



# MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 131-2007

LETTER TO COMMISSION

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CITY CLERK'S OFFICE

RECEIVED

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: June 5, 2007

SUBJECT: Hate Crime-May 4<sup>th</sup>, 2007 Collins Avenue and 7<sup>th</sup> Street 9:30pm

The purpose of this Letter to Commission is to provide you with information relating to an email received by several members of the Commission from Mr. Jeff Krainess, who resides at 910 M. St. NW Apt. #810, Washington D.C. 20001.

Mr. Krainess originally contacted members of the Commission via email on May 15, 2007. Mr. Krainess' email related to a series of events that occurred on May 4, 2007. Mr. Krainess advised that he and his companion, Mr. Mark Shawley, had been victims of a Hate Crime. Specifically, that at 9:51 p.m. they had been assaulted by a male in the area of 7<sup>th</sup> Street and Collins Avenue. During this assault, Mr. Krainess alleged that the male repeatedly used derogatory terms in reference to Mr. Krainess' and Mr. Shawley's sexual orientation. Mr. Krainess further advised that Miami Beach Police Officers responded and arrested the male, charging him with a Hate Crime/Battery Offense.

Mr. Krainess' concern surrounds that one of the responding officers, "felt it important to lecture us about the accuracy of the information that was provided to the 911 operator." Mr. Krainess states this concern arises because he felt that the information he provided to the 911 operator was in fact very accurate. Mr. Krainess' email further expressed a degree of concern because Crime Scene was not available to photograph Mr. Shawley's bruises, nor could any officer provide how long they would have to wait for Crime Scene to be available. Mr. Krainess states that the officer at the front desk was not empathetic to their circumstances and advised only that Crime Scene was very busy.

The Police Department's investigation into Mr. Krainess' concerns revealed that the Department responded quickly to Mr. Krainess' call for assistance. Less than eight minutes had elapsed between Mr. Krainess' call to the 911 Operator and the subject being taken into custody. This was less than three minutes from the original time that the officers were dispatched. This response time was remarkable considering Mr. Krainess changed his location multiple times. Early in the call, Mr. Krainess advised the 911 Operator that the subject had a knife and a gun. Mr. Krainess and Shawley continued to follow and engage the subject, even after multiple requests from the call taker to stop. Through out the call, Mr. Krainess referenced the subject having a gun.

Ultimately, responding officers located Mr. Krainess and Shawley and the subject was taken into custody. The subject had in his possession a sunglass case. At the conclusion of the call, officers on the scene attempted to explain to the victims the importance of providing factual information about deadly weapons. They further warned the victims about the inherent dangers of pursuing a violent offender.

As to the issue of Crime Scene availability, on the date in question a shooting had occurred in the area of 80<sup>th</sup> Street and Crespi Boulevard. With one casualty and an extensive crime scene, all of the available Crime Scene Technicians were required at that scene. There would have been no way for the officer to know when a Crime Scene Technician would become available.

On May 23, 2007, Captains Acosta and Elmore contacted Mr. Krainess by telephone regarding his concerns. After discussing the results of the departments investigation into this matter as well as the results of the communication tape review, Mr. Krainess understood that his recollection of the events are not as accurate as he felt and portrayed in his email. His well-intentioned efforts to assist may have been misunderstood, as strong emotions occur during any victimization. It must be stressed that there was no attempt to deceive on Mr. Krainess' part, but rather the understandable effects of the highly traumatic incident that Mr. Krainess experienced. At the conclusion of the phone call, Mr. Krainess expressed his satisfaction on how his concerns had been addressed and wanted no further action.

The Miami Beach Police Department continues to providing high quality service to our residents and visitors, and the department is proactive on the issue of hate crime. Since 2001, reported hate crimes have dropped from 17 to 2. MBPD also has a Hate Crime Hotline (305) 604-2110, where victims can report incidents, and incidents can also be reported directly to Lieutenant Vinnie Campbell of the Criminal Investigations Unit directly at [WalterCampbell@miamibeachfl.gov](mailto:WalterCampbell@miamibeachfl.gov). All of this information is available to the public via the City's website at <http://www.miamibeachfl.gov/mbpolice/index.asp>.

Should you have any further questions or concerns, please feel free to contact me.

JMG/CN/RAM/GN

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