



CITY OF ORLANDO

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Citizens' Police Review Board
(407) 246-2595

April 13, 2016

John W. Mina, City of Orlando Chief of Police
Orlando Police Department Headquarters
100 South Hughey Avenue
Orlando, Florida 32801

Dear Chief Mina:

On April 6, 2016, the Citizens' Police Review Board for the City of Orlando (Board) met to review several cases presented by Internal Affairs including IR-15-53 involving Officer James Wilson. The Board unanimously disapproves the findings exonerating Officer Wilson regarding the violation of RM 800-2, Arrest, Use of Force, for several reasons detailed below. Board members thoroughly reviewed the materials provided including video footage of the incident. Even though he was not present at the meeting, Eric Jackson, Vice Chairman, reached out to the City to express his agreement with the Board's deliberations.

At the outset, we find it imperative to state how pleased we are with the degree of professionalism normally exhibited by the Orlando Police Department and Internal Affairs on the overwhelming majority of cases. As Mr. Rivers stated at the last Board meeting, it only takes one case to erode all of the good done by OPD and the brave officers representing the Department. We have grave concerns this is one of those incidents Mr. Rivers was referring to in his statements. As a Board, we fear erosion of confidence from the public towards OPD as it sets us on a path potentially causing harm to the City of Orlando.

In the Report of Investigative Actions, Investigator Rene Ingoglia explains the reasoning for exonerating Officer Wilson regarding RM 800-2 Arrest, Use of Force. Investigator Ingoglia states Officer Wilson had probable cause to stop Mr. Johnson. The Board has issue because Mr. Johnson was never told he was stopped or under arrest or informed that probable cause had been established against his person.

The report continues to state "Officer Wilson attempted to facilitate an arrest on Mr. Johnson reference, Resisting an Officer without Violence." The evidence simply does not demonstrate Officer Wilson ever instructed Mr. Johnson to stop or that he was under arrest.

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Investigator Ingoglia also states, "Mr. Johnson began to walk away from Officer Wilson disobeying his lawful commands and when Officer Wilson attempted to go hands on with Mr. Johnson in order to make the arrest, Mr. Johnson violently resisted Officer Wilson and began to batter the officer." Here is where the Board has a significant problem with the investigation. Officer Wilson did not issue any commands to Mr. Johnson to stop or place him under arrest. As such, Mr. Johnson has a constitutional right to leave. Since there was no order to stop and no announcement Mr. Johnson was under arrest, Officer Wilson had no right to "go hands on" with Mr. Johnson. Mr. Johnson was simply walking away not posing any threat to Officer Wilson. Internal Affairs properly sustained the charge of RM 900-7 regarding Conduct Toward the Public because it is clear Officer Wilson instigated a fight with Mr. Johnson. Sergeant Sanderling best explains what happened when he states "[Officer Wilson's] emotions I think got to him that day."

The video evidence demonstrates Officer Wilson approached Mr. Terre Johnson and did not ask him to leave or place him under arrest. Officer Wilson was certainly belligerent towards Mr. Johnson invading his personal space and waving his hands in front of Mr. Johnson's face. Officer Wilson also mocked Mr. Johnson's pronunciation of words having either a racist or homophobic intonation, specifically with the word "tent." Officer Wilson taunted Mr. Johnson appearing to incite a fight. While Mr. Johnson was sitting, Officer Wilson placed both of his hands on Mr. Johnson's chest and pushed him back. At this point, since Mr. Johnson was sitting in the same place as when Officer Wilson approached him and since Officer Wilson never instructed Mr. Johnson to depart or tell him he was under arrest, it appears Officer Wilson committed battery upon Mr. Johnson at that moment, even before the altercation broke out.

Subsequently, Mr. Johnson stands up and begins to walk away. The audio is quite clear and at no time does Officer Wilson instruct him to stop or place him under arrest. As a citizen, at that time, Mr. Johnson is free to walk away. Nevertheless, Officer Wilson attacked Mr. Johnson. The video does not demonstrate Mr. Johnson lunging towards Officer Wilson. The video shows Officer Wilson rushing towards Mr. Johnson. At that point, Officer Wilson used excessive force. The severity of the use of force only aggravates the matter. As a Board, we take issue with Officer Wilson so blatantly violating Mr. Johnson's Constitutional rights. When Officer Wilson attacked Mr. Johnson, he ceased acting in an official capacity but used the protection of the uniform and badge to justify his actions.

Internal Affairs correctly sustained Officer Wilson for violating Conduct Towards Public in RM 900-7. It is clear Officer Wilson acted in a demeaning, condescending, and threatening manner towards Mr. Johnson and those around him. Officer Wilson picked this fight and when Mr. Johnson began to walk away, Officer Wilson made sure there was a fight.

The Board also questions why Internal Affairs did not investigate Officer Wilson for wearing a name badge not belonging to him. When asked about this confusion, the

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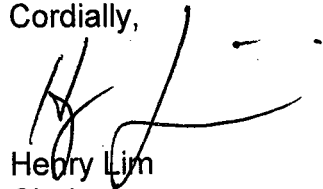
Board did not receive an adequate response and only exacerbates what appears to be a poorly conducted investigation.

Incidents such as these, followed by exonerations, combine to have a toxic effect upon the relationship between citizens and police. The City of Orlando is better than this and Officer Wilson's actions are unbecoming of an officer wearing the OPD uniform.

We find it odd Officer Wilson was not even investigated by the State Attorney or the Orlando Police Department for Battery or Aggravated Battery but that is not for this Board to decide. However, as citizens, we encourage you to further investigate this matter, refer it to the necessary authorities so at least an investigation begins, and offer explanations for your reasoning of exoneration.

Thank you for your consideration.

Cordially,



Henry Lim
Chairman
Citizens' Police Review Board, City of Orlando

cc: Citizens' Police Review Board Members
Kyle Reynolds, Board Administrator
Kimberly Laskoff, Board Attorney

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