

Steven S. Wolf
Former Chief Investigator for the Miami Civilian Investigative Panel

October 15, 2009

Honorable Mayor Manuel A. Diaz
Commissioner Angel Gonzalez
Commissioner Marc Sarnoff
Commissioner Tomas P. Regalado
Commissioner Joe M. Sanchez
Commissioner Michelle Spence-Jones
Miami City Hall
3500 Pan American Drive
Miami, FL 33133

Ref: Claim of Whistleblower Violation

Dear Honorable Mayor Diaz and members of the City Commission:

I was recently part of a claimed "Reduction in Force" (RIF) from the City of Miami; I served as the Chief Investigator for the Civilian Investigative Panel (CIP); a position I held for nearly three (3) years. It is with deep regret and trepidation that I am sending this letter to you as an attachment to my City of Miami Employee Exit Interview. I do so because alone the Exit Interview cannot capture what I believe to be a serious breach of the public trust; a 2002 promise broken to the citizens of Miami. Through gross misuse of government office perpetrated by the CIP's former Executive Director, Shirley Richardson, the current Independent Counsel, Charles Mays, and the Interim Director, Carol Abia, the City of Miami has given the citizens a false impression that it has in place an effective process for civilian oversight of the Miami Police Department.

I am certain that this letter comes as no shock to you or any of the current or past CIP Panel members as the issues I present here simply echo a number of media reports documenting the same issues that have plagued the CIP since its inception. Despite those reports (and my attempts to correct what I felt was misfeasance) nothing has changed, and arguably it is worse.

It may seem initially what follows is indicative of a disgruntled employee except for the fact that over the past three years, **nine** (9) employees have resigned citing the same or similar problems that I document in this letter, citing *poor communication, lack of integrity, poor morale, disrespect and favoritism*, as reasons they have all left. See, eg., prior employee Exit Interviews (**Appendix A**).

As you are aware, the CIP was enacted by ordinance through a referendum that was supported by at least seventy-three percent of the residents of the City of Miami. Its primary mission was to independently investigate alleged police misconduct and recommend changes in policy to the Miami Police Dept.

Regrettably, as media outlets have reported, See, eg., CIP Set Up For Failure, Fired Miami Bureaucrat Continued to get Full Pay, Oversight Board to Police: We Won't Be Ignored, and May 10, 2006 letter, from Dana Manner to Mayor Diaz, CIP is a "Toothless Tiger", (**Appendix B**), the CIP was set up for failure by putting in place an Executive Director (Richardson), Assistant Director (Abia) and Independent Counsel (Mays) who previously enjoyed employment as City of Miami employees with their myriad of city wide connections, alliances and friendships in high places. Additionally, the above management team was brought into these positions at exceptionally high salaries with limited objectives and absolutely no oversight from the Panel. This structure gave them significant unchecked autonomy and no direction. I am not sure if that was the intended consequence but it certainly is the end result.

Something you most likely do not know is that I moved my family 2500 miles from Boise, Idaho to accept the Chief Investigator's position on the promise that I would be primarily responsible for building the CIP's investigative unit. In-fact, Ms. Richardson told me early on that, "*it's your baby*" and if it was not successful, she would put me, "*on a plane back to Boise.*" I might add that I had no preconceived ideas about the CIP or the City of Miami and started employment with a clean slate. Had I known about the obvious conflicts of interest and personal agendas involved both inside the CIP and externally, I would have never accepted the position. Not only was I deliberately hampered by Ms. Richardson, and Mr. Mays from carrying out the CIP's mission, I was prohibited from determining who was hired as my subordinate investigators or implement the very investigative procedures they were to follow. The CIP's sad state of affairs goes well beyond the proverbial "*politics as usual.*"

The issues that plague the CIP are so voluminous that it would be a herculean task to try to address them in a single letter. I would implore you to conduct additional fact finding and verification should you deem the success of the CIP to be an issue of great public interest and concern. Regardless, if these issues are not remedied and brought to light in some fashion the end result will arguably be the demise of the CIP. Perhaps, that was the design all along or perhaps the "*perception of civilian oversight*" was more important than actual oversight.

Both current and former CIP investigative staff, all with significant law enforcement and investigative experience at the federal, state and local level, all agree that the current culture of the Miami Police Department necessitates civilian oversight but only if done in a manner consistent with best practices, and good fiscal policy. In its current form, however, and under the current and recent past administration, the CIP is plagued with gross misfeasance, fiscal irresponsibility, poor and inept management practices, favoritism, and most importantly a lack of direction or mission objectives. Further, it appears to me and other former staff that Ms. Richardson, Ms. Abia, and the Independent Counsel, Mr. Mays, and perhaps others have intentionally thwarted and

hindered investigative staff from conducting investigations and in my view all three have inappropriately exercised their authority to minimize the number of negative findings of misconduct against Miami police officers.

What follows is my analysis of issues that have plagued the CIP along with documentary evidence included as attachments:

1. FISCAL MISMANAGEMENT:

When I was initially hired in April of 2007 the CIP had eight staff members consisting of the Executive Director, Assistant Director, Independent Counsel, Chief Investigator, Research Analyst, Administrative Assistant, clerk typist, and a Litigation Specialist. The former Chief Investigator, Denise Minakowski, left seven months earlier due to what she described as, “*The most abusive atmosphere that I have ever worked*”, See, Minakowski Exit Interview Narrative (Appendix A). The budget was approximately one-million dollars.

You may have been aware but a majority of the CIP’s budget (approximately 50%) was allocated to the top three positions as follows:

Executive Director (Richardson)*

LINE ITEM:	AMOUNT:
Salary	\$160,000
Car Allowance	\$13,000
Cell Phone Allowance	\$2,400
TOTAL	\$175,400

*You should also note that the Executive Director also received a healthy benefits package.

Assistant Director (Abia)

LINE ITEM:	AMOUNT:
Salary	\$105,000
Car Allowance	-0-
Cell Phone Allowance	-0-
TOTAL	\$105,000

Independent Counsel (Mays)

LINE ITEM:	AMOUNT:
Salary	\$175,000.08
Malpractice Insurance	\$11,200
Car Allowance	\$9,600
Cell Phone Allowance	\$2,400
Health Insurance	\$11,400
Life Insurance	\$2,400
Pension	\$13,699.92

TOTAL	\$214,500.00
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The problem with the aforementioned allocation was at that time the investigative staff did not have the basic tools to investigate the complaints, including cameras, recorders, cell phones, and on-line data base research tools to locate witnesses.

When I brought this to the Executive Director's attention in 2007, and again 2008, she took the position that the budget would not support the purchase of the above items and she certainly did not support the allocation of these items in any future budget.

I found this absurd in light of the fact that she had a \$2400 allowance for her cell phone and a \$13,000 allowance for her car but the investigators, who needed cell phones and recorders, among other items, to be effective in the field, had none. Furthermore, staff had been reduced to purchasing their own supplies in some cases, including printer cartridges, pens, staplers and photo paper. Although, more recently investigators have acquired cell phones, recorders and data base research tools, it took subordinate staff going over the Executive Director's head to the Panel, demonstrating the need, and it was done at great peril to the subordinate staff and perhaps was the preamble to my dismissal. In 2008, I was asked by Panel members to prepare a draft budget for Investigations with a "needs list." See, eg., the August 2008 Budget Committee Meeting Minutes.

As requested, I prepared the budget and presented it to the Panel. Ms. Richardson was asked by the Panel to make adjustments in the FY 2009 budget to allow for acquiring those items. As a direct result of my budget request, in a subsequent staff meeting I was ridiculed in front of other staff and subordinates and vilified for following the Panel's directive for preparing a budget. Ms. Richardson angrily pointed out that the only way the CIP could budget for equipment that I was requesting was to reduce salary and benefits packages for both her and the Assistant Director making it appear as though I was the bad guy for suggesting that we needed anything beyond what we already had, See, Investigative Budget Proposal and Staff Meeting Minutes from the August 21, 2008 Staff Meeting (**Appendix C and D**).

In the FY 2008-2009 *budget*, the City Commission reduced our budget to \$928,000. Obviously this created a huge reduction calling for drastic Panel action, and causing a cascade of events that if known publicly would no doubt cause a public outrage. In what I agree was a necessary and appropriate action, the Panel cut the *Assistant Director's* position as they felt it was repetitive and unnecessary and to utilize the savings to focus on the CIP's primary mission of investigations and policy recommendations.

Instead of the Executive Director accepting the Panel's referendum, she

proposed her own budget, giving herself a 5% raise and cutting two staff positions; that of the Research Analyst (responsibilities included analyzing the department's policies and practices and comparing them to best practices) and the Litigation & Investigative Support Specialist (responsibilities include assisting the investigators in gathering public records, and preparing communications with complainants), and retaining the Assistant Director. The Executive Director then circumvented the Panel's resolution and went to the City Manager asking him to intervene by forcing the implementation of Ms. Richardson's budget and dismissing the will of the Panel. The City Manager agreed with Ms. Richardson which created a crisis within the Panel as Ms. Richardson pitted herself, in concert with City Manager, against the Panel's will and to a large degree eroded the Panel's independence.

Unfortunately, during this budget crisis, Ms. Richardson terminated the Litigation Specialist and the Clerk Typist, unbeknownst to the Panel. Through all the turmoil and what I believe to be "*smoke and mirrors*", a few courageous Panel members have surfaced and have been trying to make appropriate changes in the management of the CIP. They have started to ask questions and were not satisfied with the preposterous answers they received by the Executive Director and Independent Counsel. They too, like subordinate staff, were so frustrated over the budget calamity that, among other reasons, it prompted a call for the Director's termination which was unanimously approved on January 22, 2009, See, eg., CIP Panel Meeting, Summary of Minutes, January 22, 2009 (Appendix E).

Prior to my termination we were just barely holding our heads above water with the current workload. The former Executive Director's decision to cut critical positions for what I believed to be the sole purpose of protecting her salary and that of the Assistant Director and Independent Counsel, has significantly diminished the CIP's capabilities as subordinate staff have absorbed the jobs of the laid off positions.

As an example, investigative staff spent a great deal of time answering phones, delivering packets to the Panel members, typing meeting minutes, and sending voluminous standardized correspondence giving investigators little time to spend investigating cases.

2. INDEPENDENT COUNSEL'S ILLOGICAL ORDINANCE INTERPRETATION, OBSTRUCTION OF CASE REVIEW, INVESTIGATION, AND FINAL PRESENTATION TO THE PANEL:

Through a twisted and fanciful interpretation of the CIP's Ordinance, the Independent Counsel has anointed himself as "*supreme authority*" over which cases are investigated and which ones are placed in a box never to be seen again.

The CIP's Ordinance, Sec 11.5.31 § (2) (a) states,

The CIP may proceed with an investigation after determination by its independent counsel, who shall be required to consult with the appropriate prosecutorial agencies, that an investigation will not interfere with any pending criminal investigation.

Beyond a preliminary determination of interference with a pending criminal investigation, the Ordinance does not give Independent Counsel the authority to approve which cases are investigated, what avenues of investigation to pursue or what records investigators should seek to prove or disprove any allegation. For some underlying reason, the Panel has acquiesced to the Independent Counsel's usurping of their authority in matters of establishing protocol and his self imposed overreaching powers of authority when it comes to determining what cases should be investigated.

The Independent Counsel has the Panel so confused and bamboozled that the Panel has no idea of what authority they do have, and many of them are afraid or unwilling to speak out or seek outside legal advice meaning that some of the Panel members are completely paralyzed.

For instance, the Ordinance states that the Panel has to authority to *promulgate rules for internal governance* (Ord. 11.5.27 §11) but the Independent Counsel advises them that they do not and only the Executive Director has that authority. The Ordinance states that the Panel has the authority to set the annual budget but the Independent Counsel advises them that only the Executive Director has that authority.

The Independent Counsel has continued undeterred to force his will upon the investigators to capitulate to his demands or be subject to ridicule and embarrassment in front of other staff and Panel members.

For example, in the Nicole Alvarez case (09-081), on the day that case was scheduled for presentation to the Panel's Complaint Committee, and after hours of staff preparing demonstrative evidence, which Independent Counsel had observed taking place early that morning, Independent Counsel inappropriately waited until the Committee had convened at 12:00 pm and then used that moment to notify Panel members that the case was not going forward as scheduled. He additionally purposefully embarrassed me in front of the Panel by telling Panel members that he informed me as such, which he never did, and then apologized to Ms. Alvarez for making an unnecessary appearance.

Furthermore, Independent Counsel assumes the role of "gate keeper" essentially stifling information that reaches the Panel. For cases that do

reach the Panel for disposition, Independent Counsel insists that Panel members strictly comport to the Florida Rules of Evidence when hearing testimony despite the fact that the Rules of Evidence often do not apply in the Panels' deliberations.

More concerning is Independent Counsel's "*cherry picking*" of certain provisions of those same Rules, arguing vigorously against Panel members from considering most evidence in its deliberations, the end result of which most often leaves the Panel no other alternative than to return a finding of **Not Sustained** or **No Finding**. Investigators are seldom able to recommend a finding of **Sustained** even when the evidence is clear and convincing to do so.

By embarrassing certain Investigators at Committee and Panel meetings, Independent Counsel intimidated Investigators from expressing their views of case dispositions if and when their views differed from his own. If an Investigator's view aligned with Counsel's he was often complimentary in their job performance. Generally, Investigators have succumbed to the will of the Independent Counsel and found it easier to make recommendations of **Not Sustained** or **No Finding** rather than go through the turmoil of trying to recommend otherwise.

Despite the City's notion of civilian oversight, the Independent Counsels' self serving interpretation of the ordinance, manipulation of the Panel and the investigative staff, has left Miami citizens and tourists with little or no independent review when confronted with police misconduct.

Independent Counsel's screening methods for investigative case approval/declination are haphazard and illogical leaving some staff completely bewildered with absolutely no idea why or how he reached a certain screening decision. Despite an infrequent show of goodwill, most often the Independent Counsel did not seek the opinion of the Chief Investigator even though it's required by the Investigative Procedures Manual which was approved by the Panel.

He routinely dismissed the over 80 years of combined law enforcement experience of investigative staff. Instead he solely used his own narrowly focused and insufficient law enforcement knowledge, which he has gained as a former assistant city attorney, as his benchmark for screening decisions. This is short sighted, foolish and negligent on the part of the Panel to give one individual sole authority to determine what cases rise above a complainants "*emotionally charged mental gyrations*", See Electronic Mail from Mays to Wolf (May 27, 2009), and "*declarations of innocence*", See Routing Slip from Mr. Mays to Mr. Wolf, CIP Case No 08-419 (August 25, 2009), and what ones are worthy of a CIP investigation (**Appendix F**).

To give you a greater degree of understanding, so far the CIP has opened 250 cases for FY 2009. Of those 250 cases, 120 of them, or approximately fifty percent, were closed a *Pre Panel Closures*¹, meaning that they were never seen by any of the Panel members. While I would agree that some of those cases were baseless, to ignore fifty percent of them is an outrageously high number and in my opinion demonstrates a strong bias on the part of the Independent Counsel in favor of the Miami Police Department, See 2009 CIP Investigative Case Log (**Appendix G**).

3. FAILURE OF THE INDEPENDENT COUNSEL TO ADEQUATELY REPRESENT THE CIP IN LEGAL MATTERS CONCERNING THE POLICE DEPARTMENT'S UNLAWFUL DENIAL OF PUBLIC RECORDS UNDER F.S. 190.

The CIP conducts much of its investigative efforts through the gathering of public records much like the media. When it comes to obtaining records from the Miami Police Department, the *Department* imposes restrictions on the CIP that not even the general public must adhere too with regard to the Florida Public Records Act; demanding that all requests must go through the Police Legal Advisor for any and all documents we seek rather than simply going to the division that has the records, See December 24, 2007 electronic mail string from Mr. George Wysong, Police Legal Advisor, to Steve Wolf (**Appendix H**).

This overly restrictive method of getting records in my view is absolutely inappropriate. This often takes months and potentially jeopardizes the CIP's ability to comply with the 120-day investigative statute of limitations thereby forcing the Panel to dispose of the case as "*No Finding*." Through electronic mail, memos and casual conversations, the Independent Counsel was well aware of the *department's* stalling tactics and opposition to provide documents and was complicit and continued to be so through October of 2009. Independent Counsel did almost nothing to assist the investigative staff in compelling the *department* to honor the Public Records Act, and in most cases sided with the Police Legal Advisor's denials.

This caused unnecessary staff frustration and has brought the investigative piece of the CIP to a complete standstill. To make matters worse, the Independent Counsel has recently implemented a policy that investigative staff ask, in writing, his permission to seek any public records whether from the police department or some other third party. This is another example of the Independent Counsel taking full control over what cases are investigated, the manner in which a case is pursued, and further demonstrates his inappropriate alliance with the Miami Police Department.

¹ A Pre Panel Closure is defined as a case that has been reviewed by the Independent Counsel and the Chief Investigator and is closed absent presentation before the Panel for a number of defined reasons as described in the Investigative Procedures Manual.

The following cases are just a few examples in which the Department refused to turn over records and the former Executive Director and Independent Counsel failed to act by compelling the release of documents, or interfered in on-going investigations:

- John Timoney (07-155): This complaint was initiated by the Police Union against Chief Timoney and his free use of a luxury Lexus SUV. In this case, the investigator was prohibited by the Independent Counsel and Executive Director from interviewing key personnel involved in the incident, obtaining relevant records, and completing the investigative report without interference. More concerning, and against the wishes of the primary investigator, The Executive Director and Independent Counsel redacted key portions of material fact from the investigative report. Furthermore, there are still outstanding documents that were not turned over as the result of a subpoena. The case has been closed.
- Nicole Alvarez (09-081): This case was directly filed with the CIP in March of 2009. Essentially Ms. Alvarez alleges she was south bound on I-95 and was followed by two MPD cruisers from Broward to Dade County. She claimed that the officers sandwiched her between them and were playing “cat & mouse” with her. Ultimately they pulled her over and wrote her a ticket for tailgating them. She is a current Broward County State Attorney. Independent Counsel refused to issue a subpoena for cell phone records that were material to the case and ignored a request for assistance in compelling the police department to turn over relevant documents in a Public Records request, See July 8, 2009 Memo and supporting documents from Steven Wolf to Charles C. Mays addressing the police department’s failure to turn over documents in this case (**Appendix I**). Mr. Mays ignored the memo. This is still an open case.
- Pamela Brantley (06-315): This complaint was initiated as a result of an alleged illegal entry into the Complainant’s residence two times in the same day surrounding operation “Lightning Bolt.” Essentially, MPD was conducting fugitive apprehensions and was looking for a fugitive at Ms. Brantley’s apartment. Reportedly the fugitive had used this address years prior. The incident occurred in 2005. A Public Records request was made on this case back in 2007 for the raid plan used, the identity of the officers involved and to inquire why entry was made two times in one day into the complainant’s residence. The department denied the request. Mr. Mays was asked to intercede in 2007. The case file was still sitting on Mr. Mays’ desk the day before my termination, a full two years after my request. It is still an open case.

4. INDEPENDENT COUNSEL UNDERMINED THE AUTHORITY OF THE CHIEF INVESTIGATOR.

The Independent Counsel not only approved or disapproved (without consultation with the Chief Investigator) which cases moved forward to an investigation but he also circumvented the Chief Investigator's authority by directing what investigative avenues subordinate staff took when pursuing cases that have been approved. For example, he advised the investigators which records to request, which witnesses to locate and interview and generally what courses of action should or should not be undertaken completely disregarding the supervisory authority of the Chief Investigator. The Independent Counsel would hold private meetings with subordinate investigators to staff cases and recommend case actions without including the Chief Investigator.

5. INDEPENDENT COUNSEL'S BREACH OF CONTRACT TO THE CIP AND A FAILURE TO PROVIDE LEGAL ADVICE AND UPDATES TO STAFF.

- The Independent Counsel's Contract required that he generally be present in the CIP's office during normal business hours. Over the past six months a random audit of the Independent Counsel's daily attendance revealed that he is only in the office an average of 5 hours per day. Former staff have also joked about Counsel's "part-time" job for full-time pay, See Independent Counsel's Contract. (Appendix J).
- The Independent Counsel did not keep investigative staff in the loop regarding important legal issues surrounding investigations in progress. He engaged in settlement agreements and discussions with parties without consultation with the assigned investigator or the Chief Investigator purposely setting up investigators for embarrassment in front of Panel members, See, eg., June 6, 2009 CIP Complaint Committee meeting recording, ref. Nicole Alvarez, 09-081, the August 26, 2009 electronic mail to Carol Abia, and August 4, 2009 CIP Complaint, ref. John Timoney, 09-264 (Appendix K).
- The Independent Counsel did not answer memorandums from the Chief Investigator, relative to pressing investigative concerns, in a timely fashion and in some cases did not answer them at all. For example I sent Independent Counsel a memo on May 1, 2009, regarding the Kia Grant case (09-098) inquiring how he wanted to close the case out. No response was ever received. Further, I sent the Independent Counsel a memo on July 9, 2009 regarding the police department's failure to turn over records in the Nicole Alvarez case (09-081) and as of October 1, 2001 (the date of my termination) I still I had not received a response.

6. INDEPENDENT COUNSEL'S RELUCTANCE TO ISSUE SUBPOENAS.

- In April of 2007, I began my employment with the CIP. From that time until present, the Independent Counsel has only issued five subpoenas. He has been asked by investigative staff and contract investigators on a number of occasions to issue subpoenas for documents and compelling

officers to testify. He has refused to do so citing his prerogative to approve and deny such requests and has even disregarded the Panel's directive to issue a subpoena in each and every case in which an officer refused to cooperate in a CIP investigation. Examples of cases in which the Independent Counsel has refused to issue subpoenas include the following:

- i. Sandy Douglas (09-034)
- ii. Rafael Gonzalez (08-150)
- iii. Jeffrey St Hilaire (07-068). This was a case in which outside CIP contract investigator Lee Goldwich requested a subpoena and it was never issued. In fact, Mr. Goldwich informed me that he has requested one or two subpoenas and none were ever issued.

See eg., electronic mail relative to subpoena requests (**Appendix L**).

7. INDEPENDENT COUNSELS MISPLACEMENT OR CONCEALMENT OF CASE FILES FOR PURPOSES UNKNOWN:

- Case files have frequently turned up missing and have been found in the Independent Counsel's office, concealed in his filing cabinets, under his desk or hidden in his disheveled office. Mr. Mays was well aware that staff were frequently looking for missing files and when Panel members questioned the investigative staff about the missing files, the Independent Counsel "threw staff under the bus" placing blame on poor logging procedures in spite of the fact that he knowingly concealed files in his office and never returned them to their proper location.

8. FAILURE OF SENIOR CIP MANAGEMENT TO VET PANEL MEMBERS.

- In 2008, Cornelius Shiver, a local attorney, and very close friend of the Executive Director's, was appointed as a Panel member to the CIP. He was impaneled without any vetting process. It was later discovered that Mr. Shiver had been suspended for misconduct from the Florida Bar. Further information revealed that Mr. Shiver was suspended on two separate occasions for ethics violations. Because the Executive Director failed to conduct any vetting, Mr. Shiver was forced to resign and created an embarrassment for the Panel.

9. FAILURE OF THE EXECUTIVE DIRECTOR AND INDEPENDENT COUNSEL TO PARTICIPATE IN TRAINING FOR NEW INVESTIGATIVE STAFF:

In February of 2008, The Chief Investigator and Analyst drafted a lengthy Lesson Plan consisting of 24-hours of specific formalized training for newly hired staff investigators and subordinate staff. The training curriculum included presentations on the CIP Ordinance and City Charter by the CIP Independent Counsel and the CIP history by the Executive Director; The training was of great

importance for newly hired investigative staff to give them a basic understanding of civilian oversight of the Miami Police Department.

It took several months to plan the training. Despite advanced scheduling for June 12, 2008, neither the Executive Director nor the Independent Counsel made an appearance at the staff training. On the morning of June 12, 2008, thirty minutes before the training was scheduled to start, the Assistant Director advised the Chief Investigator that the Ms. Richardson could not be present as she had, "matters at City Hall this morning and thus will not be in attendance until later." The Independent Counsel also had some other engagement. Unfortunately, the hours of planning and scheduling to put the Curriculum together meant nothing to senior management; the absence of both the Executive Director and Independent Counsel demonstrated a lack of concern to the CIP's complex mission of civilian oversight and set a negative tone to new staff by implying that an understanding of the CIP's Mission was not of great importance, See Training Curriculum and supporting documents (Appendix M).

10. FAVORITISM TOWARD AFRICAN AMERICAN STAFF & CREATING A HOSTILE WORK ENVIRONMENT:

The prior Executive Director, the Interim Director and the Independent Counsel (all African American) have shown obvious favoritism toward the African American staff. For example, the Administrative Aide, Ekendam Essiet frequently came in late, called in sick on Mondays or Fridays and occasionally observed at his desk sleeping. This has been brought to the attention of the Executive Director, Assistant Director (who later was appointed Interim Director) and the Independent Counsel and nothing was done to hold Mr. Essiet accountable for his performance.

On or about 2009, the interim Director informed all staff that paid time off (PTO) is no longer permitted and use of the lunch hour cannot be forfeited in order to leave early for the day, yet Ms. Shewanda Hall was allowed to use her lunch hour to leave early, come in late and bank time to use at some future date.

The Independent Counsel and the Interim Director have frequent closed door meetings with the African American staff and exclude the other staff. These meetings were often disruptive to the other staff due to the frivolity and loud laughter. On many days there would be three to four closed door meetings. The other staff were purposefully excluded and information was infrequently shared.

11. MISCELLANEOUS CONCERNS:

On August 22, 2008, Brenda Shapiro, the Chairperson of the CIP at that time asked me to meet her for breakfast at Granny's Feel Good restaurant in Downtown Miami. We subsequently met on August 26, 2008. At that time we discussed many of the issues that had plagued the CIP and she indicated that as Chair it was her intent to fix some of the problems before her term was over, to include implementing a Personnel Committee to take a closer look at staff turnover and management practices. She asked for my help in correcting some of the problems. At that time Ms. Shapiro suggested that I seek the advice of an attorney that specialized in Whistleblower claims and suggested a local attorney she knew. Although I did not immediately avail myself to her offer, I did give it serious thought and on January 12, 2009, I called Ms. Shapiro and asked her for the name of the attorney. Ms. Shapiro provided the name of Matthew Sarelson and additionally made contact with him and asked him to contact me. I subsequently hired Mr. Sarelson to advise me as I was periodically contacted by other Panel members who also expressed their concerns over how the CIP was being managed and also asked for my input and views on how to correct what they believed to be fiscal irresponsibility, poor management practices, and other issues associated with investigations. I am sure they would confirm that I reluctantly met with them in person and telephonically as they tried to correct what we all believed to be management failures. As time went on it certainly was no secret that some Panel members had reached out to me as Ms. Richardson and Mr. Mays had commented about it.

On July 15, 2009, during a Panel Budget Committee meeting, I learned that it was the Interim Director's intent to slash my salary by 26 percent and reclassify my position from Chief Investigator to Investigator. Because my salary was the only one that was affected, I expressed my concerns in the meeting. I advised the Panel members that although I was willing to take a cut it did not seem equitable to slash only my salary and reclassify only my position. I commented that it appeared disciplinary in nature.

It was for all the aforementioned reasons that I had my attorney write a letter to the CIP Independent Counsel on July 23, 2009 raising my concerns that I was being retaliated against for engaging in whistleblower activities. Twenty four hours later, on July 24, 2009, despite the fact that Independent Counsel Mays was one of the named principals in the Whistleblower claims, he still responded on behalf of the City and the CIP to my attorney's demand letter without conducting any fact-finding interviews or subsequent investigation into my claims. He merely wrote a response letter stating, "*The Civilian Investigative Panel categorically and emphatically rejects and denounces the fanciful and delusional*

assertions set forth in your communication", See, July 24, 2009 response from Charles C. Mays (Appendix O). No one from the City has ever spoken to me about my claims. I suspect that my Whistleblower activities, which included meetings and telephone calls with Panel members and even some of the City Commissioners weighted heavily in my dismissal.

For example, on September 3, 2009, I was informed by Investigator Louis Cabanillas that in my absence, he and Investigator Shewanda Hall were summoned to a meeting by Carol Abia and Charles Mays. Mr. Cabanillas reported that Ms. Abia informed them both that the Employee Relations Department had notified her that former Director Shirley Richardson was exercising her "*rollback rights*" and may be returning to the CIP as an Investigator. According to Mr. Cabanillas, Ms. Abia reported that one of the investigators may be "*bumped*" in order to accommodate Ms. Richardson. According to Mr. Cabanillas, Mr. Mays disagreed with Ms. Abia stating that the Chief Investigator slot was one that Ms. Richardson would be eligible and then made some inappropriate joke.

Further, I was asked by a Panel member to meet with Commissioner Marc Sarnoff on September 8, 2009. During the course of that meeting, which was attended by several city staffers, a Panel member, and CIP Investigator Lou Cabanillas, I had explained to Commissioner Sarnoff that I had my attorney write a letter to the CIP Independent Counsel raising my concerns that I was being retaliated against for engaging in whistleblower activities as I was concerned about my reputation and career. Commissioner Sarnoff blurted out, "*your career is over...you might as well face that!*", and then tried to convince me to attend the upcoming televised 2010 budget hearing so that he could question me about CIP activities.

Additionally, on September 29, 2009, at approximately 4:30 pm, I overheard a telephone conversation between Independent Counsel, Mr. Mays and an unknown third party as I was leaving from the hallway exit at the CIP office. Mr. Mays said in a loud voice, "*Steve Wolf is an ass-hole and a liar.*" He reported to the third party that he did not have much time to work on my pending Whistleblower case against the City of Miami because he has been tied up with so many other things. He commented about a public records request that he made on me from my prior employer, Fort Lauderdale Police Department, where I had worked sixteen years earlier. He said, "*You know he lied on his application with the City...*" Mr. Mays told the third party who he addressed as "Myron" or "Iran", that I lied on my application with the City of Miami as I had told Miami that I oversaw a million dollar budget when I was with the City of McCall as the Police Chief. He told the third party that McCall's entire budget for the whole City was only one million dollars and they only had six (6) officers instead of the ten (10) that I listed in my application. He added that while working for Ft. Lauderdale

Police Department, I was only a low level police officer, and never was a supervisor and then became a police chief. Mr. Mays then began to discuss the complaint involving himself with the Florida Bar and expressed concern over the outcome of that complaint indicating that he may receive a reprimand or a suspension but that he could not accept either or his reputation would be ruined.

As I was obviously concerned about the Independent Counsel's clandestine background investigation of me and the false information that he was publishing to a third party, I contacted the City of Fort Lauderdale Police Human Resources Department. I discovered that Mr. Mays did in fact send a written public records request to examine and copy my personnel file. That request was made on August 4, 2009. The interesting thing about the request is that it was not on City letterhead; it was on a blank piece of printer paper with Mr. Mays' home address, and identifying him as an attorney. Furthermore, it was dated twelve (12) days after I filed a Whistleblowers claim, See, August 4, 2009 Public Records Request by Charles C. Mays, Esq. (Appendix Q).

As I mentioned earlier, the above information is just a snapshot of the internal problems of the CIP. A fifteen page letter cannot do justice to the CIP's monumental problems. In my estimation, the overriding issue is that the problems encountered early on in the CIP's existence have never been remedied and have only gotten worse. Despite this the subordinate staff have still managed to rise above the nonsense and do some good things; they should be commended on a job well done in light of the fact that they have been faced with untenable circumstances.

In summary, the City of Miami, the Mayor, and perhaps even the Commission has broken its promise to the Miami Citizens that was made in 2002. It is wrongly giving the citizens of Miami a false sense of civilian/police oversight that has failed miserably and is wasting tax payer's dollars to essentially provide the prior Executive Director, the current Interim Director and the Independent Counsel with inflated salaries and benefits with almost nothing to show for it. The situation is outrageous and the City should be ashamed of itself!

I am hoping that by bringing these matters to your attention you will be able to correct the problems and truly provide the citizens with an effective oversight system.

Thank you for your time.

Sincerely,

Steven S. Wolf