



Memorandum

To: Placido Diaz, Chief of Police

From: Orlando Lopez, Mayor

Re: Rafael Castro Termination

Date: May 10, 2016

Procedural History

This matter has come before me for hearing on the recommendation of the Chief of Police that Lt. Rafael Castro be terminated for reasons stated below. *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985). Lt. Castro was represented by Caroline Gallina Saiz, Staff Counsel, Dade County Police Benevolent Association. Lt. Castro argued only that he self-demoted to the rank of sergeant and as such was now a member of the police bargaining unit. Other than the foregoing, Lt. Castro made no further argument, disputed none of the evidence presented, questioned no witnesses, or otherwise defended his case.

The specific ground asserted by the Chief of Police is that Lt. Castro "attempted on several occasions to get (an) evaluation (of a subordinate officer) passed" although he had been "clearly ordered" not to involve himself in the matter as it was part of a pending criminal investigation. At all times material, the original evaluation had been held by the Chief of Police pending the ongoing criminal investigation. Lt. Castro ordered Sgt. Benito Domingo to redraft an evaluation and proceeded to submit the evaluation through the chain notwithstanding specific orders to the contrary.

For reasons stated below, I affirm the Chief's recommendation and hereby terminate Mr. Castro effective immediately.

Findings of Fact

The Chief's testimony was principally drawn from the *Reprimand* dated April 1, 2016. Given that Lt. Castro did not cross-examine and presented no evidence, the *Reprimand* is deemed admitted and the contents are hereby adopted as findings of fact.

Conclusions

Lt. Castro "attempted on several occasions to get (an) evaluation (of a subordinate officer) passed" although he had been "clearly ordered" not to involve himself in the matter as it was part of a pending criminal investigation. At all times material, the original evaluation had been held by the Chief of Police pending the ongoing criminal investigation. Lt. Castro knew this and knew not to involve himself in this process. Nonetheless, Lt. Castro ordered Sgt. Benito Domingo to redraft an evaluation and proceeded to submit the evaluation through the chain notwithstanding specific orders to the contrary.

Further, Lt. Castro has a history of misstatements and obfuscation. *Criminal Justice Standards and Training Commission v. Rafael Castro*, case number 21090 (2008) [Perjury by Contradictory Statements; False Official Statement; False Statement on an Employment Application].

Final Order

It is axiomatic that Law enforcement officers are held to the highest standard of truthfulness. This is required both for the proper functioning of any police agency and for the officers' individual credibility in court. Further, police agencies rely on their documents both for internal operations and also for presentation in legal matters. Lt. Castro's actions jeopardize both the foregoing. Consequently, I affirm the Chief's recommendation and hereby terminate Mr. Castro effective immediately generally for the reasons set forth in the *Reprimand* and specifically for untruthfulness, tampering with a public document and conduct unbecoming.

A handwritten signature in blue ink, appearing to be "R. H. ...", is written over the text of the final order.