

Curtis Johnson: The date is January 22nd, 2020. The time now is 3:16 PM. My name is Lieutenant Curtis Johnson. This is a taped recorded statement from Corporal Pablo Lima in reference to division level internal affairs case number 2020-IA-01. The interview is being conducted at 9665 Bay Harbor Terrace Bay Harbor Islands, Florida, Bay Harbor Islands Police Department at 3:16 PM on January 22nd, 2020. Do you understand, Pablo, that this statement is being recorded?

Pablo Lima: Yes, sir.

Curtis Johnson: I'll read you your Garrity warning, your rites. 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 that indicates that you may be guilty of criminal conduct, neither yourself 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 representative of your choice present during questioning if you wish.

If you want to answer questions without the lawyer present, you still have the right to stop answering at any time until you've talked 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 including but not limited to termination of employment. Do you understand that?

Pablo Lima: Yes, sir.

Curtis Johnson: The Bay Harbor Islands Police Department Orders Manual chapter 27 and titled Misconduct Complaint Processing states and employee shall answer or render material and relevant statements to the designated departmental authority when so directed. Employees shall answer all questions honestly, completely, and to the best of their ability. No employee shall in any manner interfere with an internal investigation. Except as authorized or required, an employee shall not contact persons involved in internal investigation. Do you understand this?

Pablo Lima: Yes, sir.

Curtis Johnson: You are being questioned as a subject officer in an official investigation by the Bay Harbor Islands Police Department. Do you understand this?

Pablo Lima: Yes, sir.

Curtis Johnson: You are required to give a statement for administrative purposes. You will be asked questions specifically, directly, and narrowly related to the performance of your official duties. Neither your statement or any information or evidence which is gained by reason of such statement can be used against you in any subsequent criminal proceeding except perjury. However, these statements may be used against you in relation to subsequent departmental charges. Do you understand this?

Pablo Lima: Yes, sir.

Curtis Johnson: You are entitled to our rights and privileges guaranteed by Florida State Statutes chapter 112.532 entitled Law Enforcement Officers Rights, including the right to have an attorney or other representative present during question. Is **Louis Fuestez** here to represent you at your request?

Pablo Lima: Yes.

Curtis Johnson: I am Lieutenant Curtis Johnson of the Bay Harbor Islands Police Department. I am the investigator in charge of this case. As a law enforcement officer, I am empowered to administer oaths. Please raise your right hand. Officer Corporal Lima has raised his right hand. Do you solemnly swear that the statement you're about to give now will be the truth, the whole truth and nothing but the truth so help you God?

Pablo Lima: I do.

Curtis Johnson: A complaint has been made by **Aaron Leibowitz** that by liking posts on you and your wife's social media pages that you are supporting what he believes to be a biased against a protected class of individuals. Have you had an opportunity to review the complaint and all statements made by the complainant and witnesses and all other existing subject officer statements and all other existing evidence, including but not limited to incidence reports, GPS locator information and audio or video recordings related to the incident under investigation?

Pablo Lima: Yes.

Curtis Johnson: For the record, please state your rank, your name, rank and current assignment.

Pablo Lima: Pablo A. Lima, corporal. In the Bay Harbor Islands Police Department.

Curtis Johnson: And you're assigned to Patrol Division?

Pablo Lima: Yes, sir.

Curtis Johnson: Pablo, I'm gonna show you eight copies of what appears to be images taken from online posts. Sir, in reference to the page labeled as number one, did you post this image of a Muslim doll on any of your social media pages?

Pablo Lima: No, sir.

Curtis Johnson: In reference to the page labeled number one, did you ever like this post or image?

Pablo Lima: No, sir.

Curtis Johnson: I want you to review pages two through eight and tell me if you remember these posts.

Pablo Lima: Yes, sir. It's been a long time but looking at it yes.

Curtis Johnson: Okay. I'm gonna show you a page labeled number nine. Did you post the link to an article by WLRN that reads, "Why a Hallandale Beach panel condemned a commissioner for anti-Islamic language?"

Pablo Lima: I did.

Curtis Johnson: Under the WLRN post there are eight responses posted by seven different individuals. According to my investigation I show that you liked five of those; they're highlighted.

Pablo Lima: Yes, sir.

Curtis Johnson: Can you tell me why you liked each of these posts?

Pablo Lima: They show support for my wife and her political views. My wife is a politician with the Hallandale Beach City Commission. And this commented on her free political speech, and I felt this was in support of my wife.

- Curtis Johnson:* Okay. I'm gonna show you a copy of a post on your wife's Instagram page with a person that appears to be following labeled number ten. This post is marked in the comments hashtag never forget hashtag 9/11. Did you like this post?
- Pablo Lima:* I did.
- Curtis Johnson:* Would you explain why you liked this post?
- Pablo Lima:* Absolutely. 9/11 was the most horrific attack against the United States on our soil. Thousands of people died and hundreds of first responders, including law enforcement officers, died in that. And as a law enforcement officer, I feel this is something that we need to honor them and never forget the bravery that the personnel showed on that particular day in trying to minimize and save lives.
- Curtis Johnson:* Corporal Lima, is there anything that I have failed to ask you that you would like to add to this statement?
- Pablo Lima:* No, sir.
- Curtis Johnson:* Do you have any relevant witnesses that have not been interviewed that you would want me to interview?
- Pablo Lima:* No, sir.
- Curtis Johnson:* Corporal Lima, have all the answers that you have given to all the questions that I have asked been the truth to the best of your knowledge?
- Pablo Lima:* Yes, sir.
- Curtis Johnson:* Departmental directives prohibits any member of the department from disclosing any information obtained pursuant to an investigation including but not limited to the identity of the member under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with the investigation before such complaint, document, action or proceeding becomes a public record as provided in state statutes. Violation of this prohibition shall subject the member to disciplinary action up to and including termination of employment. Do you understand this?
- Pablo Lima:* Yes, sir.
- Curtis Johnson:* Would you like to make comments for the record?

Louis: Yes, I would like to ask the witnesses two brief questions if that's okay with the city.

Curtis Johnson: Yes.

Louis: Corporal, real quick. You were shown I think official city record number nine, correct?

Pablo Lima: Yes.

Louis: And of that, I think Lieutenant Johnson asked you about one, two, three, four, five different likes, correct?

Pablo Lima: Correct.

Louis: I just want to bring to your attention on page nine that one of the doll that's wearing a pink outfit, you see that one there?

Pablo Lima: Yes, sir.

Louis: And you stated earlier you did not post that, correct?

Pablo Lima: That's correct, sir.

Louis: Did you like that post?

Pablo Lima: No, I did not.

Louis: How do you like it? Do you have the ability to press a button your computer and like it?

Pablo Lima: Yes, I had that ability.

Louis: Do you know why you didn't like it?

Pablo Lima: It's distasteful. It doesn't talk about free speech. It talks about a protected class and it's just distasteful, and it has nothing to do with free speech.

Louis: Okay. And I want to get into the one underneath it which is I think posted by – I we would agree it's posted by an individual by the name of Jeff Rome?

Pablo Lima: Correct, sir.

Louis: And that one there did you like that post?

Pablo Lima: No, I didn't like –

- Louis:* Did you like the post?
- Pablo Lima:* Yes, I did like the post; I pressed the button and I liked it. The whole content, no I don't agree with the whole content. There's only a very small portion that I agree with the content, and the content that I agree with it talks about support of my wife and her political views. That's what I'm supporting. That's what I've supported all along, the free political speech that my wife has. And that's what I've supported all along.
- Louis:* And, lieutenant, just for the record before I make a statement. I know that in looking at the official records of the city we see a picture, or the post, under city one and it shows Pablo Lima January 30th with a doll directly underneath followed by a Jeff Rome post. And I know in reviewing the records, there is a video called MVI-1057, which is a live video of the actual posting of Corporal Lima's Facebook page, correct?
- Male:* That was how I recreated to show which ones he liked and didn't like.
- Louis:* Okay. I just want to state this again. For the record, the city does not take any action on this. But to me as an individual that's looking at this, I find that this was the way the complainant brought it to the city's attention is extremely misleading and it goes to the candor of the complainant, particularly Mr. Leibowitz that if done in this fashion, not doing a dropdown to show who liked and who didn't like nor including that this was not posted by a Mr. Lima. It was posted by somebody else. I know the city has duty to investigate this matter, but I think it's completely misleading and lacks the candor. I think it was posted by an Al Lapore, Senior, and forgive me for any mispronunciations. But I really think that a seasoned investigator, anybody who works for *The Herald*, could clearly go on Pablo Lima's Facebook page, which to my understanding was open to the public, click on it and seen that he did not post this nor did he like it. Again, the city has to investigate all matters brought forth to them.
- But with respect to Mr. Lima's actions I just want to state for the record that all likes and posting on the social media related to the WLRN article were done under the guise of my client's First Amendment freedom of speech. All posts and likes were in support of a politician, his wife, and under this my client felt that the posts were matter of public concern and public interest since they strictly dealt with political and social matters. There is no correlation between my client's exercise of his free speech and his employment with the Bay Harbor Islands Police Department nor

his duties as a law enforcement officer. These were all done by a private citizen expressing political free speech. I have nothing further to add.

Curtis Johnson: All right. This concludes the statement. The time now is 3:30 PM.

[End of Audio]