



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: AUGUST 13, 2019

FROM: STAFFING/REVIEW TEAM

RE: POLICE SHOOTING CLOSEOUT MEMO
CASE # SAO # 62/19/01/28/009
INJURED: LAWRENCE, Dedrick Willis

Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following: MDPD Detectives Rivera and Reina were in an unmarked car assisting in an investigation regarding an earlier call.

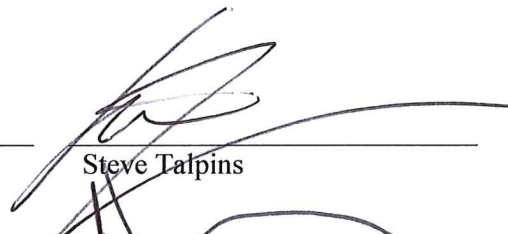
Footage from a security camera video of a nearby home shows Lawrence running with an object in his hand. Police body-worn camera and audio recordings indicate the detectives exclaiming "fifty-five, fifty-five" (meaning a weapons violation), and subsequently firing their weapons. The video also clearly depicts a handgun falling from Lawrence's hand and onto the pavement as he fell.


There are no known eyewitnesses to this event and evidence does not clearly establish the officers' reasons for shooting Lawrence. Nevertheless, taking into account the facts gathered in the FDLE report regarding Police Use of Force, body-worn and home security camera footage, and other evidence compiled, we cannot in good faith proceed with criminal charges against Detective Roberto Rivero (#30-9305) and Detective Oswald Reina (#30-7399).

The members of the staffing/review team for this case are:


Don L. Horn


Deisy Hernandez


Steve Talpins


Kathleen Hoague


Howard Rosen


J. Scott Dunn


Reid Rubin


Christine Zahralban

Approved by State Attorney on this 15 day of August, 2019.


KATHERINE FERNANDEZ RUNDLE
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: AUGUST 13, 2019

FROM: DAVID A. MAER
Assistant State Attorney
LARA PENN
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
Case # FDLE MI-0098
INJURED: LAWRENCE, Dedrick Willis

OFFICER(S) INVOLVED:	Detective Roberto Rivera 30-9305 Detective Oswald Reina 30-7399
INJURED:	Dedrick Willis Lawrence (DOB 8/29/02 – Juvenile)
INJURIES:	Gunshot wound - right leg
DATE & TIME:	January 28, 2019 at approximately 2:22 p.m.
LOCATION:	Roadside of N.W. 20 th Avenue and 72 nd Street,
WEAPON(S):	Glock 17, 9mm pistol, serial #REE431- Det. Rivera Glock 17, 9mm pistol, serial #RED042- Det. Reina Glock 17, 9mm pistol, serial #BBDK813 - Lawrence
LEAD:	F.D.L.E. Special Agent Michael Stein
CASE #:	MI-27-0098
SAO CASE #:	62/19/01/28/009



On Monday, January 28, 2019, at approximately 2:22 P.M., Miami-Dade Police Department Robbery Intervention Detail Detectives Roberto Rivera and Oswald Reina were assigned as a two-person unit in an unmarked Dodge Charger in the Northside District. Rivera and Reina were assisting other Miami-Dade police officers investigating a call regarding a shooting near N.W. 17th Avenue and 76th Street, reported approximately ten minutes earlier. Patrolling the area of N.W. 19th Avenue and 72nd Street, according to police reports, these detectives saw Dedrick Lawrence on a bicycle riding opposite them and they made a U-turn to follow Lawrence.

Less than one block from that U-turn, Lawrence abandoned his bicycle, ran, was shot in the right leg and fell onto N.W. 72nd Street. On the pavement in front of him was a loaded Glock, 9mm pistol with an extended magazine clip holding 27 cartridges and a chambered round. Just around the corner, on N.W. 20th Avenue, in the northbound lane, was the unmarked Miami-Dade Police Department Dodge Charger with eight bullet holes in the windshield, three on the right side and five on the left side.

Dedrick Lawrence was transported to the hospital and a projectile was removed from his right leg in surgery. Lawrence was arrested and charged with two counts of Aggravated Assault on a Law Enforcement Officer with a Firearm, Grand Theft of a Firearm, Carrying a Concealed Firearm and Possession of a Firearm by a Minor-Second/Subsequent Offense. His case is pending in the Juvenile Division.

At approximately the same time, one block away on N.W. 73rd Street, other MDPD Robbery Intervention Detail detectives encountered another juvenile, Joe Grace, who aroused their suspicion as he ran into a yard. Grace was stopped, patted down and relieved of a Heckler & Koch 9mm handgun.

Several hours later, Joe Grace waived his rights and participated in a recorded interview where Grace said he and Dedrick Lawrence were visiting some girls earlier and then he, Grace, found the Heckler and Koch firearm in some bushes by the Scott projects and put it in his pants. They (Lawrence and Grace) were close to the railroad tracks when the police drove up and Lawrence took off on the bicycle very fast and Grace ran. He said he was unaware that Lawrence had a gun. He stated that Lawrence was a distance away when he got shot and Grace says he saw one of the officers out in front of the car shoot Lawrence. Other than this last remark by Joe Grace, no one else has come forward as a witness to this police-involved shooting. Grace's testimony on this issue is totally inconsistent with the body-worn camera footage that depicts both officers firing their weapons from inside the vehicle. Additionally, Grace does not appear at the scene in any of the video footage obtained in this investigation.

Pursuant to the investigation, F.D.L.E. agents downloaded video from a home security digital video recorder camera installed on a nearby privately-owned, single-family home. The footage depicts Dedrick Lawrence, a firearm in his right hand, rounding the corner of N.W. 20th Avenue and 72nd Street, running. Lawrence takes several strides, gun in hand, when he stumbles into the roadway, arms outstretched in front of him in a prone position; the firearm can be seen sliding down the pavement. The camera from this home did not record the detectives' Dodge Charger, just beyond the range of the camera on N.W. 20th Avenue. Crime scene measurements place the Dodge Charger at 8.7 yards from the stop sign on the corner that Dedrick Lawrence runs past just before he is shot.

Body-worn camera and audio recordings from Detective Rivera and Detective Reina contain exclamations of “fifty-five, fifty-five” (meaning weapons violation) and moments later the sound of gunshots and video of the officers’ hands firing their weapons while seated in the unmarked Dodge Charger. Rivera and Reina get out of the car and run to Dedrick Lawrence, check on his condition and handcuff him. The handgun that fell from Lawrence’s hand onto the pavement is clearly depicted in the body-worn camera video as they run up to him.

It should be noted that crime scene reports, body-worn video footage and photos depicting the bullet holes in the Dodge Charger windshield show that both detectives fired their weapons. The projectile removed from Dedrick Lawrence’s leg was submitted for ballistics testing and the report was inconclusive as to which firearm fired that projectile, it could have been either one.

CONCLUSION

The role of the State Attorney in this investigation and in conducting this review is limited to determining whether a criminal violation of Florida law has occurred, whether any person may be held criminally responsible, and whether such criminal responsibility can be proven beyond a reasonable doubt in a court of law. The State Attorney does not establish agency policy, procedures, and training requirements. Nor does the State Attorney have any responsibility for determining disciplinary action or pursuing civil litigation in these matters. In other words, given the applicable law, the State Attorney’s role is to determine whether the actions of Officer(s) Rivera and Reina constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

The undersigned attorneys have reviewed the entire Florida Department of Law Enforcement (FDLE) file regarding the Police Use of Force in this incident. We have also reviewed the sworn statements, crime scene reports, body-worn camera footage, home security camera footage, lab reports, 911 calls and other evidence compiled by FDLE under FDLE case Number MI-27-0098. We find the FDLE summary and report to be complete, thorough and consistent with the witness statements we participated in on the day of the incident as well as consistent with our observations at the scene. We adopt and attach the FDLE report into this memorandum and offer our conclusion based upon the results of our independent review of the evidence.

Sec. 776.05, Fla. Stat. provides: “A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force:

- (1) [w]hich he or she reasonably believes to be necessary to defend him or herself or another from bodily harm while making the arrest;

The best available evidence in this investigation is the home-security camera video of the nearby home. That footage shows the young man, Dedrick Lawrence, coming into view rounding the corner from N.W. 20th Avenue with an object in his right hand. He is running northbound on 20th Avenue until he turns right onto 72nd Street. The detectives’ car was behind him on 20th Avenue, and it is from that

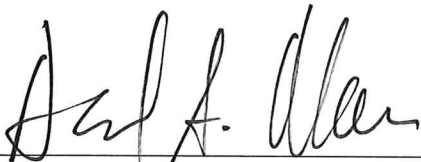
spot where they shot at Lawrence; less than 9 yards distance behind him, while he is running with a gun in his right hand.

Dedrick Lawrence's arm is in motion as he runs and after a few seconds, his leg crumples under his body and he falls onto the pavement of the roadway and the object in his right hand slides out in front of him to its resting place. Body-worn camera footage of the pavement clearly depicts the item that dropped from Lawrence's right hand and slid on the pavement as the stolen Glock pistol with the extended magazine.

Evident from the audio portion of the body-worn video is that the detectives clearly saw Lawrence's firearm when they exclaimed "fifty-five, fifty-five" (signal for firearm). The detectives were acting lawfully by pursuing a person for the criminal violation of carrying a concealed firearm.

There are no known eyewitnesses to this event. Dedrick Lawrence declined to make a statement. There are no statements from Officers Rivera and Reina and the evidence does not clearly establish the officers' reasons for shooting Lawrence. As a result, we do not have sufficient evidence to determine whether or not the officers' use of force was legally justified. Nevertheless, considering all of these facts and the law regarding justified use of force the State is unable to proceed with criminal charges against either Officer Rivera or Officer Reina.

Prepared by:



Assistant State Attorney



Assistant State Attorney