



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Sylvia Batista

Case No.: K11-073	Case Name: Pierre traffic stops	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s): n/a	Subject(s): Andre Pierre	5/19/11	12/24/13

Allegation(s):

An article appeared in The Miami Herald on 5/06/11 reporting that former North Miami Mayor Andre Pierre (Pierre) was accused of abuse of power by police union leaders for implying threats to police officers when they pulled Pierre over for committing traffic violations. According to the article, Pierre frequently gets pulled over in North Miami and officers have complained to their union representative that Pierre sometimes asks whether they “know who he is.” According to the article, the effect of asking the officers if they “know who he [the Mayor] is” amounts to an implied threat so that officers will not give him a ticket for fear of reprisal.

Relevant Ordinances:

Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(g) *Prohibition on exploitation of official position.*
“No person included in the terms defined in Subsections (b)(1) through (6) and (b)(13) shall use of attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others...”

Investigation:

Interviews

10/6/11 – Officer Michael Chin, North Miami Police Department –

Officer Chin gave a verbal statement to COE investigator Batista. Officer Chin explained that approximately one year ago (in 2010) he saw a car run a red light on Biscayne Boulevard and 123rd Street. Chin stopped the driver but did not initially recognize him as the Mayor. Chin said that he later realized that the driver was Pierre. Chin recalled that Pierre was polite, and said that he was just trying to identify the officer that was stopping him. Chin advised that Pierre did not say anything to deter him from issuing him a ticket. Chin explained that he was going on a call so he decided to let the red-light camera system issue the ticket. Chin advised that there was a camera at the intersection thus Pierre was going to get a ticket regardless. Chin said that he told his sergeant that he had stopped Pierre for running a red light, and did not issue him a ticket.

10/6/11 – Officer Donald Blanchard, North Miami Police Department –

Officer Blanchard gave a verbal statement to COE investigator Batista. Blanchard explained that he stopped Pierre for speeding during the first 2 or 3 months he was in office. Blanchard said that he recognized him as the Mayor as soon as he pulled him over. Blanchard explained that he and Pierre had a conversation wherein he told Pierre that he was putting him in an awkward position. Pierre responded that he understood. Blanchard said that Pierre did not say that he was the Mayor, nor was he rude. Blanchard advised that he gave Pierre a verbal warning.

Blanchard explained that he does not give breaks to people that he pulls over because he does not want to be accused of favoritism. Blanchard said that Pierre is not his immediate boss and he would have given him a ticket if he would have been rude. Blanchard advised that he has written a ticket to the City's Director of Personnel.

10/18/11 – Officer Rick Rivero, North Miami Police Department –

Officer Rivero gave a verbal statement to COE investigator Batista. Rivero said that his encounter with Pierre happened during his first month of employment with the North Miami Police Department. Rivero explained that he stopped Pierre during the City's Thanksgiving Day parade in 2009. Rivero said that Pierre was trying to drive past the cones that had been placed on the street to detour traffic away from the parade. Rivero said that he stopped the driver of the vehicle not knowing that it was the Mayor, and told him that he could not go through there. Rivero advised that at this point Pierre asked, "Do you know who I am?" Rivero said he replied that he did not, to which the Mayor replied, "well, I'm the Mayor." Rivero said that he told Pierre to wait one second while he radioed and asked for authorization to let him through. Rivero said that he does not know who the person was that he spoke to, but he was given the authorization. Rivero advised that he let Pierre go through. Rivero has not stopped Pierre for any other traffic related issue. Rivero recalls that Pierre was driving a black Mercedes Benz.

10/18/11 – Officer Jose Urbizo, North Miami Police Department –

Officer Urbizo gave a verbal statement to COE investigator Batista. Urbizo said that he stopped Pierre about one year ago (in 2010) at 125th Street and NE 12th Avenue for driving 77 MPH in a 35 MPH zone. Urbizo advised that he recognized Pierre's car, and when he walked up to the window he realized that it was the Mayor. Urbizo said that he asked Pierre whether he knew why he was being stopped, and he responded with a nod. Urbizo advised that he did not give Pierre a ticket or a warning, he just said goodbye. Urbizo said that this is kind of a sensitive matter because Pierre was the Mayor.

10/21/11 – Tim Littlefield, former City of North Miami Police Officer –

Littlefield said that his first contact with Pierre was in January of 2006 before he became the Mayor of North Miami. Littlefield said that he gave him a ticket for going 55 in a 35 MPH zone. Littlefield advised that some years later during a meeting with the City Manager (Patterson), Pierre asked him if he remembered him. Littlefield asked why he should remember him and Pierre responded, "you gave me a ticket." Littlefield remembered and cited the reason for the ticket. Littlefield said that Pierre told him the ticket had been dismissed. Littlefield did not remember going to Court on the ticket, so he told Pierre that he would look into it. Littlefield said that the status of the ticket shows as officer dismissed, but he did not dismiss the ticket and he did not go to court on it.

Littlefield described his next contact with Pierre, which happened on 01/12/10, when he spotted a Jeep improperly parked in the alley around 124th Street and N.E. 7th Avenue. Littlefield explained that the right side of the Jeep was on top of the sidewalk and the left side rested in the alley. Littlefield said that he told Pierre that he could not park there and asked him to move his vehicle twice; Pierre refused to move his vehicle. Littlefield said that Pierre asked him, "do you know who I am?" to which he replied that he did not. Littlefield explained that Pierre continued to walk away from his vehicle and said that he would not be a minute. Littlefield said that he insisted that Pierre provide him with his license and registration. Pierre ignored two orders to show Littlefield his driver license and registration and two orders to move his vehicle.

Littlefield said that he called Sergeant Bethel, who is now retired, and Pierre called Chief Clint Shannon. Littlefield explained that while on the phone with the Chief, he overheard the Mayor say, "the guy we have the usual problem with, that everyone in the City has a problem with, I can't believe he still has a job here, this is the way he talks to me in front of my people." Littlefield said that Mark Collins (Collins), acting City Manager, also got called in along with the Chief and the Sergeant. They were all talking with Pierre when Littlefield said that he should leave because he was going to arrest Pierre. Littlefield said he overheard the Mayor tell Collins that he, Littlefield, "was out to get him."

Littlefield advised that later on that same day Pierre met with the City Manager and Chief of Police. He was told that he must go to school for special training. Littlefield said that it was the Chief's idea because of the complaint from Pierre. During the meeting with the Chief, the Mayor said Littlefield should be fired, but the Chief did not fire him. Littlefield said that the Mayor told Collins to fire the Chief for refusing to fire Littlefield.

Littlefield said that on 3/3/10, Rick Spotts met with Chief Stephen Johnson (Johnson) where Johnson tried to change the story of what had happened between him and Pierre. Johnson tried to fire him. Littlefield advised that he was taken out of S.W.A.T and given a desk job. Littlefield said that he felt he was being set up.

Littlefield said that on 3/30/10 Blanchard waived him over to tell him that he had pulled Pierre over again on 123rd Street for doing 47 in a 35 MPH zone. Littlefield explained that the last time Blanchard pulled the Mayor over was on Thanksgiving Day (2009) for speeding and had three children in the car who were not wearing seatbelts. Littlefield said that Blanchard stopped Pierre twice and did not give him a ticket either time. Littlefield advised that he stopped Pierre again on 11/24/10 driving a Mercedes with illegally tinted windows. Littlefield said that he did not recognize Pierre at first when he pulled him over at NE 15th Avenue and 123rd Street. Littlefield explained that Pierre called Johnson and Department Chief Juriga (Juriga) who came over right away. Littlefield explained that Juriga twice asked him whether he wanted him to let Pierre go and give a ticket to someone else. Littlefield responded that he wanted to give Pierre

the ticket. Juriga asked him whether he was sure this is what he wanted to do to which he responded that he did. Juriga said that this was going to give him a headache. Littlefield said that he thinks Pierre paid the ticket, and that he could have given him more tickets, but left it at that.

Littlefield explained that on 11/25/10 (Thanksgiving Day), Urbizo stopped Pierre on NE 11th Avenue and 125th Street for going 70 in a 35 MPH zone. Urbizo did not write Pierre a ticket. Littlefield later asked Urbizo why he did not write the ticket, to which Urbizo responded, “you know how that can come back on you—you see what they are doing to you.”

Littlefield explained that on 02/24/11 he was called in by Sergeant Cruz for his yearly evaluation. Littlefield said that he was given a “needs improvement” over all. Littlefield advised that Sergeant Cruz said that they knew the evaluation was politically motivated.

Conclusion(s):

COE investigator interviewed five officers who had contact with Pierre on various traffic stops. Four of the five failed to substantiate the allegation that Pierre “impliedly threatened” them. No complaint would be warranted based on the information given by the four officers. Only one officer, Littlefield, seemed to have an antagonistic relationship with Mr. Pierre. It should be noted that parts of Littlefield’s testimony disagreed with what the other four officers testified to. It was the opinion of this writer that Littlefield clearly had a bias against Pierre. Around the same time this investigation was initiated, an investigation alleging Mr. Pierre’s improper use of a city owned soccer stadium was initiated. Any further investigation into the allegations concerning Mr. Pierre’s various car stops was suspended in light of, what turned out to be the more promising allegations about the soccer stadium usage. Since the soccer stadium case has been successfully resolved and Mr. Pierre is no longer an elected official, this investigation should be closed.

M/S Ramos for
Sylvia Batista, COE Investigator

Approved by:

Michael Murawski
Michael Murawski, Advocate

Joseph Centorino
Joseph Centorino, Executive Director

M/S Ramos
Miriam S. Ramos, Deputy General Counsel

12/23/13
Date