
MEMORANDUM

TO: MANAGER ARTHUR NORIEGA
MAYOR FRANCIS SUAREZ

FROM: CHIEF ART ACEVEDO

SUBJECT: RECENT ACTIVITIES BY CITY OFFICIALS

DATE: SEPTEMBER 24, 2021

This memorandum is to confirm my recent reports to you of misconduct of certain City Commissioners and to disclose additional misconduct to you in your leadership capacities with the City of Miami (City).

As you know, on April 5, 2021, I was sworn in as Chief of Police of the Miami Police Department (MPD). I came to Miami from the City of Houston, TX, Police Department after being recruited by you as the Mayor and City Manager. Both of you indicated there was a need to reform the MPD and to change the culture of the agency.

Early on in my tenure I learned the task of reforming the department would be arduous and the resistance to change from some in the department, including the FOP (MPD police union), and others, was intense. Despite this challenge, I have quickly come to love the spirit of most of the hard-working men and women of MPD, both sworn and support personnel. Unfortunately, certain City commissioners have interfered with the reform efforts and have interfered with a confidential internal investigation.

Interference with MPD Internal Affairs Division (IAD) investigation.

On or about June 3, 2021, I ordered the IAD to initiate an internal investigation after the department identified a breach of operational security involving the Sergeant-At-Arms Detail (SAAD), which is the detail tasked with providing executive protection to the Mayor and City Commissioners. Commissioner Alex Diaz de la Portilla and other commissioners have publicly identified Luis Camacho as the SAAD member involved in the investigation. I understand that Camacho is very close to Commissioner Diaz de la Portilla and is well-liked by Commissioners Joe Carollo and Manolo Reyes.

Subsequently, on or about June 24, 2021, a regular City Commission meeting was held during which I was called before the commission to be questioned in relation to a “pocket item” submitted by one of the commissioners related to the SAAD. I believe Commissioner Diaz

de la Portilla placed the pocket item on the agenda, and when the item came up, he asked for “the honor” of assuming the role of commission chair.

Incredibly, Commissioners Diaz de la Portilla, Reyes, and Carollo, who are civilians and not law enforcement officers, each proceeded to openly discuss the IAD investigation, despite its confidential manner and even though as commissioners they have no authority under the City charter or under the law to direct the MPD or interfere with its actions.

Commissioner Diaz de la Portilla led off the discussion by asking about the SAAD staffing. Commissioner Diaz de la Portilla then started making comments about the confidential investigation. De La Portilla stated, in essence:

“without going into all of the details of what has really happened here which to me is disgusting to be honest with you, I think it is lack of due process, I think it is arbitrary in nature, and I am not happy with it. **And I was clear with you when I spoke with you** but I am very clear publicly because I think it is important to be clear and honest, I am very direct. I think it was arbitrary, I think you pulled the trigger too quickly . . . I think before you tarnish somebody’s reputation, you need to do due diligence and go through an investigation because once you tag someone as something, even if they are exonerated at the end, they are tarnished. And to me that is not the right way to do things, my opinion, I am one commissioner. I am one commissioner, there's 5 here, there's the mayor, it is what it is.”

Commissioner Reyes stated, in essence: “The only thing I have to add is ‘Amen.’ The only thing I have to add is I feel the same way and keep on sir” (referring to Commissioner Diaz de la Portilla).

Commissioner Carollo subsequently stated, in essence:

“I would like to keep things in house, but I will say this to you publicly chief, and please understand where I am coming from. **While I have been walking very softly, I carry a hell of a big stick,** and it don’t matter what time of the year it is, whether it is election time, or not election time. And let that other character [unknown to whom he was referring] know too.

But if someone has breached a vow in their law enforcement position and you can prove it to me and show it to me, it is one thing, but if you are going to go on speculation and on the way something might look, that at the end might not be anywhere near what you thought it might look like, or what you were told it looked like, that’s a different story. **And I don’t want to see because of some of the end games of the Miami Police Department, any one officer be dealt with unjustly. And I am telling you now chief, unless you show me something different, I am beginning to think this is what happened. When we meet personally, I can give you several other roads that are even more believable than maybe something that the one you are looking at.** I am not happy that this come by, because Officer Camacho has been a professional, just like Commissioner Reyes said, he never talked to

anyone or got involved in anything, he did his job period. You have to show me, I have been around the block in this area for a long time and I think you know that. I don't want to be told, no no, it looks this way or that I want real evidence. If you don't have that I am going to expect that he comes back to the position he has."

After Commissioner Diaz de la Portilla spontaneously stated "absolutely," Carollo continued, "You're the chief, you can do whatever you want, **but I want you to know that from up here, we can do a heck of a lot more. I will leave it at that.**"

Commissioner Reyes then stated, "I support what Commissioner Carollo says about Sergeant Camacho, and I am also not happy about it."

Commissioner Diaz de la Portilla then stated:

"I am going to ditto what Commissioners Carollo and Reyes, said, Luis Camacho is a man, a man's man, he is discreet, he has been on this force for 23 years, with all due respect chief, you just got here, his history in this town, our town, is very well known, and before you crucify somebody or tarnish somebody's reputation, the proof better be there. And it has to be ironclad, and it can't be somebody made a phone call by coincidence. It can't be circumstantial, because you are talking about somebody's livelihood, you're talking about somebody's reputation, and the three of us before we got here he has always been discrete"

Commissioner Reyes added the Commissioners were not telling me what to do because it is prohibited by the City charter, but Commissioner Reyes then addressed the City Manager and directed to look into the matter and "do the right thing."

Subsequently, Commissioner Carollo asked how long the investigation would take, and Commissioner Diaz de la Portilla then stated: "**how long did it take you to decide to relieve him of duty. How long did that investigation last? How many days did it take for you to decide to tag him as a bad guy?**" De La Portilla ultimately stated that he was "99.9 percent convinced" that Camacho had done nothing wrong and that he would stake a lot on that.

These public remarks confirm the three Commissioner's improper efforts to influence the IAD investigation and reverse MPD personnel decisions. They are also consistent with what those three commissioners have said to me in private. Each of them has questioned me about the ongoing investigation in their offices, have falsely accused me in private of carrying out a vendetta against Camacho, and have demanded that I bring Camacho back to work and reappoint him to the SAAD. In one such private meeting, Commissioner Diaz de la Portilla told me in his office that I should consider running in the upcoming Miami-Dade Sheriff race. I told him I am not interested in running for office and he replied that "you are the most experienced and qualified candidate and would easily win. I run campaigns and will get you in." He then added "**that's assuming you do the right thing on Camacho and get him back.**"

Shortly after the conclusion of the June 24th commission meeting, I expressed my concerns over the actions described above to my staff, and to both of you, the City Manager and Mayor, as my superiors. I felt compelled to do so due to the fact that in a career spanning over 35 years, including in the three of the most populous states in the Union and leading three of the largest law enforcement agencies in the United States, I have never personally experienced such interference in a confidential law enforcement investigation.

Today, in a related development, September 24, 2021, at approximately 10:57 a.m., I received notification that a felony warrant had been signed by a judge in Monroe County, Florida for the arrest of Frank Pichel for impersonating a law enforcement officer. I understand that Pichel works or has worked as a Private Investigator gathering “dirt” for Commissioner Carollo and other elected officials. In light of Carollo and Diaz de la Portilla’s pattern of continued attacks on MPD and me, the complexity of the web we have begun to untangle, the multiple jurisdictions involved, and the safety issues at stake, I called and informed you both on a three-way cell phone call on September 24, 2021, at approximately 11:29 a.m., and advised you of the pending arrest of Mr. Pichel. I did so to ensure both of you are situationally aware for your own safety, and to also advise you of my intent to request assistance from the Federal Bureau of Investigation, and the United States Department of Justice. I also reminded you of the fact I had spoken to high level DOJ Officials in Washington, D.C., and have requested assistance in reviewing MPD internal affairs processes, and several non-fatal use of force incidents. Considering what has occurred to date, our MPD and the City has no choice.

Unfortunately, the Commissioners’ interference in the confidential IAD investigation is not their only misconduct.

Interference with Reform Efforts and MPD Staffing.

On or about August 2, 2021, former Houston Police Department (HPD) Assistant Chief Heather R. Morris was sworn in as the first female Deputy Chief (DC) of the Miami Police Department. DC Morris previously worked with me for 4 ½ years at HPD as the Robbery Division Commander, Internal Affairs Division Commander, and as Assistant Chief overseeing Criminal Investigations Command (Homicide Division, Special Investigations Unit, Robbery Division, Major Assaults/Family Violence Division, Victim Services Unit, and the Burglary and Theft Division). At HPD she was highly regarded and successfully performed her duties. It is important to note she has over 22 years of sustained excellence in a department well over five times the size of the MPD and served a community nearly five times larger than the City of Miami. In fact, that department’s budget is on par with the entire budget of the City of Miami and the workforce she helped lead is larger than the City of Miami workforce.

DC Morris and her family, like me and my family, came to Miami with the best of intentions and in the hope of helping to reform and improve the culture of MPD, which is the mission given to me by you as my superiors at the City of Miami and by certain Commissioners including Commissioners Diaz de la Portilla and Carollo, who had previously encouraged me to bring police executives from outside of the MPD to assist me in my reform efforts. Unfortunately, these Commissioners have changed their tune and have eliminated her position in the 2021/22 FY budget. It is clear to me that they are doing so as part of their efforts to meddle in the affairs of the MPD and to improperly influence the ongoing IAD investigation.

Specifically, on or about September 13, 2021, the City Commission held a budget reading. During the beginning of the meeting, the Commissioners discussed eliminating a position (Director of Constitutional Policing) that I told you I needed to help me reform MPD before accepting the Chief position. Commissioners Carollo, Reyes and Diaz de la Portilla voted to remove the funding for that position from the budget and instead provide it to the City Attorney for additional staffing, as part of the Commissioners' continued retaliation and effort to harass and intimidate me and my team, and to hamper my efforts at reform.

Throughout the discussion of the MPD budget during the September 13, 2021, budget meeting, Commissioners Carollo, Diaz de la Portilla, and Reyes targeted me and MPD, and manipulated the budget process to further their vendetta against me and other members of the department for refusing to succumb to their unlawful interference and obstruction.

The Commissioners made the following statements from the dais:

Carollo stated, in essence, "that position (Deputy Director of Constitutional Policing) or and whatever other names that he (referring to me) wants use for, so we aren't being played with later on, is eliminated."

Carollo then addressed Jorge Blanco, Civilian Commander of the MPD Budget Office, and stated, "Mr. Bean Counter, if there are games played, with that position later on where you know, you try to move the cups, and hide the bean, I will call immediately for a budget amendment hearing and the new budget amendment, your position (referring to Blanco) we are going to dust also. And if I have to up the ladder, I will keep doing that. So, I don't want any games like I saw here a few minutes ago, because I am reading to peoples' minds. You know in my prior life; you know I was a mind reader"

Carollo made the following misleading statements about positions he knew full well were requested by him and other commissioners:

"Mr. Manager, I am not used to having this ever, and Mr. Manager, can you come up, I'd appreciate it. Mr. Manager, I am sitting back here, I can't believe what is going on here. You're the City Manager, you set the budget that you are proposing to us, and now, they're telling me that the request that they have made to you that you did not approve, there coming directly to us to ask for that request. This is what this gentleman here (Blanco) is telling me. I have never seen something like that done before in all the years that I have been sitting in budget hearings on this commissioner or any other commission. If a department director had pulled this on me when I was City Manager before, he wouldn't be around. He wouldn't be around. So, what the heck is going on here, are you in charge? Are they in charge? Who is in charge? You told them [MPD/me] this is the budget you are going to propose. I had no problems with that, if I would tell you. But now they are telling me, that they are proposing this to us up here to see

if we would overrule you. And you know, there has to be a chain of command, this is not the way things are done.”

He later continued, “this the part that is starting to scare me, I am seeing actions that I have never seen before. And, it is going to be one voice, and you are the manager. You are the one that I am listening to.”

I believe these misleading public statements by Commissioner Carollo were made to create the false appearance that the MPD and I were somehow insubordinate to the City Manager.

Furthermore, since my arrival at MPD in April, I have uncovered a pattern of unlawful use of force by officers, and in some instances the chain of command has covered up the unlawful use of force by some officers. I have discussed my concern regarding the failure of some MPD supervisors and managers to hold officers accountable for the unlawful use of force. I have begun the process of addressing this issue with the assistance of Deputy Chief Morris, who has extensive experience as the former Commander of Internal Affairs at HPD, and I looked forward to obtaining additional help with the position slated for Policy and Constitutional Poling, to help reform the department. However, during this September 13th Commissioner meeting, Commissioners Carollo, Reyes, and Diaz de la Portilla manipulated the budget process to hamper my reform by eliminating the funding for the two aforementioned positions, which are critical to any serious reform efforts.

It is important to note that the Commissioners chose not to eliminate the newly created position of Assistant Chief (currently occupied by Assistant Chief Carroll). Instead, Commissioners Carollo, Diaz de la Portilla, and Reyes led the charge to eliminate the long-standing position of Deputy Chief as part of their efforts to interfere with the MPD’s affairs including the IAD investigation, hamper my given mission to reform the MPD, and retaliate for refusing to succumb to their collective efforts to influence the outcome of the ongoing IAD investigation and operations.

These Commissioners have gone so far as to threaten to fire the City Manager if he does not do their bidding and have directed the City Manager to order me not to take any disciplinary action against any employee until after a Special City Commission meeting, which they have called for September 27, 2021. These actions are clearly meant to improperly direct and control the MPD, including the attempts to influence an ongoing and confidential investigation, and are disturbing and unprecedented in my career.

After the September 13th Commission meeting, I again discussed the actions of these Commissioners with my executive team, and with you as my superiors at the City of Miami. I made it clear that the actions of these three Commissioners are part of a pattern of interference and intimidation, designed to obstruct an open and confidential investigation and an effort to improperly manage and direct the activities of the MPD for the Commissioners’ personal and political purposes. I have discussed these sustained efforts and the Commissioners’ violations of the City Charter and governing law with you as my superiors.

On September 23, 2021, during the regular City Commissioner hearing, the City Manager met briefly with me and told me in essence, “I understand you are transferring someone named

Blanco into internal affairs. Carollo just jumped on me and went off stating he knows you are transferring Blanco and he is livid because Blanco is close to SAAD Senior Sergeant Lamprou, and he is threatening to blow up your budget further.” This is additional evidence of Commissioner Carollo improperly interfering with the activities and staffing of the MPD.

It is important to note that at the conclusion of the regular Commission meeting on September 23, 2021, Carollo went into his Commission Office, and neither he nor Diaz de la Portilla took the dais during the second budget meeting. Moreover, shortly after the end of the regular meeting and start of the Budget hearing, MPD FOP Union President Tommy Reyes entered Carollo’s office, where I believe they remained throughout the budget hearing.

Interference With and Improper Use of MPD Resources.

Furthermore, Commissioner Carollo is targeting me, in part, for my refusal to allow him to use the MPD as his personal enforcer against anyone he perceives as offensive. My refusal to allow Commissioner Carollo to dictate the actions of members of the MPD has led him to engage in a pattern of retaliation and threats.

Specifically, on June 25, 2021, I received a call from Commissioner Carollo telling me he was at the monthly Calle Ocho event. He insisted there were “agitators” in the crowd and demanded I dispatch Special Investigations Section Detectives. This is an example of Carollo’s pattern of using and directing MPD. I contacted Major Thomas Carroll and told him that Carollo was insisting “these son of a bitches are here at the event and they are agitating and we need to arrest them and get them out of here.” Major Carroll told me he would take care of it, and I later learned that MPD personnel did not locate any “agitators” after an extended period of observation.

Carollo also has complained on numerous occasions to me and the City Manager about alleged corruption in the City Code Enforcement Department. Because of Carollo’s harassment of the City Manager on this issue, and at the direction of the City Manager, MPD investigated the matter. The MPD investigation did not uncover any evidence of corruption. Nevertheless, Carollo continues to insist that City Code Enforcement is corrupt and continues to demand that MPD take enforcement action. Carollo has not provided any evidence of his insistent claims of corruption, and as previously stated, the MPD investigation did not uncover any evidence to support Carollo’s claims. Carollo continues to attempt to influence the MPD and City Code Enforcement deployment decisions. In fact, Carollo and Diaz de la Portilla provided the MPD with a target list of establishments which *they* claim are engaged in criminal activity and have pointed the finger at establishments in each other’s districts, causing the MPD to investigate business establishments based on nothing more than the whims of Commissioners Carollo and Diaz de la Portilla.

The MPD SIS/Vice Division has wasted untold hours investigating business establishments because of the improper political influence of, and intimidation by, these two commissioners. Unfortunately, Commissioner Reyes frequently joins Carollo and Diaz de la Portilla in their pattern of official misconduct. After five months of observing these two commissioners, and the negative impact they are having on MPD and our business community, coupled with their unlawful obstruction of the IAD investigation involving Camacho, I feel compelled to memorialize and report their unlawful and retaliatory conduct.

Another example of Commissioner Carollo's malfeasance occurred on July 31, 2021, a "Patria y Vida" event held at Bayfront Park. During this event I worked all day. Commissioner Carollo became upset because, according to him, there were "agitators" in the crowd. Carollo told me to "arrest those communists and get them the hell out of here." I immediately directed investigators to keep an eye on the area that Carollo was complaining about. I now understand that Carollo was incensed that MPD did not immediately make arrests as he directed. In fact, Commissioner Carollo has publicly accused me of being too busy taking selfies with the crowd and spending time in crowds in retaliation for my refusal to arrest and remove his enemies and those who were exercising their First Amendment rights. Carollo has made numerous appearances on Spanish radio and has engaged in a sustained attack on me in his attempt to harm my professional reputation with the community and in his continued effort to intimidate, harass, and retaliate against me for not carrying out his unlawful requests.

These events are deeply troubling and sad. I have no choice but to memorialize and report the above series of improper acts, because the men and women of the MPD, and the wonderful community we serve, deserve leadership that is committed to the rule of law. I want to note that I absolutely love the men and women of MPD.

I close by saying that I have been told on numerous occasions that, if I just give these commissioners what they want on the IAD investigation, they may very well leave me alone for now. However, my sworn duty is to uphold the rule of law and follow the evidence wherever it may lead, and to work for the wellbeing of the men and women of the MPD, the lawful independence of MPD, and the people of the City of Miami. If I or MPD give in to the improper actions described herein, as a Cuban immigrant, I and my family might as well have remained in communist Cuba, because Miami and MPD would be no better than the repressive regime and the police state we left behind. It is for these reasons, and more, that I will be providing this information to the proper authorities.

With Great Respect and Heavy Heart,



Art Acevedo

Chief of Police

Miami Police Department