

# The Miami Herald

November 23, 2015

## Amid a series of police-involved shootings in Miami-Dade, a search for patterns

By M. Amin Madani

Over one six-day stretch over the past two weeks, South Florida police officers shot seven people. Two of them died. Four who survived were teenagers. Three of the teens were inside a truck. One of those shot was a reputed gang member. The two who died suffered from mental illness.

The circumstances of the shootings varied, but their frequency was far higher than normal: Miami-Dade County averages about 1 1/2 police-related shootings a month. But in less than a week, there were five separate incidents.

Some of the victims were black. The others were Hispanic. The officers have not been identified. Police said none of the five who were wounded had life-threatening injuries.

The shootings, some of which

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have been criticized, expose the difficult decisions police face when using lethal force, and how differing departmental policies can lead an officer in one city to open fire, while one in another city may have handled it differently.

One of the shootings led to the death of a schizophrenic man, armed only with a broomstick. That incident may revive calls for local police to better train their officers on how to interact with the mentally ill.

The contrast in departmental policies can be stark: More than

three-quarters of Miami-Dade Police Department personnel patrolling the streets have received Crisis Intervention Training for dealing with the mentally ill. In Miami, about 25 percent of street cops have taken the course.

You can't tell me if I'm in a position where I have no way out and this guy knows it that I can't use my gun to save my life. You've got to give me a way out. Alvaro Zabaleta, Miami-Dade detective

Miami and Miami Beach police permit firing into a moving vehicle only if a weapon is visible. Miami-Dade police consider the vehicle a weapon if they believe it is endangering their lives or others, and can open fire for protection.

And that's exactly what happened in South Miami-Dade on Nov. 13, in the first of the five encounters: A Miami-Dade cop who said he feared for his life shot into a truck, striking three teenagers.

It was sometime near 9:30 p.m. when an officer patrolling near a Speedway gas station noticed something that piqued his curiosity – a white police truck that had been reported stolen three days earlier. The officer followed the truck for about five blocks and gave chase after it sideswiped a car on Southwest 112th Avenue.

When the truck crashed at Southwest 256th Street and 108th Avenue, the detective approached on foot. That's when, he said, Jorbel Cruz, 19, accelerated toward him. The officer fired into the truck, striking Cruz, Joel Cabrera, 19, and a juvenile. The three survived and were charged with crimes including grand theft, aggravated assault on a police officer and petty theft.

The teens who were shot allegedly stole a case of Heineken from a gas station. Miami-Dade police said the officer feared for his life.

Miami and Miami Beach police departments prohibit such shootings, and advise their officers to evade an oncoming car, not shoot at it.

No one in Miami has been shot in a moving vehicle by Miami police since the policy change more than two decades ago after the 1999 shooting death of motorcyclist Clement Lloyd by Officer William Lozano. The shooting sparked violent civil disturbances. Lozano, originally convicted, was acquitted at a second trial in Orlando.

Holding their fire hasn't hurt any officers: No Miami cop has been intentionally injured or killed by a moving vehicle over that time span, according to Miami police Maj. Delrish Moss

“Logistically, getting out of the

way is probably more effective than firing into a car,” he said.

Miami Beach police adopted a policy similar to Miami's last year – Miami Beach says shooting at a car is justified only if the officer is defending himself or herself against a weapon other than the car.

The change came three years after a deadly episode that made international headlines: the shooting death of Raymond Herisse, whose Hyundai was riddled with 116 bullets on a crowded South Beach street during one of the busiest weekends of the year. Herisse was struck 16 times. Four bystanders were shot.

Police said Herisse, driving down crowded Ocean Drive on Urban Beach Weekend in 2011, ignored orders to pull over, sideswiping cars and threatening the lives of police officers on bikes. A few days later – long after the car was towed – police said they retrieved a gun under Herisse's seat.

Miami Beach Police Chief Daniel Oates, in his written order changing the policy last year, wrote that “bullets fired at a moving vehicle are extremely unlikely to disable or stop the vehicle” and “disabling the driver of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure

other officers or innocent citizens.”

Miami-Dade Detective Alvaro Zabaleta defended his department’s policy of allowing shots to be fired at cars, arguing that an oncoming vehicle can be deadly.

“You can’t tell me if I’m in a position where I have no way out and this guy knows it that I can’t use my gun to save my life,” Zabaleta said. “You’ve got to give me a way out.”

Jorge Cruz, whose son Jorbel was driving the stolen police vehicle last week, said his son was shot in the arm as he leaned over to cover and protect a friend in the backseat.

“The officer could have fired warning shots into the air,” the elder Cruz said. “It was as if this was something personal. This is an abuse of power.”

The next two shootings were two days later on the afternoon of Nov. 15. They came one minute apart.

Quayvis Howard, 16, was shot by a Miami-Dade officer in the northwest section of the county after he crashed a car and took off on foot. The officer said he fired when Quayvis pulled a weapon. A gun was found at the scene. The officer spotted Quayvis in a car that had been stolen and used in two robberies. Police said they have documented him as a local gang member.

A minute after Quayvis was shot, at 5:03 p.m., a South Miami officer shot Michael Gavin, 36, after pulling him over at Shell gas station in Coral Gables. The officer said he followed Gavin, whose car had temporary plates and tinted windows, then shot him after he refused orders, wouldn’t take his hands out of his pants and made a sharp move. No weapon was found.

Coral Gables attorney John Schulte was at the Shell station at the same time, having just left a movie theater with his wife and another couple. Schulte said he witnessed the drama from about 50 feet away. From his vantage point, Schulte said, the driver of the car appeared fully cooperative with police. Schulte said the man reached into his glove compartment to hand paperwork to the officer, and then allowed police to search his vehicle. The driver exited his vehicle and placed his hands on the car, Schulte said.

“He stood facing us, with his hands on the roof of the car,” Schulte said. “Then, all of a sudden – bam, and he’s on the ground and he’s crying.”

Schulte said he called South Miami police on Tuesday, and left a message with internal affairs. When he spoke with a reporter Friday afternoon, he said he still hadn’t heard back from internal affairs.

“I firmly, 100 percent, support

the police,” Schulte said. “And I’m just shocked and sickened at what I saw.”

Then on Tuesday and Wednesday, police shot and killed two men described by family members as mentally ill. One was a former Marine who served a tour in Iraq and was discharged. His mother told police he moved in with them after being diagnosed with post traumatic stress disorder.

The other was a schizophrenic shot by Opa-locka police officers in the middle of the road, in the middle of the night.

The Tuesday incident began at a Wendy’s on U.S. 1, just west of Cutler Bay in South Miami-Dade. Video footage from the fast-food restaurant clearly shows a man using a gun to force the store manager into a back room, where he hands the gunman money. Police identified the man as Yohans Leon, 28.

Police tracked Leon on a path along a canal bank more than a mile from Wendy’s before confronting him. In a clear nine-second audio snippet from the police scanner released by the department, an officer can be heard warning others that Leon has a gun, and to take cover. Then Leon is shot dead.

Police had no way of knowing they were dealing with a returning war veteran suffering a mental illness. A check of records after Leon was killed shows he was arrested in 2012

for trying to burn down his house. In that case, his mother called police after her son locked himself in a room. When police showed up, he set the room on fire and jumped out a window.

The police report from that incident states Leon was wearing layered clothing in July, had wooden blocks strapped to his chest and had a floor mat wrapped around his torso. His mother told police her son was discharged from the Marines in 2008 and that he often suffered panic attacks and paranoia, according to the report.

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A mental condition might have been more apparent to Opa-locka police the next day, when 25-year-old Cornelius Brown was shot and killed.

Brown was first spotted at 3:30 a.m. – acting erratically outside a Quick Mart food store on Northwest 135th Street. An Opa-locka police officer followed him as he headed west on foot. When he got to Sesame Street, the officer said, Brown jumped on the hood of the patrol car and began smashing its window. The officer called for backup.

Surrounded by police, Brown got off the car and lunged at an officer with some type of stick

in his hand, police said. Both officers deployed their Tasers. It had little or no effect. Brown continued to threaten them with the stick. Both officers fired their weapons. Brown was killed.

The shooting death is almost identical to one earlier this year in Miami Gardens. In that instance, a 25-year-old schizophrenic named Lavall Hall was shot by Miami Gardens police while swinging a broomstick handle and after Tasers failed to subdue him. The family hired an attorney and has filed a lawsuit. Brown's family has also hired an attorney.

Norm Pattis, a Connecticut civil rights attorney who has handled police misconduct cases for 25 years, said courts give police wide discretion in determining whether a shooting is justified. Training officers to better handle the mentally ill should be mandatory, he said, but the problem is that police departments know they won't be penalized in "the overwhelming majority of cases."

"What incentive do they have to better train people?" asked Pattis, who is about to file a lawsuit against Los Angeles police over the shooting death of a 19-year-old mentally ill man.

Zabaleta, the county detective, said police often don't have the time to determine if someone has mental issues, as they're too often forced to make a life-or-death decision in a split second.

"You don't know if they're mentally ill. They're not wearing a bracelet," Zabaleta said. "When there is a crisis, it's very difficult to reason with someone. You're hoping they will. But sometimes it just doesn't work."

Hours after Brown was shot to death, detectives swept the scene, while yellow police tape kept family and media at bay. Brown's family members showed up. They were upset.

"My nephew had a broomstick because he's schizophrenic," said Brown's aunt, Audrey Brown. "He walks around with his little broomstick playing nunchucks."

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