On July 29, 2021, I obtained a sworn audio recorded witness statement from Officer Rebecka Rowley. The following is a summary of her statement:

Officer Rowley recalls observing Mr. Diaz at the WASD station on June 9, 2021. Officer Rowley recalled having a conversation with Mr. Diaz Faxas while at the WASD station.

On August 12, 2021, I obtained a sworn audio recorded Garrity statement from Officer Rebecka Rowley #44248 after affording her the opportunity to review the entire case file. The following is a summary of her statement:

On June 9, 2021, Officer Rowley was working an off-duty detail at the Magic City Casino. On the same day, Officer Rowley arrived at the WASD station at 1001 N.W. 11 Street and was approached by Mr. Diaz Faxas. Mr. Diaz Faxas stated to Officer Rowley about some concerns he had of a sick, homeless male by the Marriot Hotel. Mr. Diaz Faxas stated to Officer Rowley that she should go check on the male and that he may be sick or injured. Mr. Diaz Faxas did not provide any other landmarks or physical location details as to where the male was at that moment. Mr. Diaz Faxas did not mention any type of tree, shrubbery, or any type of open field in which the male may be located on or by. Mr. Diaz Faxas did not mention any type of discoloration that was observed on the male. Upon receiving the information, Officer Rowley did not notify her immediate supervisor, the communications bridge or dispatch. Officer Rowley was going to attempt to locate the male before making any contact with communications. Officer Rowley exited the WASD station to locate the male and drove in her marked police vehicle to the area described by Mr. Diaz Faxas. Officer Rowley went by the Marriot Hotel, towards the roundabout and departed the area. Officer Rowley did not observe anything out of the ordinary. Officer Rowley did not exit her vehicle or speak to anyone in the area while searching for the male. Officer Rowley was in the area for approximately 5 to 10 minutes before departing the area. Officer Rowley did not make any other further contact with Mr. Diaz Faxas. Officer Rowley advised Mr. Diaz Faxas to contact 911 upon hearing of the information because he could not provide any other specifics as to where the male was observed other than a hotel. Upon arriving at the area of the Marriot Hotel and subsequently looking for the male, Officer Rowley did not contact her immediate supervisor, the communications bridge or dispatch. Mr. Diaz Faxas spoke with Officer Rowley in Spanish although Officer Rowley's Spanish speaking abilities are not fluent.

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 Commander  
 Internal Affairs Section

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**Upon completion of the investigation, the following facts were revealed:**

On June 9, 2021 at the WASD station located at 1001 N.W. 11 Street, Mr. Henry Diaz Faxas engaged in a conversation with Officer Rebecka Rowley in which Mr. Diaz Faxas alluded to a male needing some type of assistance in the area of N.W. 8 Avenue and N.W 13 Street. Fuel usage records and GPS reveal that Officer Rowley was in the area of 1001 N.W. 11 Street at the time Mr. Diaz Faxas stated he engaged in a conversation with a female City of Miami police officer about the unresponsive male. At approximately 0654 hours, GPS data reveals Officer Rowley's assigned marked patrol vehicle in the area of 1350 N.W. 8 Court until 0657 hours. At approximately 1221 hours, City of Miami Police and fire rescue responded to the area of 1319 N.W. 8 Avenue in reference to an unresponsive male. Mr. Diaz Faxas was on scene and stated he contacted 911 upon observing the same unresponsive male during and also mentioned it to Officer Rowley. The unresponsive male was determined to be deceased at 1230 hours.

**FINDINGS:**

As to the allegation of Negligence of Duty lodged against Officer Rebecka Rowley: Not Sustained

**BASIS:**

1. GPS data and fuel usage logs reveal that Officer Rowley was at the WASD station (fuel pumps) on June 9, 2021 at 0648 hours.
2. During a witness statement provided by Officer Rowley, she stated she contacted Mr. Diaz Faxas at the WASD station on June 9, 2021.
3. Mr. Diaz Faxas stated he advised Officer Rowley of a possible deceased male by a tree around N.W. 8 Avenue and 13 Street.
4. Officer Rowley, in a sworn Garrity statement, stated Mr. Diaz Faxas advised her of a sick or injured person around the Marriot Hotel located at 1311 N.W 10 Avenue.
5. Officer Rowley, in a sworn Garrity statement, stated after receiving the information from Mr. Diaz Faxas, she immediately exited the WASD station, and drove to and arrived in the area advised.
6. GPS data reveals Officer Rowley's assigned marked patrol vehicle around 1350 N.W. 8 Court for approximately 3 minutes.
7. 1350 N.W. 8 Court is in the immediate vicinity of where the deceased victim was located as well as the Marriot Hotel.

During the course of the investigation, policy violations were discovered by the Internal Affairs Section against Officer Rebecka Rowley for violations of the general rules and regulations as well as radio communications policy.

**BASIS:**

1. On June 9, 2021, Mr. Henry Diaz Faxas contacted 911 to report a deceased male at 1319 N.W. 8 Avenue.
2. Miami Fire Rescue attended to the male and pronounced him deceased at 1229 hours.
3. Mr. Diaz Faxas stated to officers he had previously contacted a female officer at the WASD station (fuel pumps) and advised her of the possible deceased male earlier in the day.



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4. Officer Rowley, in a sworn Garrity statement, stated Mr. Diaz Faxas advised her of a sick or injured person in the area of the Marriot Hotel located at 1311 N.W 10 Avenue.
5. Officer Rowley did not exit her vehicle to investigate or verify of any sick, injured or possibly deceased person in the area.
6. Officer Rowley did not notify dispatch or communications when she initially received the information from Mr. Diaz Faxas.
7. Officer Rowley did not notify dispatch or communications of her whereabouts or exact location.
8. Officer Rowley stated to Mr. Diaz Faxas to contact 911 in order to give communications more details about where the sick, injured male was possibly located.

Therefore, Officer Rebecka Rowley is found to be in violation of the following **Miami Police Departmental Orders**:

**Departmental Order 1, Chapter 11, Rules and Regulations:**

**11.6.1.2 Members and Civilian Employees to Know Rules and Regulations:** It shall be the duty of all members and civilian employees of the Police Department to thoroughly familiarize themselves with such provisions of the Rules and Regulations that deal specifically and generally with the duties of their rank, grade, or position. This should occur within ten days from the date of issuance. Within thirty days of issuance, every member and every civilian employee shall familiarize himself or herself with all the provisions of the Rules and Regulations. Failure on the part of any member or civilian employee to acquaint himself/herself with the provisions of the Rules and Regulations, as hereby directed, shall be considered negligence of duty and subject to disciplinary action.

**11.6.13.2 Effort and Manner of Members and Civilian Employees:** Members and civilian employees shall direct and coordinate their efforts in carrying out the functions of the Department in such a manner as will tend to establish and maintain the highest standard of efficiency and effectiveness.

**11.6.17 Disciplinary Action - General Offenses:** A member or civilian employee of the Department found guilty of violating a rule, regulation, provision of a general or special order, or any of the offenses below, or upon conviction in a court having criminal jurisdiction, shall be subject to reprimand, suspension, dismissal, or suffer other disciplinary action as the Chief of Police may impose.

**11.6.17.7 Conduct unbecoming a police officer** that shall include any act or conduct not specifically mentioned in these Rules and Regulations that tends to bring the Department into disrepute or reflects discredit upon the individual member as a police officer.

**11.6.41 Reports:** Members will make a report of actions taken whether in response to a request for service or for self-initiated actions.

**11.6.41.1 Citizens Report Complaint:** Citizens appealing to members on the street, at a Police building, or at any crime scene, for assistance or advice in entering a report or a complaint

Commander Brandon Lanier  
 Commander  
 Internal Affairs Section

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shall be given every possible consideration consistent with the circumstances. This is a duty incumbent on the member being contacted, and he/she shall not refer citizens to another member or division unless the circumstances necessitate such action. A member or PSA shall make a written report of the incident appropriate to the dispatch signal, when applicable. The reports are to be completed prior to returning to service from the dispatch signal or as soon as possible thereafter with approval of the member's supervisor. In no instance shall the written report be submitted later than the end of the member's shift in which the incident occurred and the report information was taken. (CALEA 82.2.1e; 82.2.2a, b, c)

**Departmental Order 4, Chapter 2, Radio Communications:**

**2.4.2.1** Any unit checking out of service (self-dispatch) on any signal, will broadcast the unit number and signal requested only. The dispatcher will then acknowledge the unit's transmission, repeating the signal and time. The unit will then proceed with the location and other information required to complete the transmission. The dispatcher will then clear the air by stating, "QSL, Miami" and the time of the transmission. (CALEA 81.2.4 b)

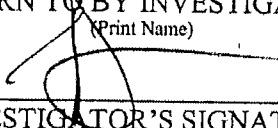
**2.4.6** Units will notify the station of all changes of location while on any signal.


**NOTIFICATION:**

The complainants will be notified via certified mail.

**INVESTIGATIVE VERIFICATION STATEMENT:**

I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in Sections 112.532 and 112.533, Florida Statutes.

A. Echaro  
 SWORN TO BY INVESTIGATOR  
 (Print Name)  
  
 INVESTIGATOR'S SIGNATURE

Lt Steven Castell #0938  
 WITNESSED BY  
 (Print Name)  
  
 SIGNATURE OF WITNESS

AE:ae

MIAMI POLICE DEPARTMENT  
INTERNAL AFFAIRS SECTION  
CITY OF MIAMI, FLORIDA

## COMPLAINT FORM

I.A. Case No. ADM21-025

(For I.A. use only)

CIP 21-241

## COMPLAINT RECEIVED:

DATE: 6/9/2021 TIME: 1327 SOURCE: Walk-in ☒ Patrol 121 ☐ E-Mail ☐ Other ☐

PREPARED BY: PIN # 27984 NAME (Blue Team: Sergeant Thelia Reynolds #41968) Sergeant Michelle Verdin

COMPLAINANT Henry Diaz RACE/ETHNICITY C/S SEX M

DOB 11/22/66 RES 14953 SW 18<sup>th</sup> Terrace CITY Miami STATE FL ZIP 33185

PHONE RES # 305-308-9746 EMAIL ARRESTED No INC. # 210609-0037023

INC. LOCATION 1001 NW 11 ST NET AREA 43 INC. DATE 6/9/2021 INC. TIME 0715

WITNESS 1 ADDRESS PHONE

WITNESS 2 ADDRESS PHONE

## PERSONNEL INVOLVED

1. PIN# 44248 NAME Rebecca Rowley RANK R/E C/S SEX F ASGMT FOD/73/B

2. PIN# NAME RANK R/E SEX ASGMT

3. PIN# NAME RANK R/E SEX ASGMT

\* R/E See Race/ Ethnicity Legend on back page.

CASE ASSIGNMENT  
(FOR I.A. USE ONLY)

ASSIGNED TO: I.A. (Echaburu) REPLY FORMAT Standard

DATE ASSIGNED: 6/9/21 DATE DUE: 9/9/21 ASSIGNED BY: Sergeant Michelle Verdin

ALLEGATION: Negligence of Duty PIN# 44248 PIN# PIN# PIN#

ALLEGATION: PIN# PIN# PIN# PIN#

ALLEGATION: PIN# PIN# PIN# PIN#

## RESULTS OF INVESTIGATION (see item #2 on reverse side)

PIN# ALLEGATION FINDINGS

PIN# ALLEGATION FINDINGS

## DISCIPLINARY ACTION RECOMMENDED (see item #3 on reverse side)

PIN# PIN#

PIN# PIN#

## COMPLAINT INVESTIGATED BY

PIN# NAME: DATE:

## COMMANDING OFFICER REVIEW

PIN# NAME: DATE:

180=12/06/2021

R.F. #121 (Rev. 4/19)

Attachment: IA ADM21-025 (11437 : Henry Diaz)

COMPLAINT NARRATIVE

On June 9, 2021, the Internal Affairs Section received an email complaint via Blue Team from Sergeant Thelia Reynolds #41968. The complaint was filed by Mr. Henry Diaz against an unknown female officer. The following is a summary of his complaint:

Mr. Diaz stated that he is a Miami Dade County employee at 1001 NW 11 ST. He stated that on June 9, 2021 at approximately 0700 hours, he went to the mango tree in the empty lot at 1319 NW 8<sup>th</sup> Avenue to pick up some fallen mangos when he observed an unresponsive male laying beneath the tree. Mr. Diaz stated that he did not call the police because he did not have his cellular phone on his person but immediately reported to the yard (1001 NW 11<sup>th</sup> Street) to seek assistance for the male. Mr. Diaz stated there he observed a marked City of Miami police vehicle and officer in full uniform at the fuel pumps. Mr. Diaz describes the officer to be a Hispanic white female, possibly of Cuban decent, young, in her 20's – 30's, with long black hair. He stated he made contact with the officer at approximately 0715 hours and advised her about the unresponsive male and his location. Mr. Diaz stated that the officer responded, "I'm getting off but I'll call it in."

Mr. Diaz stated he then went on to complete his duties at the yard. Mr. Diaz then stated that at approximately 12:00 hours, he returned to the location to pick up the mangos when he noticed the unresponsive male was still laying beneath the tree. Mr. Diaz then calls the City of Miami Police and reports the unresponsive male at 12:18 hours.

A chronological was requested by Sgt. Jorge Lascano #3982 from EDS Pierre #5681 to no avail.

Sgt. Reynolds attempted to retrieve video surveillance from Mr. M. Garcia at 1001 NW 11 Street to no avail.

Sgt. Reynolds attempted to retrieve fuel chip logs from Fleet to no avail.

The Internal Affairs Section was contacted at 1327 hours and GPS records were retrieved.

Departmental Order 2, Chapter 1, Section 1.4.1.1 requires a Complaint Investigation Process pamphlet/description sheet to be provided to the complainant.

Sergeant Michelle Verdin #27984; June 15, 2021

Print and Sign, PIN# and Date

**Once this complaint is received for investigation the following instructions shall be followed:**

1. Follow format in Departmental Order 2, Chapter 2, Section 2.5 when investigating the complaint.
2. Address all Employees and all allegations with an indication of findings in the results of investigation section using the following **Categories: exonerated; not sustained; sustained, unsupported; or withdrawn.** Note: The category of **information only** will only be used by the Internal Affairs Section.
3. When a finding of Sustained is determined, use the following terms: Record of Formal Counseling; Reprimand only; Reprimand and Earned Time Forfeiture; Reprimand and Suspension from Duty without pay; Reprimand and Termination from Employment
4. Race Background Legend: C (White) – B (Black) – X (Asian) O (Other)  
Ethnicity Background Legend: A (American) - S (Hispanic) – H (Haitian) - O (Other)

Attachment: IA ADM21-025 (11437 : Henry Diaz)