



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

### **Preliminary Investigative Report**

**Investigator:** Robert Steinback

<b>Case No.:</b> PI 13-015	<b>Case Name:</b> Wysong	<b>Date Open:</b>	<b>Date Closed:</b>
<b>Complainant(s):</b> Al Crespo	<b>Subject(s):</b> George Wysong	August 30, 2013	November 25, 2013

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

Complainant Al Crespo (Crespo) alleges that a representative of the Miami Police Department's Internal Affairs office, Barbara Sweet (Sweet), on August 19, 2013, denied his public records request to see all of the department's Response to Resistance Reports for the months of June and July, 2013, after talking with an unidentified supervisor. Crespo complained to George K. Wysong III (Wysong), assistant Miami city attorney and police legal advisor but to no effect.

### **Relevant Ordinances:**

Complainant alleges a violation of the Miami - Dade County, Florida, Code of Ordinances Part 1 – Constitutional Charter Citizen's Bill of Rights, (3) *Public Records. All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.*



## **Investigation:**

### ***Interviews***

**Al Crespo** – citizen, author of Crespogram blog, November 8, 2013, by telephone, and subsequently.

#### **Summary of interview**

This investigator spoke with Crespo, who largely reiterated the allegation he provided to the COE in his memo dated Friday, August 30, 2013. Crespo said that he went to the Miami Police Department's Internal Affairs unit office on Northwest 36<sup>th</sup> Street on August 19, 2013, seeking to review the Response to Resistance Reports for the months of June and July 2013. He said this was after informing Wysong of his desire to see the reports. When he arrived, he stated that he asked Sweet to look at the book in which all of the files were kept.

Crespo said Sweet went away, apparently consulted with an unseen supervisor, and returned to say that he was not allowed to look at the aggregated reports, but could only look at a specific report if he could identify said report. Crespo said Sweet would not identify the person who had issued this response. Crespo departed without having seen the reports.

In a follow-up telephone call on November 21, 2013, about 3:30 p.m., Crespo elaborated on the above narrative, saying that Sweet told him he could not see the binder in which the reports were kept because both open and closed cases were kept in the same binder, and he was not allowed by law to see reports on cases that remained open.

**George K. Wysong III** – assistant Miami city attorney and police legal advisor, two conversations, both by telephone on November 21, 2013, the first around 3:30 p.m., the second around 4:10 p.m.

#### **Summary of interview**

During the first interview, Wysong told this investigator that he had believed that the matter had already been resolved, in part because he had just met with Crespo about two days earlier, and Crespo made no mention of it. He stated that there was no reason for access to the reports to be denied except in the case of cases that were still open.

In the follow-up interview, Wysong said that he had spoken with the department representatives who had dealt with Crespo regarding his record request, and concluded that it may have been the case that Crespo was denied access to all the reports for the excuse that the open and closed reports were kept in the same binder. Wysong acknowledged that this would not have been the proper response to Crespo's request, and said he would assure that all the closed reports from June and July would be made available to Crespo.

Wysong said his understanding was that Crespo had demanded, "I want to see where the records are kept." Wysong said, "I think that's a little beyond what the public records law required."



**Analysis:**

Crespo is a blogger who concentrates on City of Miami issues. Making public records requests is his stock in trade, and he is aware of his rights with respect to public records.

Wysong confirms that Crespo did in fact run into some difficulties in his efforts to gain access to the City of Miami Police Department's Response to Resistance Reports. He acknowledged that the excuse that was apparently given – that open and closed reports were kept in the same file – should not have been a barrier to Crespo having access to the closed reports. Crespo may have exacerbated the standoff by demanding to see "where the records are kept," as Wysong stated. This could have posed a problem in that such a request might have been interpreted as a demand to see open case files.

Wysong confirms that once closed, these reports are a legitimate public record. Records for cases that are still open are exempt from public records requests.

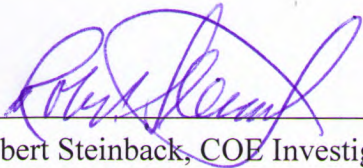
In response to this investigator's inquiry, which informed Wysong that the matter was still unresolved, Wysong sent an e-mail to Sweet, copied to the COE, directing that Crespo's request be fulfilled forthwith.

On Monday, November 25, 2013, Crespo notified this investigator that he received copies of the documents he sought.

**Conclusion(s):**

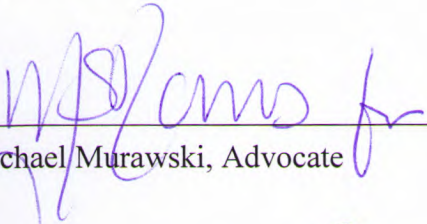
The complainant has received the documents he sought and this case should be closed.

Wysong appears fully cognizant of city and police department responsibilities under public records laws, and seems fully capable of informing city and police staff of their obligations to the public.

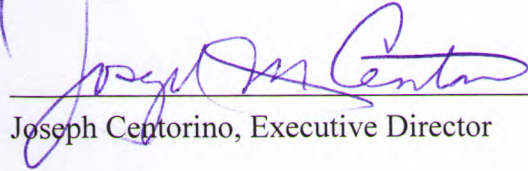


Robert Steinback, COE Investigator

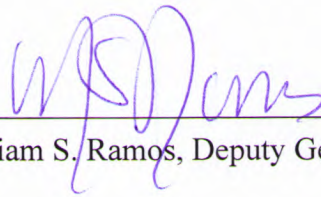
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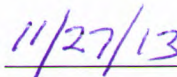
Michael Murawski, Advocate



Joseph Centorino, Executive Director



Miriam S. Ramos, Deputy General Counsel



Date