

# Bulletin

# 11-07

Date: 7/01/2011

**OFFICER OF THE MONTH – JUNE 2011**

On June 25, Officer Antonio Mesa observed a suspicious car parked on 95 Street. The driver was asleep at the wheel of the running vehicle. An open can of beer was on the center console. The driver was interviewed and arrested for DUI. Further investigation showed the subject with an extensive criminal history and on probation for burglary. Two firearms were discovered between the driver's seat and center console. One firearm was reported stolen from a burglary. Officer Mesa is recognized and commended for an excellent arrest and for keeping the community safe!

**HIGH ACHIEVERS – JUNE 2011**

Matelis	101 traffic citations	22 traffic warnings	1 arrest	3 community events
Macklin	61 traffic citations	7 traffic warnings	4 arrests	5 reports
Mesa	28 traffic citations	20 traffic warnings	4 arrests	3 reports
Arch	42 traffic citations	7 traffic warnings	7 reports	2 FICs
Luke	30 traffic citations	16 traffic warnings	2 arrests	7 reports
McGavern	33 traffic citations	5 traffic warnings	7 reports	1 FIC
Hernandez	31 traffic citations	16 traffic warnings	4 arrests	12 reports 3 FICs

Thanks and keep up the good work!

**NEW POLICE OFFICER**

Please welcome Officer Jonathan Alvarez to SPD. He will be assigned to Squad D and Field Training Officer John Gentile as of July 2.

**COLLINS AVENUE CONSTRUCTION PROJECT**

A force main sewer will be installed down the center traffic lane along Collins Avenue from 72 Street to 96 Street. Start time is expected July 9. The project will run through early September. The center and east traffic lanes will be closed in stages. The west lane and parking lane will become the travel lanes. The project will require off duty details 24/7. Officer John Gentile will coordinate the assignments.

**ABBOTT PARKING LOT**

Due to concerns of lack of available parking in the morning for customers in the business district, we will continue to shut down the Abbott lot until 0800 hours Monday through Friday for another week.

**NEW BAKER ACT FACILITY**

Jackson North Medical Center, 160 NW 170 Street North Miami Beach, will be designated as a Geriatric Baker Act Receiving Facility for inpatient and outpatient services for adults 60 years and older in mid July 2011.

## **SURF/BAL/BAY PAL**

The local PAL is in need of coaches for their basketball, soccer, and flag football teams. Interested sworn or civilian personnel should contact the Chief's Office.

## **SUMMER CAMP DETAIL**

An officer will be assigned to help the children attending summer camp cross Collins Avenue to and from the Community Center on the below listed dates and times beginning now through August 19th. Make this a daily assignment on the roster sheet. There are approximately 50 children in each group.

Regular Schedule

Blue Team: Mondays 3:00-4:00pm, Wednesdays 10:00am-2:00pm

Green Team: Tuesdays 10:00am-2:00pm, Thursdays 3:00-4:00pm

Red Team: Mondays 2:00-4:00pm, Thursdays 2:00-4:00pm

## **EXTRA DUTY DETAILS**

In order to avoid any problems in the future with payment of extra-duty details the following procedure will take effect.

All extra-duty details will be processed through the Town regardless of the location (Miami Beach, Bal Harbour). Our current extra-duty pay rate will be used for all details.

## **POLICE TEEN CAMP**

Thank you to Dina Goldstein and Ofc. Jay Matelis for organizing our third annual camp. Also Ofc. Byrant Luke, Sgt. Rory Alberto, Det. Marian Valino, and Det. Alberto Knight, and Bal Harbour Ofc. Braxton McClams are commended for participating in the program and teaching the teenagers about police procedures and gang awareness. The next class is a visit to the Miami-Dade Fire Rescue Station.

## **EYE ON SURFSIDE MEETING**

The Eye on Surfside monthly crime prevention meeting is July 19, at 1800 hours in the training room. The topic is Telemarketing Fraud. For more information contact Dina Goldstein.

## **BIKE WITH CHIEF**

The Bike Ride with the Chief was canceled due to rain and is rescheduled for Thursday July 7, at 1900 hours. All personnel are welcome to participate and get to know our residents.

## **NEW CASE LAW (THIRD DISTRICT COURT OF APPEAL)**

Fernandez v. State, 36 Fla. Law Weekly D615a (3d DCA, 3/23/11) This case revolves around a **detention** and a **weapons pat down**. Two people were robbed at gunpoint in Miami Gardens. A BOLO was issued describing the armed assailant as a black male wearing black shorts and a white T-shirt, driving a blue Toyota with the tag hanging down. Twenty minutes later and not too far away, another man is robbed. He describes the robber as wearing black shorts, a white T-shirt and black Jordan shoes.

One officer was pursuing a vehicle matching the BOLO, but the driver of the vehicle fled before he could make a stop. Another officer saw the first officer near the car and saw a man matching the BOLO walking along the road. The second officer went to approach this man and he ran. A third officer, who was responding to the second robbery, saw the defendant matching the BOLO description standing by a pay phone, breathing heavily and

sweating “profusely”. He approached him. Because of safety concerns he cuffed the defendant and patted him down for weapons. Instead he found a large amount of cash and two gold chains. About 30 minutes later, the three victims arrived at the scene of the stop and they identified the defendant as the robber and they identified his vehicle. A firearm was found in a nearby dumpster and one of the victims identified it as the weapon used in the robbery.

The defendant did not dispute the basis for the stop and temporary detention, as it was based on well-founded suspicion. He did argue, however, against the handcuffing, the pat down and holding him until the victims arrived, alleging that these exceeded the scope of the permissible stop. But the court didn’t buy it. The Third DCA held that the police were well-justified in patting down a man who fit the description of a person who had just committed three armed robberies. In addition, he had already run from other officers, so the handcuffing was justified due to the flight risk. And the court found that the detention was brief, only limited to the time it took to bring the three victims to the defendant’s location. His convictions were affirmed.

**TRAINING**

- Legal Issues – all sworn personnel
- Firearms Qualifications – all sworn personnel
- Traffic Citation Data Entry - dispatchers