

Barbara L. Orban
Tampa, Florida 33609

August 10, 2002

Jeffrey Del Fuoco
Assistant U.S. Attorney
400 North Tampa Street, Suite 3200
Tampa, FL 33602

Dear Mr. Del Fuoco:

As requested, attached is documentation regarding my complaint that Tampa police officers falsified a traffic citation and crash report, which they claim is their policy. Unfortunately, the complaint is lengthy because I did not initially understand Florida laws or know a false crash report existed. Similar to your Plant City case, my experience demonstrates the lack of police integrity when top police and city administrators do not perform their duties since they are the sole source of police department accountability. My experience demonstrates the ease of false reporting, with Tampa police officers and administrators admitting they fabricate information. They know a recourse for citizens does not exist. Every alternative I pursued led back to the police department – the source of the problem.

As discussed, my experience began in March 2000 with training Officer Bowden informing me that I did not violate a traffic law in a minor accident but his supervisor (Corporal Wagner) was requiring a citation due to my “characteristics.” [My “characteristics” likely pertain to my previous complaint about a falsified citation. I pressured the Tampa police to investigate, which resulted in the officer’s termination for untruthfulness.] In addition, Bowden’s trainee falsified an injury on the citation and completed the long crash form (used when injuries occur). He also falsified air bag deployment on both cars, misrepresented the road as dry and weather as clear, and failed to provide my statement in the narrative of mitigating circumstances regarding an obstructed view and wet pavement. Consequently, the judge said my report of circumstances was inconsistent with police reporting and he withheld adjudication. The police department repeatedly refused to respond to my complaint of false reporting, though I complained through many venues. The citation was dismissed in January 2002 after I hired an attorney and filed a motion for reconsideration of verdict. I provided documentation of the false police reporting and their unwillingness to change false entries or investigate my complaint of false reporting. Judge Myers readily dismissed the citation, which attests to the importance of correct information.

When the citation was written, Officer Bowden advised me to take the falsified citation to court, explained how to obtain relevant Florida statutes through the web, and said he would not attend the hearing and the citation would be dismissed because no one would testify against me. *He further advised that the practice of falsifying citations would continue until someone like me files a lawsuit against the State.* State laws preclude such practices, but systems for enforcing laws do not.

Although Bowden told me the citation was written for “following too closely,” his trainee, Officer Duncan, actually wrote the citation for “careless driving” and falsified the crash report. Insurance companies categorize careless driving with DUI and reckless driving. My crash report was the first written by the trainee, who informed me he did not conduct an investigation and wrote the report based on “police department policy.” Prior to the hearing, he refused to change the citation to the lesser charge or delete the injury misrepresentation.

After the August 2000 hearing, I made a telephone complaint to Detective Murray of Internal Affairs about false reporting, and he said they would not accept my complaint because “*licensed uniformed officers can do whatever they want to do.*” This likely accounts for Tampa’s 50% decrease in Internal Affairs investigations from 1997 to 2000, despite Florida Statutes requiring police departments to investigate all complaints against officers. The discussion with Murray is referenced in my September 7, 2000 letter to Chief Holder requesting his intervention. Holder responded and affirmed the injury misrepresentation and senior officer’s different conclusion but stipulated this officer would be required to support the new officer’s reporting and conclusion if subpoenaed. The training officer was subpoenaed for the January 2002 hearing, but did not attend. Police administrators did not respond to my second letter requesting intervention. I filed a written complaint to Internal Affairs in December 2000. A month later, my husband called Internal Affairs and Murray informed him they would not respond to my written complaint because my record could be “expunged” if they did so. *Murray later told me false entries are acceptable as “speculations,” and that Tampa police policies require citations written when called to a crash even if a violation of law did not occur.* This conversation is summarized in the first of my two letters to the mayor, which questions whether these practices are legal. [Tampa receives a percentage of the traffic citation revenues.] The Florida Office of Attorney General (OAG) identified the mayor as the only entity available for intervention. The mayor did not respond.

OAG Ethics staff told me police department accountability is a major issue in smaller Florida towns because all too often “the police chief is the mayor’s brother-in-law and each own half the town.” They recommended that if the mayor would not respond, I should contact a City Council member, the media, and seek FDLE advice. My husband contacted City Councilman Bob Buckhorn, the public safety liaison, who referred the complaint to Sgt. Bennett, the police chief’s assistant. Buckhorn did not respond when advised of the FDLE suggestions for intervention. Bennett told Amy Herdy, a St. Petersburg Times reporter, that entries were false but did not need correcting because the officer was new. Although Herdy said she would print the story on two occasions, she did not.

FDLE Special Agent Terry Rhodes recommended obtaining TPD policies, identifying discrepancies between policies and practice, and reporting them to CALEA – the police accrediting association. When I requested policies and indiscreetly declared my intent, Tampa police Internal Affairs Captain Marks did send a letter, which regards the report as factual. The letter is postmarked one day after the policies were sent. Charles Guest, police accreditation officer, told me they made a mistake because the IAB letter was supposed to precede the policies to create the appearance that I requested the policies after they responded to my complaint. Since recourse is non-existent, Guest was forthright about the intended deception, similar to the officers and Murray. I made a complaint to CALEA regarding the Tampa police failure to follow policies. I also sent an amended complaint letter to Internal Affairs Captain Marks, which expanded my complaint to include Detective Murray and Internal Affairs. TPD never responded. The CALEA site visit report acknowledges my complaint, and states Tampa Police conducted an investigation and disciplinary action followed. CALEA would not provide further information and referred me to the police chief. My attorney’s public records did not produce documentation of an investigation or disciplinary action. I subsequently contacted FDLE Special Agent Supervisor Mark Dubina who advised FDLE only responds to police chief or mayor complaints.

I asked the Florida Department of Highway Safety and Motor Vehicles for an alternative method to correct a false crash report. They referred my question to the Florida Highway Patrol, who suggested contacting the police chief. I subsequently spoke with FHP Captain David Tripp who explained the Tampa police practices are illegal and violations of Florida Statutes 839.13 falsifying records, 837 perjury, 839.25 official misconduct, and 845.0855 criminal actions under color of law or through use of simulated legal process. Captain Tripp advised hiring an attorney and considering a civil suit. Unfortunately, the cost of a suit would exceed damages, which are currently \$5,000 in legal expenses.

After the citation was dismissed, my attorney requested the City Attorney to amend the false entries and provided the documentation used when the citation was dismissed. Assistant City Attorney, Rainsberger responded that only the street name was corrected, writing "*We acknowledge that the citation and crash report contain errors, some of which are material in a general sense, others which are not. ... We ... do not pretend the rest of the report is 100% accurate ... given the number of reports this agency generates, we simply cannot engage in protracted arguments when someone disagrees with details of a report. Obviously any material disagreements may be resolved in court.*" They allowed the false report to be used in court on two occasions. Additional public record requests are pending.

The following materials are attached, with perceive important information highlighted due to volume.

1. My December 2000 written complaint to TPD regarding false reporting and discrimination.
2. My January 2001 and February 2001 letters to the Mayor Greco detailing the discussion with IAB Detective Murray and OAG advice.
3. My May 2001 expanded complaint after obtaining the false crash report and TPD policies.
4. My attorney's April 2002 request for corrections of verifiable false entries [the supporting documentation is available]
5. Assistant City Attorney Rainsberger's refusal to correct false information.
6. The citation and crash report.
7. My August 2001 motion for reconsider of verdict based on new information, with an addendum
8. My husband's written statement submitted with the motion.
9. Chief Holder's crash report in which he was at-fault and did not receive a citation.
10. Clerk's Certificate of Disposition that my citation was dismissed
11. My September 2000 letter to the police chief requesting intervention from the training officer.
12. Chief Holder's September 11, 2000 response to my request.
13. My September 22, 2000 second request for intervention from TPD - they did not respond.
14. Internal Affairs's Captain Marks March 28, 2001 letter following my request for TPD policies.
15. E-mail communications with Bob Buckhorn
16. My complaint to CALEA, CALEA report findings, and subsequent e-mail with CALEA.
17. My correspondence to HSMV and the FHP responses.
18. My attorney's public record requests - the 2002 requests are pending.
19. Florida Statutes regarding the requirement for investigation of complaints regarding officers
20. 2000 TPD Annual Report – Internal Affairs Case statistics
21. Tampa's Traffic Crash Investigation standard operating procedure.
22. Two other examples identified for my case study, regarding falsified citations and crash reports.
23. A TPD officer's evaluation of "below expectation" in traffic law enforcement, because he did not write citations following accidents and did not achieve quotas, which can affect step pay increases.
24. The IAB disciplinary Action from my 1999 (first) complaint to TPD regarding a falsified citation.

It is disturbing that police officers can fabricate reports in the absence of any accountability. Tampa police Sergeant ... has assisted me and would be available to speak with you regarding his perspective on Tampa police department corruption. Please let me know if you can do anything about this statewide problem or have any advice for me in advancing laws to require enforcement of existing laws. My telephone number at work is 974-0346. Your Plant City efforts are most commendable, and hopefully will have an impact beyond the one town.

Sincerely,

Barbara L. Orban