

Bulletin

OB Number # 10-09**Date: 9/01/10****High Achievers – August**

M. Valino	93 traffic citations	27 traffic warnings	2 arrests	6 reports
G. Fernandez	68 traffic citations	26 traffic warnings	4 arrests	8 reports
J. Valino	51 traffic citations	10 traffic warnings	1 arrest	2 reports
D. Dulaney	51 traffic citations	40 traffic warnings	5 arrests	5 reports
J. Gentile	45 traffic citations	27 traffic warnings	2 arrests	7 reports
T. Arboleda	41 traffic citations	16 traffic warnings	4 arrests	7 reports

Criminal Investigations Unit

Sgt. Rory Alberto has been selected as the CIU Supervisor. Sgt. Alberto's transfer is effective September 6. Sgt. Arch will supervise Squad B effective September 6 until new shift assignments on October 4. Any officer interested in the position of detective should email Asst. Chief Di Censo by September 10.

Community Services/ Crime Prevention

Crime/ Suspicious Activity Awareness for employees – Best Western, September 3 – Ofc. Matelis
SAFE Class – September 7 – Ofc. Matelis and Dina Goldstein

8th Citizens Police Academy will begin Sep 9. Ofc. Matelis and Dina Goldstein will manage the program. We received a grant from Target for \$1000 to assist with the program.

Fallen Officer Tribute – September 10 at 9:00am – Honor Guard Ofc. Luke

September 11 Memorial – Tropical Park – Honor Guard Sgt. Alberto

Bay Harbor K-8 School Assembly – Sep 23 at 9:00am – Ofc. Matelis and Parks and Recreation Director Tim Milian will address the students of the rules and proper conduct after school at the 96 Street Park.

Annual St. Michael Police Mass at St. Patrick's Church – September 24 at 11:00am – Honor Guard Sgt. Williams and Ofc. Ruiz

Prescription Drug Drop Off Day – Town Hall, September 25 at 10:00am – 2:00pm.

New Shift Assignments

We will begin the shift bid process on Tuesday, September 7, 2010 and it will take effect **Monday, October 4, 2010**. Sgt. Williams will be contacting each officer and dispatcher in order of seniority to bid for shift assignment. Supervisors will bid first. Available positions will be posted on a dry erase board in Sgt. William's office.

Operation Slow Your Roll

SPD will participate in this traffic school zone initiative with Miami-Dade School Police and Bay Harbor Police on September 7 at Bay Harbor K-8 in the morning and afternoon.

Red Light Camera and Master Pay Stations Projects

The Red Light Camera Project is in process. Sgt. Williams and two officers will be trained to oversee the review of the infractions. Start up date is expected in January 2011 after permitting and installation of cameras. The Master Pay Station project is expected by November. A parking officer is expected to be hired.

Court Case Ruling

Case: State v. Williams, 35 FLW D1935a (Fla. 3d DCA 8/25/10)

Date: August 25, 2010

Subject: *Arizona v. Gant* interpreted and applied—
Search of a vehicle incident to the arrest of the driver was lawful. It was reasonable for officers to believe that more evidence relating to the drug offense for which driver was arrested could be found in the vehicle

FACTS: Police officers stopped the defendant's vehicle due to darkly tinted windows. As the officers approached the vehicle, they smelled marijuana, and upon looking into the vehicle, an officer saw what appeared to be a marijuana cigarette near the gear shift. Williams was arrested for possession of marijuana, and removed from the vehicle. While searching the vehicle incident to the arrest, officers also found a loaded handgun under the seat. The defendant moved to suppress both the firearm and the marijuana, arguing that the search was unconstitutional under the dictates of *Arizona v. Gant*. The trial court found that the search constituted an illegal warrantless search under *Gant*, and suppressed the evidence. The state appealed.

RULING: The Third District Court of Appeal reversed the trial court, finding that the search of the vehicle incident to the arrest of the driver was lawful under the circumstances.

DISCUSSION: In *Arizona v. Gant*, 129 S. Ct. 1710 (2009), the United States Supreme Court held that police may search a vehicle incident to a recent occupant's arrest, without a warrant, only when (1) "the arrestee is unsecured and within reaching distance of the passenger compartment at the time of search," or (2) "when it is reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle." *Gant* at 1714. In the *Gant* case, police arrested Gant for a suspended license, and then searched his vehicle incident to the arrest. The Supreme Court held the search to be unreasonable, since Gant was secured at the time of the search, and police could not reasonably believe that searching the vehicle would reveal evidence of driving on a suspended license. However, in this case, the 3d DCA found that the officers made a lawful stop, and arrested Williams after smelling marijuana and seeing marijuana in the vehicle. Since the officers could reasonably believe that a search of the vehicle may lead to additional evidence relating to the marijuana charge, the search met the requirements of *Gant*, and was lawful.

COMMENTS: Officers should always be prepared to explain why vehicle searches incident to arrest were reasonably calculated to uncover evidence relating the offense of arrest, and document their reports accordingly.

Parking Complaints

Complaints of parking by construction workers in the business district and the residential areas have been reduced through strict enforcement over the past month. The number of workers at the Bal Harbour site will continue to increase over the next year. The management of the project is cooperating and has leased parking and buses in the Haulover lot. We still have a number of workers who find it more convenient to park in Surfside. The vehicles should be chalked and cited daily.

Status Offender Rules under the Juvenile Justice & Delinquency Prevention Act

A status offender is an offender who is detained due to their status of being a juvenile. In other words, detained for a behavior that is not illegal for an adult. These include truancy, curfew, running away, possession of tobacco, and possession of alcohol. The Possession of Alcohol, while a misdemeanor in Florida (§562.111), is considered a status offense by the Department of Justice, Office of Juvenile Justice & Delinquency Prevention, due to the fact that there are only three years in which an adult can be arrested for this (18, 19 and 20).

A status offender can be held non-securely only - not in a cell, not within a locked room, not handcuffed to a stationary object and not placed within a secure perimeter. There is one exception to this rule - if only a secure area is available for fingerprinting and photographing – a status offender can be introduced into this area for those purposes but must **immediately** be removed to a non-secure area. Their time within the secure area for these purposes must be documented in the **Juvenile Report Log** (JJJPA Compliance Form).

September Training

Florida Crash Report – Sgt. Valino
Vehicle Identification – Ofc. Mesa
Tactical Strength and Conditioning – Ofc. Matelis
Cultural Diversity – 4 openings