

Professional Compliance Unit, Public Records Exemption Sheet

Check the items contained in the file and include the page or location of the exempted item.

Exemptions: YES NO (If, No, leave form blank)

Note: The basis for any statutory exemptions from public disclosure, including citations, is included below. Citations to the Florida Statutes are shown after the "§" symbol.

1. Juvenile Information (If a juvenile is arrested for a felony, or is found by the court to have committed three or more misdemeanors after October 1, 1994, records **are not exempt from disclosure**. Also, records pertaining to juveniles that are in the adult system or indicted are **not exempt from disclosure**.)

Official Record No.

Juvenile's Name, Photograph: § 985.04(1)		
Juvenile's Address/Telephone: § 985.04(1)		
Juvenile Crime or Arrest Report Records: § 985.04(1)		
2. FBI Rap Sheet: § 943.053(2)		
3. FDLE Rap Sheet: § 943.053(2)		
4. Restricted D.A.V.I.D. Information § 322.142(4)		
5. Medical Records: § 119.071(4)(b)	X	2 and 22
6. Sexual Battery Victim: § 119.071(2)(h)		
7. Child Abuse Case: § 39.202(1) & (6), § 39.301(18)(b), § 92.56(1)		
8. Confidential Informant: § 119.071(2)(f)		
9. Surveillance Techniques: § 119.071(2)(d)		
10. All Records Supplies by Telecommunications Company: § 119.071(5)(d)		
11. Information Revealing Undercover Personnel: § 119.071(2)(d), § 119.071(4)(c)		
12. Active Criminal Intelligence Information: § 119.071(2)(c)1		
13. Active Criminal Investigation Information: § 119.071(2)(c)1		
14. Law Enforcement Personnel Information (include non-sworn): § 119.071(4)(d)1		
Employee Photographs: § 119.071(4)(d)1		
Employee Address/Phone (Past/Present): § 119.071(4)(d)1		
School Attended by Employee's Children: § 119.071(4)(d)1		
Spouse's Place of Employment: § 119.071(4)(d)1		
Employee Social Security No: § 119.071(4)(d)1, § 119.071(4)(a)		
Employee Bank Account Number(s): § 119.071(5)(b)		

Investigator's Name: Cory Krotenberg

Investigator's Signature: _____

Case No. IA 21-009

CASE SUMMARY

DATE: June 4, 2024

TO: Kenneth D. Ottley, Chief
Opa-Locka Police Department

VIA: John T. Ryan, Captain
Professional Compliance Unit

FROM: Mohan Britton, Detective
Internal Affairs Section

SUBJECT: Complaint of Anonymous and
Sergeant Michael Steel

CASE NUMBER: I.A. 21-009

Investigator's Note: Due to matters unrelated to this investigation, Captain Perez was demoted to the rank of Sergeant on January 17, 2022; however, solely for continuity purposes, he will be referred to throughout this report as Captain Perez, the rank he held at the time of this incident.

It should also be noted that Captain Perez has been employed by the OLPD since 2007, a 14-year tenure at the time of this incident, holding every rank in the OLPD from officer, through captain. He is also a graduate of the Northwestern School of Police Staff and Command.

INVESTIGATION

On September 7, 2021, then Opa-Locka Police Department (OLPD) Chief Steven Barreira hand delivered a copy of an anonymous email to the Professional Compliance Unit (PCU). The email alleged that OLPD Captain Sergio Perez tased OLPD Sergeant Michael Steel.

The email went on to describe an incident where Captain Perez and OLPD Sergeant Michael Steel became involved in a verbal dispute, during which Captain Perez discharged a taser at Sergeant Steel. (For further details, refer to Official Record #1.)

Complainant's Allegations:

On September 7, 2021 Sergeant Steel provided a sworn statement to this investigator at the OLPD PCU office. Sergeant Steel provided details regarding an incident that occurred on September 1, 2021.

Sergeant Steel stated that he was sitting at his desk when Captain Perez entered the office, dressed in business attire, with a powered on taser in his hand. Sergeant Steel indicated that Captain Perez then told him that he was there to certify him with the new

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Taser 7 and asked Sergeant Steel if he was ready to be certified. Sergeant Steel stated that he told Captain Perez, "No."

Sergeant Steel further stated that Captain Perez insisted, telling him that the taser he had belonged to Sergeant Steel, but he had to be certified. Sergeant Steel added that Captain Perez pointed the taser at him several times and each time Sergeant Steel would cringe and say, "Captain, don't do it!" Sergeant Steel indicated Captain Perez found the situation to be very funny.

Sergeant Steel advised that Captain Perez then walked out of the office and called Officer Jamesha McKinney over, who then entered Sergeant Steel's office. Sergeant Steel stated that Captain Perez then offered to certify Officer McKinney, who initially accepted but subsequently declined and left the office.

Sergeant Steel further stated that after Officer McKinney left the office, Captain Perez walked about two to three feet toward him, as Sergeant Steel kept repeating, "Captain, don't do it! Don't do it," while turning his chair around. Sergeant Steel indicated that as he began to turn the chair, he was subsequently struck with the taser. Sergeant Steel explained that he shot up out of his chair when he felt the impact. He described it as feeling as if he had been stung by a bee, but having been tased in the past during training, was surprised that it was not more painful. Sergeant Steel indicated that Captain Perez then told him to stop being a baby.

Sergeant Steel advised that after he was tased, Captain Perez showed him the "prongs" which he described as looking like buttons wrapped in Velcro. Sergeant Steel indicated that he was not sure how to react, while Captain Perez laughed it off and left the office. Sergeant Steel added that he was wearing his uniform shirt and he was not wearing a vest. He further advised that he began to feel some discomfort in the area where he was tased and then entered the bathroom to look at the injury and take some photographs. Sergeant Steel stated that he subsequently responded to Urgent Care without advising any OLPD personnel.

Sergeant Steel stated that he could not recall if Officer McKinney was in the room when he got tased; however, he explained that he believed that the occupants of the adjacent offices heard the taser deploy because it was loud. Sergeant Steel indicated that shortly

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after he was tased, Executive Secretary Tequilla Brown called him to say she heard he cried like a baby. He added that he could hear Captain Perez laughing in the background.

Sergeant Steel indicated that he wrote a Memo-to-File regarding the incident but did not actually report the incident when it occurred. He indicated that he was angry and did not know what to do. Sergeant Steel further explained that due to recent suspensions and people being relieved of duty, he just wanted to keep his head down. (For further details, refer to the sworn audio recorded statement.)

Complainant alleges that:

1. On September 1, 2021, at approximately 2:00 PM, Captain Sergio Perez violated departmental policy when he deployed a taser in a manner inconsistent with training. (Allegation Classification: Departmental Misconduct/Less Lethal Weapons)

Reference Violation:

Opa-Locka Police Department, DIRECTIVE, 200.03 CONTROL OF PERSONS VI. Control of Persons Using Less Lethal Weapons and/or Munitions. Below are the current impact type weapons approved for use by members of the Department. Prior to being carried and used, members must be trained and certified in the use of any of the items shown below:

1. ASP
2. TASER

Officers are forbidden from using an impact weapon in any manner other than for what they were designed and/or intended for. Officers shall only use the equipment in the manner instructed at the time of training. Impact weapons shall not be used to strike any portion of a person's body above the shoulders.

2. On September 1, 2021, Captain Sergio Perez violated departmental policy when he deployed a taser in several Opa-Locka Police Department offices failing to set an appropriate example for those under his command. (Allegation Classification: Departmental Misconduct/Leadership)

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Reference Violation:

Opa-locka Police Department, Departmental Manual, 100.00 RULES AND REGULATIONS I. THE ORGANIZATION OF THE OPA-LOCKA POLICE DEPARTMENT:

- F. Superior Officers. 1. Leadership: c) Superior officers shall by their kindness, courtesy, and careful painstaking attention to duty, set an example for all officers under their command.
3. On September 1, 2021, Captain Sergio Perez violated departmental policy when he failed to use the authority of his command level position in an intelligent and efficient manner to protect Sergeant Michael Steel from injury. (Allegation Classification: Departmental Misconduct/Performance of Duties)

Reference Violation:

Opa-Locka Police Department, Departmental Manual, 100.00 RULES AND REGULATIONS I. THE ORGANIZATION OF THE OPA-LOCKA POLICE DEPARTMENT:

- F. Superior Officers. 3. Performance of Duties: Superior officers shall constantly direct their best efforts toward the intelligent and efficient performance of the functions of the Police Department and shall require the same of their subordinates; namely; the protection of persons and property, the preservation of public peace and order, the prevention of criminality and suppression of crime, the collection, identification, and preservation of evidence, the recovery of lost and stolen property and the enforcement of the ordinances of the City of Opa-locka and the Laws of the State of Florida
4. On September 1, 2021, at approximately 2:00 PM, Captain Sergio Perez deployed a taser near Sergeant Michael Steel, striking his back and causing bruising. (Allegation Classification: Departmental Misconduct/Force Violation)

Reference Violation:

Opa-Locka Police Department, Departmental Manual, 100.00 RULES AND REGULATIONS IV. USE OF FORCE: A. Use of Force: Police Officers, as part of

their duties, may have to use various degrees of force, up to and including deadly force, on persons that are being placed under arrest, displaying threatening behavior or attacking an officer or other person. It is the policy of the Opa-Locka Police Department that officer shall use only that force necessary to effect an arrest, defend themselves or others and/or to cause the person to cease their behavior and be compliant with the officer's commands. Officers shall only use those firearms, defensive tactics and/or less lethal weapons as authorized in the course of their duties.

Investigator's Note: Although this portion of policy is entitled "USE OF FORCE," the relevant portion requires using less lethal weapons in an authorized manner.

5. On September 1, 2021, at approximately 2:00 PM, Captain Sergio Perez violated departmental policy when his inappropriate actions resulted in the injury of Sergeant Michael Steel. (Allegation Classification: Departmental Misconduct/Morale.)

Reference Violation:

Opa-Locka Police Department, Departmental Manual, 100.00 RULES AND REGULATIONS I. THE ORGANIZATION OF OPA-LOCKA POLICE DEPARTMENT: F. Superior Officers. 7. Morale: e: Superior officers shall not injure or discredit those under their authority by unreasonable, unjust, arbitrary, or tyrannical conduct, or by abusive language.

6. On September 1, 2021, at approximately 2:00 PM, Captain Sergio Perez willfully violated OLPD Policies, Rules and Regulations regarding his inappropriate and unauthorized deployment of a taser. (Allegation Classification: Departmental Misconduct/Breach of Duty.)

Reference Violation:

Opa-Locka Police Department, Departmental Manual, 100.00 RULES AND REGULATIONS VIII. PERSONNEL REQUIREMENTS: GG. Breach of Duty: In accordance with the collective bargaining agreement entered into between the bargaining agent and the City of Opa-Locka, the following are declared to constitute a breach of duty and to be grounds for disciplinary action, including counseling, reprimand, suspension, demotion, or dismissal; that any employee who: 4: Has willfully violated any of the provisions of the Personnel Policies, Rules and Regulations or the procedural directives of the Opa-locka Police Department.

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7. On September 1, 2021, at approximately 2:00 PM, Captain Sergio Perez violated departmental policy when he engaged in negligent conduct which resulted in the injury of Sergeant Michael Steel. (Allegation Classification: Departmental Misconduct/Breach of Duty.)

Reference Violation:

Opa-Locka Police Department, Departmental Manual, 100.00 RULES AND REGULATIONS VIII. PERSONNEL REQUIREMENTS: GG. Breach of Duty: In accordance with the collective bargaining agreement entered into between the bargaining agent and the City of Opa-Locka, the following are declared to constitute a breach of duty and to be grounds for disciplinary action, including counseling, reprimand, suspension, demotion, or dismissal; that any employee who: 11: Is incompetent, negligent, or inefficient in the performance of the duties of the position held.

Complainant:

1. Sergeant Michael Steel, W/M
ID# 0021
Opa-Locka Police Department

Criminal Convictions: None

Prior Complaints: None

WITNESSES:

Civilian:

None

Police:

1. Dispatcher Floralba Wright, W/F
ID# 0943
Opa-Locka Police Department

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On September 23, 2021 Communications Operator Floralba Wright provided a sworn statement to FDLE Special Agents (SA) Mike Perez and Gaylon White as well as Miami-Dade County Assistant State Attorney Johnette Hardiman.

Ms. Wright stated that on September 1, 2021, Captain Perez walked into the common area where her office is located. Ms. Wright explained that she has to buzz in people coming into the common area. Ms. Wright stated that on that day, she buzzed Captain Perez in and remembered him wearing a pink shirt. Ms. Wright recalled Captain Perez asking Officer McKinney if she wanted to get taser certified. Ms. Wright further advised that she remembered Captain Perez test firing the taser. Ms. Wright indicated that she recalled Officer McKinney telling Captain Perez, "No."

Ms. Wright stated that Captain Perez then walked into Sergeant Steel's office and asked him if he wanted to get certified with the taser. Ms. Wright indicated that she looked over toward Sergeant Steel's office and observed Captain Perez close the door a little behind him, leaving it ajar. Ms. Wright explained that she heard Sergeant Steel say "no" and then she heard the taser go off. Ms. Wright stated she observed Officer McKinney run to her office but she could not recall if it was before or after she heard the taser. Ms. Wright could not recall if there was anyone else present at the time the taser was deployed and did not hear anyone laughing about the incident. Ms. Wright added that after the incident, Captain Perez left the area. Ms. Wright stated that approximately 30 or 40 minutes later, Sergeant Steel entered her work area and said, "Can you believe he tased me?" Ms. Wright further stated that Sergeant Steel then showed her pictures of his injury. (For further details, refer to the sworn audio recorded statement.)

2. Property Specialist John Renaud, B/M
ID# 0939
Opa-Locka Police Department

On September 23, 2021, OLPD Property and Evidence Technician John Renaud provided a sworn statement to FDLE SA Mike Perez, SA Gaylon White and Miami-Dade Assistant State Attorney Johnette Hardiman regarding the incident which occurred on September 1, 2021.

Mr. Renaud stated that he did not witness the incident and did not hear anything pertaining to the incident. He vaguely remembered Captain Perez being in the common area but did not hear any conversation between Captain Perez and anyone else. (For further details, refer to the sworn audio recorded statement.)

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3. Records Specialist Tangelar Parker, B/F
ID# 0935
Opa-Locka Police Department

On September 24, 2021, OLPD Records Specialist Tangelar Parker provided a sworn audio recorded statement to FDLE SA Mike Perez, FDLE SA Gaylon White and Miami-Dade Assistant State Attorney Johnette Hardiman regarding the incident that occurred on September 1, 2021.

Records Specialist Parker stated that she has been employed by the OLPD for 10 years as the records clerk and her office was located in the common area of where the incident occurred. Records Specialist Parker indicated that she was working on September 1, 2021, but she remained mainly in her office throughout the day. Records Specialist Parker advised that she can remember both Captain Perez and Sergeant Steel being at the office on that date, but she did not hear an argument or discussion between Captain Perez and Sergeant Steel. Records Specialist Parker advised that she neither saw Captain Perez with a taser, nor did she see him deploy a taser at Sergeant Steel. (For further details, refer to the sworn audio recorded statement.)

4. Executive Secretary Tiquella Brown, B/F
ID# 0945
Opa-Locka Police Department

On September 29, 2021, OLPD Executive Secretary provided a sworn audio recorded statement to FDLE SA Mike Perez, FDLE SA Gaylon White and Miami-Dade Assistant State Attorney Johnette Hardiman regarding the incident that occurred on September 21, 2021.

Ms. Brown stated that on the day of the incident, Captain Perez received a Taser 7 and brought the taser and cartridge into her office to show her. She further stated that Captain Perez deployed the taser in her office, shooting the ground with the training cartridge. Ms. Brown advised that the training cartridge shot Velcro pads which were connected to a soft spring. Ms. Brown indicated that OLPD Chief Barreira walked into the office and heard the taser being discharged. She stated that Chief Barreira laughed and made a comment that the only time he has heard that sound was in "Jacksonville." She indicated that they all laughed and Chief Barreira handed Captain Perez some paperwork and left the office.

Ms. Brown advised that Captain Perez then went to the patrol area and then came back to her office. She stated that Captain Perez told her he was in Sergeant Steel's office

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demonstrating the taser and wanted her to call Sergeant Steel and “mess with him,” telling him she heard him scream like a little girl. Ms. Brown indicated that she called Sergeant Steel and asked if he was ok, explaining that Sergeant Steel “snickered” and said he was ok. She stated that she then asked him, “What happened? I heard you screaming like a little girl from way over here.” Ms. Brown advised that Sergeant Steel responded by saying, “Yeah I’m OK, I’m OK. Just a little shook up but I’m ok.” Ms. Brown stated that she did not know Captain Perez actually tased Sergeant Steel and that to her knowledge, Captain Perez was not a certified taser instructor. (For further details, refer to the sworn audio recorded statement.)

5. Officer Jamesha McKinney, B/F
ID# 0118
Opa-Locka Police Department

On September 22, 2021, Officer Jamesha McKinney provided a sworn, audio recorded statement to FDLE SA Mike Perez, SA Gaylon White and Miami-Dade Assistant State Attorney Johnette Hardiman.

Officer McKinney stated that on the date of the incident, she approached Captain Perez in the common area outside of her office, to give him a traffic citation dismissal form. Officer McKinney indicated that she and Captain Perez then walked into Sergeant Steel’s office, where Captain Perez then asked her if she wanted to get tased with the new taser in order to be able to carry it. Officer McKinney explained that she told Captain Perez that she did not want to do it. Officer McKinney further explained that Captain Perez convinced her to do it; however she excused herself to use the bathroom, reconsidered her decision and once again informed Captain Perez that she did not want to get tased. Officer McKinney advised that she knew this was not a training situation as Captain Perez is not a certified taser instructor. In addition, Officer McKinney explained that when she previously became taser certified, the training was conducted in a classroom setting, adding that officers were not required to be tased.

Officer McKinney stated that Captain Perez then turned his attention to Sergeant Steel, asking him if he wanted to get tased. She felt that the situation was more of a joking around matter. Officer McKinney indicated that she did not hear Sergeant Steel say “no,” but indicated that Sergeant Steel chuckled as if it were nervous laughter, explaining that he was probably scared. Officer McKinney stated that when Captain Perez tased Sergeant Steel, she ran to her office because the taser noise made her run. She further advised that that neither she nor Sergeant Steel knew that the taser deployed by Captain Steel utilized a training cartridge and did not provide an electric charge.

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Officer McKinney stated that she returned to Sergeant Steel's office and observed Captain Perez remove the Velcro pads from Sergeant Steel's shirt. Officer McKinney characterized the incident as "horseplay" rather than hostile in nature. (For further details, refer to the sworn audio recorded statement.)

Investigators Note: Officer McKinney stated that she saw Captain Perez remove the Velcro "prongs" from Sergeant Steel's shirt; however, that information does not appear to be supported by relevant video footage.

6. Officer Cory Krotenberg, W/M
ID# 0403
Opa-Locka Police Department

On September 22, 2021 Officer Cory Krotenberg provided a sworn audio recorded statement to FDLE SA Mike Perez, FDLE SA Gaylon White and Miami-Dade Assistant State Attorney Johnette Hardiman regarding the incident that occurred on September 1, 2021.

Officer Krotenberg stated that he is assigned to the Patrol Division and Training Division. Officer Krotenberg explained that he conducts both high-liability training as well as in-service training for the OLPD. He explained that high-liability training includes taser training. Officer Krotenberg advised that he had been notified of the incident between Captain Perez and Sergeant Steel.

Officer Krotenberg stated that Captain Perez is not a certified taser instructor. Officer Krotenberg further stated that he is the only certified taser instructor at the OLPD. He explained that OLPD training classes are held in classrooms or in the officers' roll call area and include a sign-in sheet which documents the officers attending training. Officer Krotenberg further explained that training is never done at a desk, cubicle or office and is not done unannounced where someone is tased and then declared certified to carry the taser. In addition, Officer Krotenberg indicated that OLPD officers do not get shot with a taser during the certification training. He advised the new Taser 7 certification class requires a training suit that is used for the deployment of the training cartridges during training; however, he was sure that the OLPD had not purchased that suit. Officer Krotenberg advised there was no formal training scheduled for September 1, 2021. (For further details, refer to the sworn statement.)

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7. Officer Brandon Shipman, B/M
ID# 0135
Opa-Locka Police Department

On September 24, 2021, Officer Brandon Shipman provided a sworn audio recorded statement to FDLE SA Mike Perez, SA Gaylon White and Miami-Dade Assistant State Attorney Johnette Hardiman.

Officer Shipman stated that he did not know anything about the incident between Captain Perez and Sergeant Steel. He advised that he was in Property Specialist John Renaud's office and observed Captain Perez enter Sergeant Steel's office; however, he did not hear a taser being deployed or observe anything related to the incident. (For further details, refer to the sworn statement.)

8. Detective Johnny Guante, B/M
ID# 0103
Opa-Locka Police Department

On September 24, 2021, Detective Johnny Guante provided a sworn audio recorded statement to FDLE SA Mike Perez, FDLE SA Gaylon White and Miami-Dade Assistant State Attorney Johnette Hardiman.

Detective Guante stated he did not recall being in the office area on that date and did not observe any interaction between Captain Perez and Sergeant Steel. Detective Guante did not recall hearing a taser being deployed in the office area. (For further details, refer to the sworn statement.)

9. Sergeant Lowrie Simon, B/M
ID# 0094
Opa-Locka Police Department

On September 29, 2021, OLPD Sergeant Lowrie Simon provided a sworn audio recorded statement to FDLE SA Mike Perez and FDLE SA Gaylon White regarding the incident that occurred on September 2, 2021.

Sergeant Simon stated that he only became aware of the incident after the fact when Lieutenant Britton showed video footage related to that date. After reviewing the footage he remembered being in Property Specialist John Renaud's office and recalled seeing Captain Perez walking around with a Taser 7. In addition, he recalled seeing Captain

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Perez enter Sergeant Steel's office and close the door, but he did not hear any argument between Captain Perez and Sergeant Steel and never saw Captain Perez deploy a taser at Sergeant Steel. (For further detail, refer to the sworn statement.)

10. Chief Steven Barreira, W/M
ID# 0143
Opa-Locka Police Department

On October 27, 2021 OLPD Chief Steven Barreira provided a sworn audio recorded statement to FDLE SA Mike Perez and SA Gaylon White regarding the incident that occurred on September 1, 2021.

Chief Barreira stated that he does not recall if Captain Perez spark tested or deployed a taser. He further stated that Captain Perez turned the Taser 7 on; however, he did not point it at anyone. Chief Barreira advised that he remembered Captain Perez saying something along the lines of, "Do you want to get certified?" He explained that he did not know who Captain Perez was referring to.

Chief Barreira stated that days after the incident, then City Manager John Pate called him and told him that he had sent Chief Barreira an email and he should let City Manager Pate know what he thought about it. Chief Barreira advised that the email contained an anonymous letter alleging that Captain Perez tased Sergeant Steel.

Chief Barreira indicated that he called Sergeant Steel and subsequently met with him near the Opa-Locka airport to discuss the incident; at which point he said Sergeant Steel advised he was tased. Chief Barreira then essentially detailed the information previously described above. Chief Barreira stated that Sergeant Steel then showed him pictures from his phone. Chief Barreira further stated that upon seeing the photos, he was convinced that Sergeant Steel had been tased.

Chief Barreira stated that he and Internal Affairs Lieutenant Britton attended a meeting with City Manager Pate to discuss the allegation. Chief Barreira explained that City Manager Pate repeatedly stated that Captain Perez did not tase Sergeant Steel and that there was an underlying plot being concocted by Sergeant Steel.

Chief Barreira indicated that after several other interactions with City Manager Pate regarding the on-going Internal Affairs investigation he made the decision to have FDLE handle the investigation. He advised that City Manager Pate did not seem happy about that decision but told him to proceed with contacting FDLE. Chief Barreira subsequently

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contacted FDLE Special Agent in Charge Troy Walker to discuss the case, at which time FDLE SAC Walker informed Chief Barreira FDLE would take the case. (For further details, refer to the sworn audio recorded statement.)

EMPLOYEE INVOLVED:

1. Captain Sergio Perez, W/M
ID# 0030
Opa-Locka Police Department

On March 12, 2024, Captain Sergio Perez provided a sworn statement to OLPD Professional Compliance Unit Detective Mohan Britton. Also appearing on behalf of the South Florida Police Benevolent Association and Captain Perez was James C. Casey, Esq.

Captain Perez stated that he has been with the Opa-Locka Police Department (OLPD) since March 8, 2008, and is currently relieved of duty with pay. Captain Perez advised that he is a graduate of Northwestern University School of Police Staff and Command. He further advised that he was one of two commanders chosen to lead the agency in the absence of the Chief of Police. Captain Perez indicated that everything that had to do with Operations and Administration of the agency fell under his purview and the other administrator at the time. He stated that during that time period, he was temporarily working as number one or number two within the agency.

Captain Perez advised that he is a certified instructor for non-high liability courses; however, he does not currently teach. As a civilian he previously taught undergraduate criminal justice at St. Thomas University. Captain Perez advised he is also Instructor Techniques Workshop (ITW) certified for non-high liability courses. He indicated that he is taser certified but not a certified taser instructor. Captain Perez denied advising Sergeant Steel that he was a certified taser instructor.

Captain Perez stated that on the day of the incident, he was not invited into Sergeant Steel's office, but chose to visit as part of demonstrating the use of the new Taser 7. Captain Perez explained that Sergeant Steel had notified him the previous day that the new tasers had arrived.

Captain Perez stated that he conducted a demonstration in Executive Secretary Tiquella Brown's office with Chief Barreira present and another demonstration in the Internal Affairs office on the same, or previous day. Captain Perez indicated that he subsequently went to Sergeant Steel's office to do a taser demonstration because Sergeant Steel was his "go-to

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guy” when it came to ordering equipment. He stated that he was there to demonstrate and deploy it, as he had been doing as a Captain and within his purview for some time.

Captain Perez explained that during the demonstration in Sergeant Steel’s office, he aimed the taser at the rug behind Sergeant Steel’s chair. Although Captain Perez indicated that he was not aware that Sergeant Steel had been struck by the taser, he later explained that Sergeant Steel may have slid back in anticipation when the taser was deployed and may have been struck when he moved back. Captain Perez reiterated that he did not see Sergeant Steel being struck by the taser. Captain Perez indicated that he then picked up the Velcro ends off the floor, wrapped them up and walked out of the office.

Captain Perez explained that when he pointed the taser at Sergeant Steel, Sergeant Steel’s first reaction was to pull out his taser and point it at Captain Perez. Captain Perez advised that he could not recall whether Sergeant Steel’s taser was powered-on; however, his was. Captain Perez indicated that he and Sergeant Steel were only horse playing and joking as they had done many times in the past. Captain Perez described this as “camaraderie building.”

Captain Perez stated that Sergeant Steel neither verbally refused nor agreed to be tased. He denied Sergeant Steel told him not to do it, stating that Sergeant Steel’s statements were false. Captain Perez advised that he did not intend to shoot Sergeant Steel with the taser. He further advised that he did not point the taser straight down, but at a 45-degree angle toward the floor.

Captain Perez initially stated that he did not know how Ms. Brown found out that he had discharged the taser in Sergeant Steel’s office; however, upon reviewing Ms. Brown’s statement, he explained that he had told her about the incident and was present during her phone call to Sergeant Steel. Captain Perez indicated that he did recall Ms. Brown teased Sergeant Steel about screaming like a little girl, but denied that she said he cried like a baby. He indicated that the purpose of having Ms. Brown call Sergeant Steel was as a joke, stating, “I’m a jokester, that’s what I do.” Captain Perez advised that at that point he still did not know that Sergeant Steel was tased and did not become aware of that until the anonymous email was received. Captain Perez added that Sergeant Steel had numerous opportunities to advise he had been tased, including when he was on the phone with Ms. Brown. Captain Perez further indicated that Sergeant Steel could have gone to Human Resources and other places to report the tasing, but he did not. (For further details, refer to the sworn audio recorded statement.)

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ADDITIONAL INFORMATION

1. On Thursday, September 16, 2021 FDLE Special Agent (SA) Gaylon White received an email from FDLE Lieutenant Scotty Winfrey, FDLE Tallahassee Regional Operations Center (TROC). Lieutenant Winfrey is the FDLE Master Certified Taser instructor and has an Axon certification. Axon is the company that manufactures the Taser 7. The email indicated that Captain Perez was not a certified Taser 7 instructor. (For further details, refer to Official Record #10.)
2. Deputy Chief Nikeya Jenkins, Captain Alvin Rogers and Officer Stanley Jean-Francois were all interviewed; however, they did not provide any additional information of investigative value regarding this incident. (For further details, refer to their sworn audio recorded statements.)
3. On October 15, 2021, FDLE SA Gaylon White had a telephone conversation with SA Yunier Galvez, the FDLE certified Taser 7 instructor at the Miami Regional Operations Center, to discuss the HALT training suit.

SA Galvez explained that the HALT Suit is intended to be used during training in conjunction with the TASER 7 HALT cartridges (which have blue blast doors.) These cartridges are non-conductive and attach to the suit using hook fasteners that enable them to stick to loop fasteners on the suit, similar to Velcro.

SA Galvez stated that the HALT cartridges should never be fired at someone who is not wearing a HALT suit for protection. Per the instructions provided by Taser, The HALT suit and HALT cartridges were designed to be used by a certified taser instructor during instructor-led training or exhibition. (For further details, refer to Official Record #9.)

4. The anonymous email describes an argument or dispute occurring between Captain Perez and Sergeant Steel; however, neither Captain Perez nor Sergeant Steel, or any of the known witnesses described such an argument or dispute taking place. (For additional details, see Official Record #1.)

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5. The City of Opa-locka Personnel Action Form demoting Captain Perez to sergeant, which was prepared on January 14, 2022, removes him as an "At-Will" employee and gives him the protections of the collective bargaining agreement, as well as protections guaranteed by Florida civil service laws. (For further details, refer to Official Record #20.)

OFFICIAL RECORDS

1. Anonymous e-mails dated September 6, 8 and 9, 2021, respectively
2. Photographs of Sergeant Michael Steel's injury
3. Photographs of Sergeant Michael Steel's Office
4. Photographs of Roll Call Area
5. Photographs of Taser 7 deployed during the incident
6. Photographs of Sergeant Michael Steel's uniform shirt
7. FDLE Investigative Summary
8. Email communication with Axon regarding Sergeant Steel's injury
9. Email documenting FDLE "HALT" suit discussion
10. Email from FDLE Lieutenant Scotty Winfrey
11. Email from Bryan Chiles, Axon Sr. Investigations Engineer regarding HALT suit
12. Relieved of Duty Memorandums to Captain Sergio Perez
13. Memo-to-File prepared by Sergeant Michael Steel dated September 1, 2021
14. Memo-to-File prepared by Lieutenant Mohan Britton documenting FDLE investigation, dated September 14, 2021
15. Letter from Captain Sergio Perez' attorney, Mr. James Casey to Chief Barreira

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16. Letter from Captain Perez' attorney, Mr. James Casey to Assistant State Attorney Johnette Hardiman
17. Deposition of Sergio Perez
18. Witness Deposition Subpoenas
19. Arrest Affidavit for Captain Sergio Perez
20. City of Opa-Locka Personnel Action Forms
21. Garrity Warning Form
22. Sergeant Michael Steel Medical Records
23. Email correspondence between Captain Sergio Perez and Axon
24. Related Video Footage

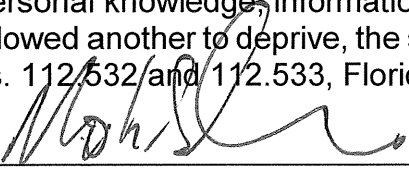
STATEMENTS

- | | |
|---------------------------------------|----------------------|
| 1. Sergeant Michael Steel | Sworn Audio Recorded |
| 2. Dispatcher Floralba Wright | Sworn Audio Recorded |
| 3. Property Specialist John Renaud | Sworn Audio Recorded |
| 6. Executive Secretary Tiquella Brown | Sworn Audio Recorded |
| 7. Officer Jamesha McKinney | Sworn Audio Recorded |
| 8. Officer Cory Krotenberg | Sworn Audio Recorded |
| 9. Officer Brandon Shipman | Sworn Audio Recorded |
| 10. Detective Johnny Guante | Sworn Audio Recorded |
| 11. Sergeant Lowrie Simon | Sworn Audio Recorded |

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| 12. | Chief Steven Barreira | Sworn Audio Recorded |
| 13. | Captain Sergio Perez | Sworn Audio Recorded |
| 14. | Captain Alvin Rogers | Sworn Audio Recorded |
| 15. | Officer Stanley Jean-Francois | Sworn Audio Recorded |

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."



Mohan Britton, Detective
Professional Compliance Unit
/mh