



**BAY HARBOR ISLANDS POLICE DEPARTMENT**  
**NOTIFICATION OF ALLEGATIONS**  
**AND EMPLOYEE RESPONSIBILITIES**  
**ANNEX 27M**

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**To:** Pablo Lima  
Corporal  
**From:** Lt. Curtis Johnson  
Lead Internal Affairs Investigation  
**Date:** January 16, 2020  
**Subject:** Internal Affairs Case Number 2020-IA-01

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**NOTICE:** State Statute and/or Departmental policy provides that if you are under investigation by members of this agency for any reason that could lead to disciplinary action, demotion or dismissal, you shall be informed in writing of the allegations or nature of the investigation and the name of all complainants.

Accordingly, you are hereby advised that the following illegal or improper act(s), allegations or violations of a Department or Town rule, regulation, Departmental, or Administrative Order has been attributed to you:

(Synopsis of Complaint/including regulation/order/rule alleged to have violated)

According to the complainant who sent (8) screenshots of alleged social media posts, posted / liked by Cpl. Lima, indicating he was being supportive of his wife's bias against a protected class.

AO 17-01: Department & Employee Use of Social Media: E (3) (a) & (b)

Complainant(s) Name: Aaron Leibowitz

In addition, I would like to advise you any employee having knowledge of or involved as a subject or witness in a Division Level/Internal Affairs Investigation shall not:

- (1) Independently participate in the investigation.
- (2) Be present during any investigative contact with the complainant or complainant's witness.
- (3) Contact the complainant or complainant's witness concerning the allegations.
- (4) Disclose or discuss the existence or facts of a complaint with anyone except designated departmental authorities conducting the investigation.

  
Signature

01/16/2020  
Date



**BAY HARBOR ISLANDS POLICE DEPARTMENT  
SWORN EMPLOYEE INTERVIEW APPOINTMENT  
ANNEX 27C**

**To:** Pablo Lima  
Corporal  
**From:** Curtis Johnson  
Lieutenant  
**Date:** January 21, 2020  
**Subject:** Internal Affairs Case 2020-IA-01

You have been scheduled for an interview as the subject officer of an internal affairs investigation, as follows:

**Date:** January 22, 2020 **Time:** 1:30PM  
**Location:** Bay Harbor Islands Police Department

If for some reason, you are not able to make said interview, please contact me to reschedule your appointment.

A complaint has been filed against you for **1)AO 17-01: Department & Employee Use of Social Media**  
2) \_\_\_\_\_ 3) \_\_\_\_\_

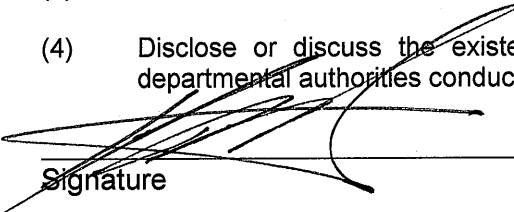
You are entitled to have an attorney or a representative of your choice present during questioning, and are entitled to all rights and privileges guaranteed by Chapter 112.532 Florida Statutes, entitled Law Enforcement Officers' Rights (attached).

Immediately prior to the interview, you will be provided with the name of the complainants and witnesses in this investigation and given an opportunity to review any statements from the Complainant and Witness (es) prior to the taking of your statement.

In addition, you shall be given an opportunity to review all other existing subject officer statements, and all other existing evidence, including but not limited to, incident reports, GPS locator information, and audio or video recordings related to the incident under investigation.

Any employee having knowledge of or involved as a subject or witness in a Division Level/Internal Affairs Investigation shall not:

- (1) Independently participate in the investigation.
- (2) Be present during any investigative contact with the complainant or complainant's witness.
- (3) Contact the complainant or complainant's witness concerning the allegations.
- (4) Disclose or discuss the existence or facts of a complaint with anyone except designated departmental authorities conducting the investigation.

  
\_\_\_\_\_  
Signature

01/21/2020  
\_\_\_\_\_  
Date



# **BAY HARBOR ISLANDS POLICE DEPARTMENT**

## **GARRITY WARNING**

**ANNEX 27F**

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**Division Level/Internal Affairs Case Number** 2020-IA-01

**Bay Harbor Islands Police Department Case Number** N/A

**The questioning concerns administrative matters relating to the official business of the Bay Harbor Islands Police Department. You will not be questioned for the purpose of instituting a criminal action against you. During the course of this questioning, even if you do disclose information which indicates that you may be guilty of criminal conduct, neither your self-incriminating statements nor the fruits of any self-incriminating statements you make will be used against you in any criminal legal proceedings, except perjury.**

**You have the right to talk to a lawyer for advice before making a statement or answering any questions, and you may have an attorney or any other representative of your choice present during questioning if you wish. (If you want to answer questions without a lawyer present, you still have the right to stop answering at any time until you talk to a lawyer).**

**Since this is an administrative matter and any self-incriminating information you disclose will not be used against you in a court of law, you are required to answer my questions truthfully. If you refuse to answer questions, this, in itself, is an act of insubordination, in violation of the Bay Harbor Islands Police Department Departmental Orders Manual and shall subject you to disciplinary action including but not limited termination of employment.**



# Bay Harbor Islands Police Department

Interoffice Memorandum

To: Sean Hemingway  
Chief of Police

Date: January 22, 2020

From:   
Curtis Johnson  
Lieutenant

Subject: I.A Case #2020-IA-01  
Close-Out

**ALLEGATION:** On January 15, 2020, the complainant, Mr. Aaron Leibowitz emailed eight (8) attachments of different screenshots that caught his attention. In Mr. Leibowitz' email to the Town Manager, J.C. Jimenez, he writes about how Corporal Lima "Liked" several posts made on his personal and his wife's social media pages.

Mr. Leibowitz writes that Corporal Lima "Liked" some of these comments, and I quote him, "shortly after the Hallandale Beach city commission voted to condemn Mr. Lima's wife, Anabelle Lima-Taub, in January 2019 for anti-Muslim comments she made about Congresswoman Rashida Tlaib." Mr. Leibowitz ends his email stating, "I have screenshots of other posts and "likes" by Mr. Lima, including posts supportive of Lima-Taub's political efforts, but the two posts above appeared to be the most relevant to concerns about Lima-Taub's view on Muslims."

Included in the email sent by Mr. Leibowitz was a screenshot of a Muslim Doll with the following message, "The latest toy has hit the shops, it's a talking Muslim Doll. Nobody knows what the fuck its says, because no one has the guts to pull the string." In the way that the screenshot was framed it has the appearance that it may have been posted by Corporal Lima.

**ALLEGED POLICY VIOLATION:**

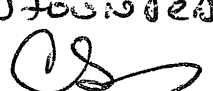
AO 17-01: Department & Employee Use of Social Media

Subsection: E(3) (a) – Speech that ridicules, maligns,

disparages, or otherwise expresses bias against any gender, race, religion, or any protected class of individuals.

**SUBJECT OFFICER:** Corporal Pablo Lima

**COMPLAINANT:** Aaron Leibowitz  
Miami Herald  
3511 NW 91<sup>st</sup> Ave.  
Doral, FL. 33172  
914-960-2739

Rec'd on 1/23/20  
Reviewed & concurred  
with IA findings and  
review of legal: unfounded.  


# Bay Harbor Islands Police Department

## *Interoffice Memorandum*

After reviewing the social media pages of Corporal Lima, I was immediately able to confirm that Corporal Lima did not post the image of the Muslim doll, nor did he "Like" the post.

I continued to review Corporal Lima's social media along with his wife's accounts that were public. I was able to locate all the screenshots provided by Mr. Leibowitz and the comments that Mr. Leibowitz said Corporal Lima "Liked".

I attempted to take a sworn statement from the complainant, Mr. Leibowitz but he stated via email that he was not in the position to answer such questions.

On January 22, 2020, Corporal Lima provided a sworn statement with his attorney Mr. Luis Fuste. Corporal Lima was advised of the complaint and was given the opportunity to review all statements and evidence collected on the investigation with his attorney.

When asked if he posted the image of the Muslim doll, Corporal Lima stated no, and that he did not agree with the post as it was disgusting.

During my interview with Corporal Lima I showed him five (5) comments made by other individuals and one (1) post by his wife that he "Liked"

### Comments that were posted under the link to an article published by WLRN "Liked" by Corporal Lima:

Comment #1) Posted by William Morales: "But Talib gets to spew her hatred of Jews and others not of the Islamic faith and it's ok not to defend yourself? I'm with the commissioner, awaiting the next terrorist plot to open eyes again only when something happens."

Comment #2) Posted by Ray Wright: "free speech fk them"

Comment #3) Posted by Patty Malone: "Complete BS...."

Comment #4) Posted by Frank Frisenda: "I applaud her"

Comment #5) Posted by Jeffrey Rome: "Screw these liberal commissioners and mayor. When will these politicians grow some cohomies and start supporting America and it's Americans. They talk about her being a racist and spewing hate. These POS's forget that this muslim supports the people who flew planes into our NT twin towers and killed over 5000 people and more dying from exposure still 18 years later. This POS took her oath on the Koran. She openly hates Jews and talks about how they should all die or be killed. Remind me again why you would not support Lima-Talib?"

# Bay Harbor Islands Police Department

## Interoffice Memorandum

### Social Media Post of Corporal Lima's wife's Instagram account "Liked by Corporal Lima:

The post was dated September 11, 2019 with a photograph of what is know as "The Falling Man" that was originally taken by a photographer named Richard Drew.

The post reads "#NeverForget #911 Some people did something as per America's vitriolic hate monger, @repihan! Thos 19 Jihadi terrorists massacres over 3,000 innocent men and women, encroached on our constitutional rights and caused several billion dollars of loss to dollars with the deliberate action to destabilize our economic stability. #USA This county was founded on Judeo-Christian values and we must never let the deaths of those who perished on 9/11 be in vain."

When Corporal Lima was asked why he liked the five (5) comments that were under the WLRN post, Corporal Lima said, "they show support for his wife and her political views".

When asked about a post that he "Liked" that was posted on his wife's Instagram account dated, September 11, 2019 ( #NeverForget #911), Corporal lima said that 911 was the most horrific attack on the U.S. soil and as a law enforcement officer this is something we need to honor the individuals and their behavior of those that lost their lives.

### FINDINGS:

After my failed attempt to obtain a sworn statement from the complainant and after obtaining a sworn statement from Corporal Lima, I find no evidence that by him "Liking" the posts in question, a violation of policy. I further find that Corporal Lima was expressing his First Amendment Rights showing support for his wife.

The allegation of the use of social media – Speech that ridicules, maligns, disparages, or otherwise expresses bias against any gender, race, religion, or any protected class of individuals is **Unfounded**.

### ADMINISTRATIVE ORDER 17-01; DEPARTMENT & EMPLOYEE USE OF SOCIAL MEDIA

#### SECTION E: Personal Use

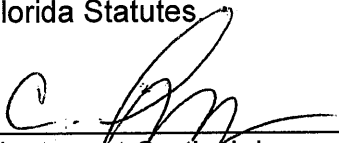
SUBSECTION 3. When using social media, Department personnel should be mindful that their Speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's code of conduct is required in the personal use of Social Media when on or off-duty. In particular, Department personnel are prohibited from the following:

- a. Speech that ridicules, maligns, disparages, or otherwise expresses bias against any gender, race, religion, or any protected class of individuals.
- b. Speech that may undermine or impeach an officer's testimony in criminal proceedings

# Bay Harbor Islands Police Department

Interoffice Memorandum

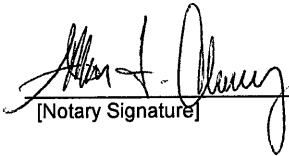
I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in 112.532 and 112.533, Florida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

  
\_\_\_\_\_  
Lieutenant Curtis Johnson

01/22/2020  
date

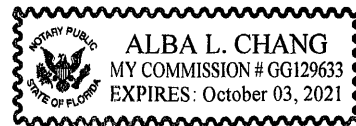
STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Sworn to and subscribed before me, this 23 day of January, 2020, by Lieutenant Curtis Johnson, who signed with a mark in the presence of these witnesses:

  
\_\_\_\_\_  
[Notary Signature]

[NOTARY SEAL/STAMP]

Alba L. Chang  
\_\_\_\_\_  
[Notary name printed]



Personally Known  OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_