



## **Miami-Dade Commission on Ethics & Public Trust**

### **Preliminary Inquiry Report**

**Investigator:** Breno Penichet

<b>Case</b> <b>PI13-041</b>	<b>Case Name:</b> <b>Miami Dade Police</b> <b>Department</b>	<b>Date Open:</b> <b>December 23,</b> <b>2013</b>	
<b>Complainant(s):</b> <b>Marie Joseph</b>	<b>Subject(s):</b> <b>Officer Gustavo de</b> <b>los Rios; and other</b> <b>unknown MDPD</b> <b>officers</b>		

#### **Allegation(s):**

Complainant alleges that, Officer Gustavo De los Rios (De los Rios) along with other Miami-Dade Police Department (MDPD) employees may have exploited their official positions to obtain passenger record information to ascertain if complainant was traveling out of the Country.

#### **Relevant Ordinances:**

Exploitation of official position, Sec. 2-11.1(g), Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

**Investigation:**

***Interviews***

Marie Joseph

On 1/30/14, Joseph voluntarily agreed to be interviewed and provide information concerning her complaint. Joseph advised that she is married to MDPD officer Gustavo De los Rios, Joseph advised they are in the process of divorcing. Joseph advised that several incidents have occurred in which De los Rios has used his official position to his advantage. Joseph advised that on Friday September 13, 2013, De los Rios used his influence to obtain the passenger manifest for the "Bimini Ferry" from another MDPD employee assigned to the Port Operations Bureau, Officer Willie Caruthers (Caruthers). Joseph advised that De los Rios wanted to determine whether or not she was traveling on the ship.

Joseph advised that she attempted to file a formal Internal Affairs (IA) complaint charging De los Rios and the other police officer with the above listed violation but the IA unit would only file a "contact report." Joseph provided copies of text messages between herself and Caruthers.

Joseph advised that on 11/19/2013 she wrote a letter to MDPD Director J. D. Patterson advising of all the problems she was having with De Los Rios and what she felt was the lack of action by the MDPD. Joseph further advised that she is employed in the Miami-Dade Water and Sewer Department as an accountant. Joseph stated that at the present time she is under suspension pending the outcome of a criminal court case against her relating to her divorce.



Sergeant Juan Villalba  
Miami-Dade Police Department  
Professional Compliance Bureau

On 2/5/2014 Sergeant Juan Villalba (Villalba) MDPD was contacted regarding this matter. Villalba advised that Joseph did file several complaints against De los Rios with the IA Bureau, and in particular the one dealing with Carruthers providing information about her trip.

Villalba advised a contact report was filed and a follow up was conducted by the command staff of the Bay Operations District. According to Villalba the staff at the ferry line did not provide a copy of the passenger manifest.

Carruthers was given the information verbally, as its standard procedure with law enforcement. Carruthers admitted to his actions and was given an informal counselling. Villalba provided a copy of the report.

J. D. Patterson, Director  
Miami Dade Police Department  
9105 NW 25<sup>th</sup> Street  
Doral, Florida 33172

On 3/25/2014 the Director's office referred the matter to Miami Dade Police Professional compliance, Lt. Alex Acosta.

Lieutenant Alex Acosta  
Miami-Dade Police Department  
Professional Compliance Bureau  
(305) 627-7100

On 3/25/2014 Lieutenant Alex Acosta (Acosta) MDPD was contacted regarding this mater. Acosta advised that Joseph did file several additional complaints against De los Rios with the IA Bureau; they are in the process of reviewing those allegations. Acosta advised that just like the issue with Carruthers, if the matter is deemed to be administrative it will be turned over to De Los Rios' superiors to be handled administratively. If the allegation is deemed to be criminal it will be turned over to the State Attorney's Office for review and possible charges.

1. MDPD Professional Compliance Bureau report Case # CR-2013-384
2. Copy of letter dated November 19, 2013 to Director J. D. Patterson by Marie Joseph.
3. Memo dated 1/26/2014, From Major Thomas Hanlon, Special Patrol Bureau to Major Richard Amion professional Compliance Bureau, notifying the MDPD/IA of the action taken by the district.
4. Set of text messages to different people and dated 9/27/13 to 10/24/13.

(Description of item reviewed including date)  
Summary of findings

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Summary of findings

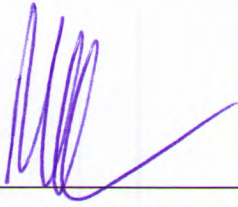


**Conclusion(s):**

As a result of the interview with Joseph, and the review of the documents provided, it appears that Carruthers did use his official position as a police officer to obtain the information about whether or not Joseph was a passenger on the Bimini ferry. Carruthers only became involved when he was asked by De los Rios, to find out the information. A review of the IA report shows that administrative action was taken against Carruthers in the form of an informal counseling. The information obtained from Acosta (PCB) concerning the review of the additional allegations by Joseph against De los Rios, reveals that additional disciplinary action may be forth coming against De los Rios.

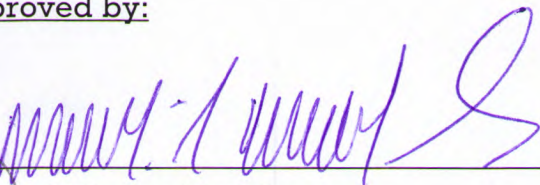
Advocate Michael Murawski advised that no further action would be taken at this time. MDPD administration is aware of the allegations and is taking administrative action. Accordingly, it is recommended that the above case be closed.

(Signature)

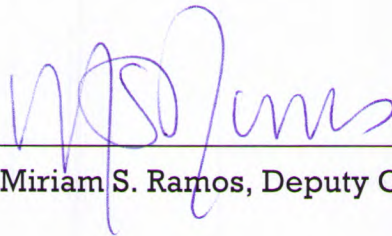


Breno Penichet, COE Investigator

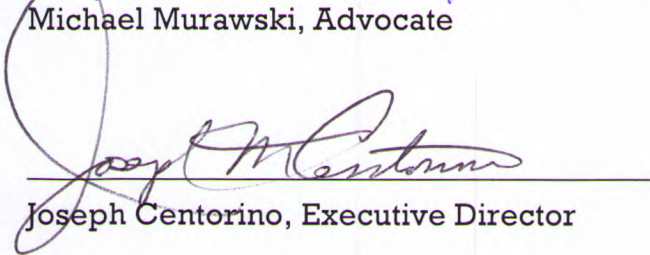
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director

3/27/14  
Date Closed:

**CASE  
CLOSED**

Date: 3/25/14