

COPY
CLERK OF THE BOARD
2015 OCT -2 PM 3:22

CLERK OF THE BOARD
MIAMI-DADE COUNTY, FLA.
#1

**MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST**

In re:
Walter Clark v. Marydell Guevara

C 15-21

PUBLIC REPORT AND FINAL ORDER

Walter Clark (Clark), a private citizen, filed the above-referenced complaint against Marydell Guevara (Guevara), the Director of the Miami-Dade County Corrections and Rehabilitation Department (MDCR).

Clark alleged that Guevara engaged in "Gross Abuse of Power" and "Lost (sic) of Public Trust" as a result of a December 2013 incident at a Pre-Trial Detention Center involving altercations between several inmates and corrections officers. One of the officers, (Officer Frank) was assaulted by inmate Derrick Harrell (Harrell).¹ The incident was initially investigated by MDCR Internal Affairs (IA) who began their investigation in early January 2014. Officer Frank notified the police department of her allegations against Harrell sometime in March 2014, three months after the incident.

In August 2014, Clark filed a complaint against Guevara with the MDCR Professional Compliance Division alleging essentially what he alleged in this complaint i.e. that Guevara violated departmental policies and procedures by, among other things, failing to classify the December incident as a "major incident," "failing to preserve the crime scene," and being "grossly negligent in her duties."

A review of the IA report shows that Guevara (and the rest of the department) were unaware of the extent of Officer Frank's assault until months after the incident. Moreover, the IA investigation concluded in April 2015 that "Director Guevara is not responsible for classifying incident report as a major incident, nor is she responsible for preserving the crime scene, or notifying the police, Fire Rescue or the State Attorney's Office or ensuring that the report is completed in a timely manner. Those responsibilities are solely the facility supervisor and his staff."

¹ Harrell was subsequently charged with and pled guilty to battery on a Law Enforcement Officer.

A legally sufficient complaint exists where there are allegations of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission.

Clark alleges that Guevara "covered up" the assault on a law enforcement officer. That allegation is not only beyond the jurisdiction of the Ethics Commission but, after having been thoroughly investigated by MDCR IA, seems to be untrue.

On August 12, 2015, in open session, the Ethics Commission dismissed this complaint as not legally sufficient based on the Advocates recommendation.

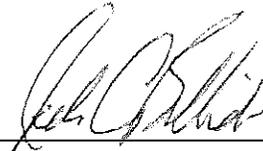
Therefore it is:

ORDERED AND ADJUDGED that COMPLAINT C 15-21 is hereby concluded.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on August 12, 2015.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST

By:



Nelson C. Bellido
Chair

Signed on this date:

8/18/2015