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HOMESTEAD

Ex-cop: Firing was retaliation

Homestead's police department is embroiled in allegations that it violated public records laws and fired one of its officers in retaliation for reporting his concerns.

BY CHRISTINA VEIGA
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A battle is raging in Homestead over whether some Internal Affairs files were destroyed and other records faked to cover it up, which would be against Florida's public-records laws.

The fight has resulted in the firing of a police captain who, in

turn, filed a whistle-blower lawsuit, and the embarrassing spectacle of a department secretary repeatedly invoking her Fifth Amendment right not to give self-incriminating answers under oath.

The allegations are laid out in detail in a lawsuit filed recently by former Capt. William "Bobby" Rea.

The 26-year veteran says he found out about the allegations from a secretary who told him she was ordered to doctor and destroy public records.

Rea says he was fired after telling state prosecutors about the secretary's allegations that the chief, the captain formerly in charge of Internal Affairs and a detective were also involved in withholding and falsifying public records.

"Internal Affairs is where you

police the police, and if there's a problem with Internal Affairs, then that's a cancer. There's a real problem in the department, and that's serious," Rea told the Miami Herald.

Police Chief Al Rolle denied the allegations and said he fired Rea because the captain was "incompetent."

"I can assure you it had nothing to do with his going to the state at-

• TURN TO LAWSUIT, 2B



IN MY OPINION
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Relish your success, Class of '14 — wisely

To the graduates: If you've made it this far, you're well on your way somewhere — passed Life 101. But let me roast you a little. Your ceremonial caps and tassels — oh, the gold ones, signature of hard work and over-achievement — make our collective hearts flutter with joy. Your stories are extraordinary, inspirational.

The homeless young man in Jacksonville who is valedictorian. A New York teen dubbed "the LeBron James of academia" accepted to all eight Ivy League colleges. The undocumented immigrant student who fought Tallahassee and is now eligible for in-state tuition.

It's the happy season.

Getting to the finish line, regardless of the color of your tassel, is no small feat. Party on, you've earned the celebration.

Not too quickly, though, you might be in a rush to move on to the next thing — I was when I was in your shoes, flying off to freedom in my friend's white Camaro along Route US 27 to the University of Florida. I was when I married, finished my journalism course work with a baby in my arms, and fled campus to a job in Miami.

Still am in a rush.

Bad and good habits become a way of living.

"How we spend our days is, of course, how we spend our lives," author Annie Dillard reminds us in her wise book, *The Writing Life*.

So pause and linger for a bit.

Thank loved ones, mentors, and teachers. Bless your naysayers, too, for they were also a vital component of the energy that kept you driven and focused.

The merit is all yours, but this moment is theirs, too.

Achievement is a high, but gratitude is what keeps you healthy. The people who brought you to this point will remain your rock — your roots even as you fly — and you will always need them, and they

CORAL GABLES

JOYOUSLY HEADED TO SERVE OTHERS



CHRIS CUTRO/FOR THE MIAMI HERALD

Donte Davis, 25, from Atlantic City, N.J., is ecstatic after receiving his diploma Friday at the City Year graduation at the University of Miami in Coral Gables. Students give a year or more of service to their communities through City Year.

were sown to lead to the housing crash as banks loaned to borrowers who couldn't afford their mortgages and Wall Street bankers sold those loans to investors.

"Florida was extreme, though not unique, in the strength of its housing boom, and thus the depth of its plunge. ..." retired University of Florida economist David Denslow said. "Florida's recovery in jobs is going better than the national average largely because we

damage from Florida's worst recession in modern times and what did they do to get economic growth started again?"

Economists say Crist gets some credit for accepting federal stimulus dollars, which saved thousands of jobs, in 2009. Crist often says that he saved 20,000 teachers' jobs, though it's difficult to pinpoint the precise number. Also, while Crist was a major cheerleader for the stimulus — and famously hugged Presi-

publican Party blamed Crist for the unemployment rate tripling under his watch. It rose from 3.5 percent in December 2006, just before Crist took office, to 11.1 percent during his last month in 2010. The state lost about half of its construction jobs during that time period.

Since Scott took over in 2011, he has basked in declines in the unemployment rate, which hit 6.2 percent in April, according to preliminary data.

True.

Crist also has blamed Scott for Florida's long-term unemployment rate, which Crist said was second in the nation.

An analysis by the Economic Policy Institute ranked Florida second, with New Jersey and the District of Columbia ahead. But there is a significant margin of error to these numbers, and it's difficult to pinpoint each state's ranking. And again, it's difficult to blame Scott for the lingering ef-

blame on Crist. Similarly, Scott's time in office coincided with the national recovery, and now Florida is following along, but it's hard to give Scott all the credit.

Neither politician is providing voters with the full story here: Crist isn't to blame for the national recession, and Scott can't take credit for the national recovery.

But the truth won't stop either candidate from trying to sell his version until Nov. 4.

HOMESTEAD

Fired police captain files whistle-blower lawsuit

• LAWSUIT, FROM 1B

torney, because anyone can run to the state and say a bunch of lies," the chief said.

The department did not allow the other accused employees to comment to the Herald.

"The city does not comment on open litigation," said police spokesman Fernando Morales.

Rea's allegations relate to a 2012 criminal case into three Homestead officers who were accused of beating up and pepper-spraying migrant workers outside of a bar. All three officers were fired.

One of the accused was Sgt. Lizanne Deegan, who prosecutors said covered up one of the attacks because she didn't report it. Charges against her were dropped in December 2013, and Deegan is fighting to get her job back.

While under criminal investigation, Deegan submitted a public records request for Internal Affairs investigations, including any involving Capt. Marie Kent. At the time, Kent was the head of Internal Affairs, which investigates complaints of wrongdoing against officers. Kent was part of a police department investigation into Deegan stemming from the criminal case.

Deegan was trying to strengthen her case by showing that Kent "has a pattern of untruthfulness," said John Rivera, president of the Miami-Dade County Police Benevolent Association union.

Kent's Internal Affairs file includes a sustained complaint that she was shopping while on duty, and other complaints that she claimed to respond to a call for ser-

vice while she was really at a Walgreens, and that she went home while on the clock, according to a transcript of testimony given by Kent during the criminal investigation.

According to Rea's lawsuit:

The first time Deegan requested Internal Affairs files was in April 2011. In response to Deegan's request, Kent "ordered" Internal Affairs secretary Edna Marie Hernandez not to send the records and to say they had exceeded retention.

In Florida, most city documents are public record. But records can be destroyed after a certain period of time based on state-mandated "retention" schedules.

Deegan made another request specifically for Kent's files on Aug. 22, 2011. This time, Kent stuffed her Internal Affairs file into a duffel bag and took it from the office, according to Rea's complaint.

"That bitch will never get my records," Kent told the secretary, according to the suit.

Again, Deegan was told the records didn't exist because they exceeded retention.

After the request was sent, the police department began shredding some old Internal Affairs files, but Kent's were not among those destroyed, according to the lawsuit.

About a year later, a lawyer for the police union requested the city's record-destruction logs.

In response to the lawyer's request, Kent told the secretary to "create a second, false logbook, including all the files that were not

'Let's just say he either knew or he should have known that this was a false report that he was signing off on.'

— Dana Gallup,

lawyer for former Capt. William 'Bobby' Rea

actually destroyed," according to the suit.

"In connection with the fake logbook, Hernandez also created false-destruction reports that Capt. Kent and Chief Rolle signed ... but were backdated," according to the suit.

Detective Tony Aquino, who had led investigations into the criminally charged officers, then drove Hernandez to Kent's house so the captain could sign the "fake destruction reports." Hernandez was also ordered to get the chief's signature, which she did.

Dana Gallup, Rea's lawyer, said the chief should have known the logbook was fake.

"If he looked at it, he would see that the date of the destruction was showing not currently, but some years before," Gallup said. "Let's just say he either knew or he should have known that this was a false report that he was signing off on."

The records were then given to the union lawyer, in response to his records request. But the Police Benevolent Association, the union representing the officers accused of the migrant beatings, had gotten word of the allegations regarding public records.

Months later, Hernandez was subpoenaed to testify in the criminal cases against the Homestead police officers.

After getting subpoenaed, Hernandez confided in Rea, he told the Herald.

It was a Sunday afternoon, and Rea had gone to the police station to turn in some paperwork. The two crossed paths in a hallway and started talking. She soon told Rea everything, he said — even claiming Aquino had told her to stick to the false dates if questioned under oath.

"You got the impression from her that she was really carrying this around like a big weight, and once she started to talk about it she just kept talking — and I even cautioned her that what she was describing to me was a crime. But she was very emotional about it. She was crying. She didn't know what to do. She didn't want to go into court and perjure herself," Rea told the Herald.

Transcripts of her testimony show that Hernandez invoked the Fifth Amendment at least five times while under oath, refusing to answer any questions about public records.

"With regard to any destruction of any records, is it your intent not to answer the questions?" the deposing lawyer asked.

"Yes," Hernandez responded, according to the transcript.

In July 2013, Rea says he reported the secretary's allegations to the Miami-Dade state attorney's office. Rea

says prosecutors there told him to inform the Florida Department of Law Enforcement and the city, which he says he did.

Rea said he told City Manager George Gretnas and Human Resources Director Vivian Manach about the allegations. The city manager and the human resources director told Rea to relay the allegations to Chief Rolle, which Rea says he did.

The chief, Rea said, wasn't happy.

"He was pissed. His demeanor was obviously not very friendly. He was upset. He was very agitated. It would suffice to say that our relationship didn't flourish from there," Rea told the Herald.

Kent's husband, who also works for the department, was soon promoted to major, and Rea had to report to him, Rea said.

In mid-December, Rea said the chief asked him to resign or be fired. Rea said he was put on administrative leave while he thought it over.

On Christmas Eve 2013, Rea was told he was fired. A termination letter signed by Rolle claims Rea neglected his duties, resulting in failed Florida Department of Law Enforcement records audits and problems with the radios police use to communicate.

Rea denies the issues raised in the letter, saying the city has not provided documentation proving the accusations.

"I feel like a shadow was cast upon me when this happened, and more than anything else I want the truth to be out there," Rea said.

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