

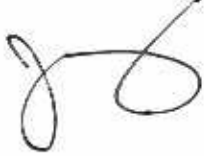


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LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission
FROM: Jorge M. Gonzalez, City Manager 
DATE: March 9, 2009
SUBJECT: Murano Incident – Mayor on the Move Topic Raised

This Letter to the Mayor and City Commission is to provide background information regarding an incident brought up at the Mayor on the Move meeting of February 17, 2009. The incident in question occurred on December 5, 2008 at the Murano at Portofino Condominium, and involved a dispute between a resident and her intoxicated guest. The Police Department was initially called by said guest requesting assistance with the retrieval of his belongings from the resident's apartment. According to the police CAD report, the reporter had been a guest of the resident.

During this incident, the responding officers attempted to resolve the issue concerning the guest's property while receiving information, much of it incomplete, from at least three different sources. Confusion is typically the state of affairs in these types of situations and resolution is often problematic. As you may imagine, establishing the residency status of an individual at 4:00 a.m. is difficult at best. After diligently listening to all parties involved, the officers were able to ascertain the residency status of the guest, locate his property, and escort him out of the building.

In addition, Sergeant Gilberto Ortiz, the immediate supervisor of the officers involved, had a lengthy conversation with the resident on the telephone to explain the officer's actions and to allay any concerns that she had. In many cases, such as this one, officers respond to domestic or landlord/tenant disputes and attempt to resolve the conflict in a relatively short period of time. This usually occurs at times when the ability to consult with experts in the legal field is not a viable option.

It is also important to note that domestic disputes are one of the more dangerous calls police officers routinely respond to and the safety/welfare of all parties is of course, also a priority. In this case, the officers determined that it was important to check on the resident to ensure her safety and well being, in spite of her request to building security to have the officers leave the premises.

The Police Department strives to provide the highest level of service with the least amount of intrusion and remains committed to providing policing excellence through proactive services and interactions. It should be noted that there are Supreme Court opinions on matters related to police actions/responsibilities when responding to calls for service, including domestic disturbances. For the record, the Police Department conducts roll call training as part of an ongoing effort to keep our officers well versed on a wide variety of issues. The issue in this matter will be included as part of that training.

JMG:CN:tr