

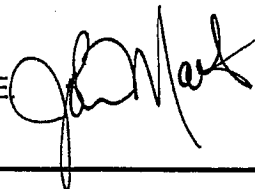
CITY OF MIAMI, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Honorable City Commission

DATE: September 6, 2011

FROM: Johnny Martinez, P.E.
City Manager

SUBJECT: Suspension – Chief of Police



Pursuant to Section 26 of the City Charter and Section 42-2 of the City Code, effectively immediately, I have suspended the Chief of Police.

In accordance with the City Charter and the City Code, I am advising the City Commission of my action, certifying the fact together with the cause of suspension. Please see the attached memorandum and subject attachments.

The City Commission, within five (5) days receipt of this memorandum, should proceed to hear such charges and render judgment thereon, which judgment will be final.

I am prepared to address this matter at your discretion and will await your notification as to the hearing date and time.

C: Honorable Mayor Tomas Regalado
Julie O. Bru, City Attorney
Priscilla Thompson, City Clerk

Attachments

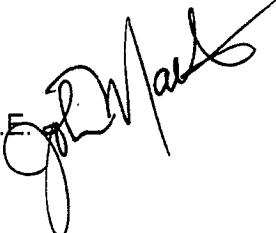
CITY OF MIAMI, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Miguel Exposito
Chief of Police

DATE: September 6, 2011

SUBJECT: Suspension

FROM: Johnny Martinez, P.E.
City Manager



ATTACHMENTS: E-Mails

Effective immediately, you are suspended from your position as the Chief of Police pursuant to Section 26 of the City Charter of the City of Miami. I have taken this action because you have failed to obey my orders and have taken other actions that indicate just and reasonable cause to demonstrate that you cannot properly perform your duties as the Chief of Police. Those actions include:

- You directed three police staff members in your administration be stripped of all responsibilities thereby circumventing my express directive to "hold off" on their demotions.
- You have continued to disregard my request about reducing overtime expenses by organizational restructuring and adjustments to deployment of resources consistent with the policy directives I have communicated to you.

During the time of your suspension, you may not issue any commands, orders or directives, remove or destroy any records materials or equipment of the City of Miami, use any City equipment, enter the premises of any City of Miami Police Facilities or exercise direction or control in any way over the Police Force of the City of Miami and its members.

I shall immediately inform the City Commission of my decision and the cause of suspension. The City Commission will, within five (5) days from the date of receipt of my notice, proceed to provide you with an opportunity to be heard in defense of the charges.

If after a full hearing, the Commission determines the charges are well grounded, then the commission will enter its affirmative judgment which is final. When the affirmative judgment of the commission is entered, your suspension immediately becomes a removal, but, if the judgment of the commission is in the negative, the suspension ceases, and you will be reinstated.

Westall, Lynn

From: Exposito, M (Chief of Police)
Sent: Friday, August 05, 2011 11:09 AM
To: Martinez, Johnny
Cc: Regalado, Tomas (Mayor); Gort, Wifredo (Commissioner); Carollo, Frank (Commissioner); Sarnoff, Marc (Commissioner); Dunn II, Richard P. (Commissioner District 5); Suarez, Francis (Commissioner); Westall, Lynn
Subject: RE: Demotions Proposed by Chief Exposito
Categories: Red Category

When we met this past Monday and I notified you about making changes to my senior staff, you indicated to me that you had no problems with it as long as I did not seek personnel from outside the police department. I assured you that this was not the case, and that I simply needed to make changes to my staff due to some legitimate concerns which were adversely affecting police operations.

However, when I met with you yesterday to have the documents finalized, you advised me that I could not make changes to my senior staff at this time, and that you would let me know when I would be able to do so.

The restrictions you have imposed on me in regard to the selection, placement and movement of my senior staff will necessitate that I circumvent or bypass the authority of selected staff members in order to ensure that the goals of the police department are not compromised. Obviously, this is not the optimal way to run any organization and I ask that you furnish me with a date certain as to when the requested personnel changes can take place, which will restore the ability for the police department to operate as intended.

Referencing my prior email of August 2, 2011 and your email response of August 3, 2011, concerning Lieutenant Luis Cabrera, as I informed you, Lieutenant Cabrera still shows as the Deputy Chief of Police in the city's system, when in fact I requested and was granted permission in November 2010, to roll him back to his civil service rank of lieutenant, something that he also requested in writing. In essence, the police department staffing reflects one Deputy Police Chief and three Assistant Police Chiefs, for which we are not budgeted and I do not need. I reiterate my previous assertion that Mr. Cabrera either returns to the police department as a lieutenant, or he resigns his position in the police department and is rehired as an Assistant City Manager.

Thank you for your indulgence,

Chief Miguel A. Exposito
Miami Police Department
(305) 603-6100

From: Martinez, Johnny
Sent: Thursday, August 04, 2011 4:24 PM
To: Pruitt, Beverly
Cc: Exposito, M (Chief of Police)
Subject: Demotions Proposed by Chief Exposito

Beverly, I do believe in principal that every director needs to run their shop and be held accountable. However, please hold off on the three proposed demotions by Chief Exposito until further notice. Thank you

Johnny Martinez, P.E.
City Manager

Westall, Lynn

From: Exposito, M (Chief of Police)
Sent: Monday, August 08, 2011 9:02 AM
To: Martinez, Johnny; Regalado, Tomas (Mayor); Gort, Wifredo (Commissioner); Carollo, Frank (Commissioner); Sarnoff, Marc (Commissioner); Suarez, Francis (Commissioner); Dunn II, Richard P. (Commissioner District 5)
Cc: COP-Staff-Appointed
Subject: Chief's Directive
Categories: Red Category

Effective immediately, Section Commanders of the Administration Division will report directly to the Office of the Chief of Police. Additionally, lieutenants in the Flagami and Little Havana NET service areas will report directly to the South District Patrol Major.

The Administration Division Chief and the Commanders of the Flagami and Little Havana NET areas will not be consulted in regard to any administrative correspondence or operational decisions.

Miguel A. Exposito
Chief of Police
Miami Police Department

Martinez, Johnny

From: Martinez, Johnny
Sent: Wednesday, July 20, 2011 7:45 AM
To: Ortiz, Javier
Subject: FW: Expenditure

See below

-----Original Message-----

From: Exposito, M (Chief of Police)
Sent: Wednesday, July 20, 2011 7:19 AM
To: Martinez, Johnny
Cc: Blom, Richard (Assistant Chief)
Subject: Re: Expenditure

We have reviewed the overtime expenditures in the police department. As we discussed previously, most of the overtime costs derive from the fact that we currently have 54 officers less than we had the previous year, this is a 5% reduction in the number of police officers in the police department. To fill minimum staffing requirements, which ensure high visibility in our neighborhoods and officer safety, we have had to utilize overtime. I will stress, just as I did at our previous meeting that representatives of the Fraternal Order of Police (FOP) were present, there has been significant savings to the city at the other end as a result of salary savings caused by the 54 police officer vacancies. The Tactical Operations Section has played a vital and pivotal role in keeping crime under check. The reassignment of these officers to patrol isn't that simple, while it will save on overtime costs, there may be a significant increase in crime in our city. The plan that you are asking that we implement, which was the brainchild of the president and vice-president of the FOP, will save money, which is that organization's primary concern at time of negotiations, disregarding its effect on crime or officer safety, something I see as a priority.

Furthermore, I want to point out that there is no budget in the police department for overtime costs associated with the Three Kings Parade, the Martin Luther King Parade, the Jose Marti Parade and other similar events, as such we have had to absorb these overtime expenditures that total hundreds of thousands of dollars. I was assured by your predecessors that the department would be reimbursed for these costs, but that did not materialize.

In the next few weeks, I anticipate that we will be able to hire the first 16 of the 53 officers that I requested last year, this should help with our shortages. As requested, I will make the personnel changes you cited in your email, but in that case, I will not be held accountable for the increase in crime. I will also forward the documents you requested.

Miguel A. Exposito
Chief of Police
Miami Police Department

Sent from my iPhone

On Jul 19, 2011, at 6:41 PM, "Martinez, Johnny" <johnnymartinez@miamigov.com> wrote:

> Chief,
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> A recent review of city expenditures for the month of June show that
> your overtime budget allocation for FY11 has been exceeded by \$1.78M.
> I'm requesting that you prepare an immediate plan of action to
> drastically reduce overtime costs. I understand that the majority of
> overtime usage is in the Field Operation Division. I recommend you
> consider reassignment of specialized units back to patrol as an option.



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> In addition, per our previous conversation, please provide me an
> update regarding the current fuel consumption by the Police
> department.

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> I look forward to your responses to the above requests within a
> week. Thanks.

>
>
> Johnny Martinez, P.E.

>
> City Manager
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