



**COCONUT CREEK POLICE INTERNAL AFFAIRS
SUMMARY**



CASE NUMBER: 2012-09

DATE: January 23, 2013

CASE INVESTIGATOR: Captain John N. DiCintio

ALLEGATIONS: General Order No. 9, Rules of Conduct: Section XII, Unsatisfactory Performance, and Section II, Violation of Rules

COPIES TO: Chief Michael J. Mann, Deputy Chief Greg Lees

NARRATIVE:

This investigation is the result of a formal complaint made on September 19, 2011, against Officer James Yacobellis by Captain Gerald Feisthammel. Captain Feisthammel alleged that Officer Yacobellis had suspect, Blake Robinson, stand in a bathtub in a bathroom with the door closed, while he was being questioned. At the same time, another suspect and other subjects were left unattended in the rest of the house without another officer present. This case went to the State Attorney's Office for their investigation. The state attorney concluded there was insufficient evidence that Officer Yacobellis engaged in any criminal conduct. The state attorney took statements from all the parties involved and those statements have been used for my Internal Affairs investigation.

INVESTIGATION:

I read the complaint from Captain Feisthammel along with the reports and statements from all the parties involved.

INVESTIGATIVE FINDINGS:

On August 15, 2011, Officer Yacobellis responded to 3666 Cocoplum Circle in reference to a burglary call. The complainant, Gayle Brodman, who lives at 3772 Cocoplum Circle, told Officer Yacobellis that she was watching her father's residence, while he's in rehab. Mrs. Brodman also told Officer Yacobellis that she was holding some of her deceased mom's jewelry and her father's jewelry in her house while he was in rehab. She went on to say that she found several pieces of their jewelry missing from her house, so she went to her father's house where she also found jewelry missing. Mrs. Brodman went back to her house to pick up her husband and brought him to her father's house, and then she contacted her brothers to meet there as well. Officer Yacobellis responded and handled the report.

Officer Yacobellis had left but was called back to Gayle Brodman's house after her family said they suspected Mrs. Brodman's daughter, Aimee Rubiano, and her boyfriend, Blake Robinson, who both live with Gayle Brodman, of the theft. Mrs. Brodman then contacted her daughter and her boyfriend and told them to come home. Once they got there, Officer Yacobellis explained to them what was going on and brought them to the bedroom to talk to them. Aimee's uncle asked Officer Yacobellis if he could speak to his niece privately. Officer Yacobellis agreed and brought the other suspect, Blake Robinson, to the bathroom for questioning. Officer Yacobellis closed the door while he was questioning him. After five minutes, they came out of the bathroom and Officer Yacobellis questioned Aimee about the case. She refused to answer any questions and, each time Officer Yacobellis asked Blake a question, Aimee gave him a "look." Upon noticing this, Officer Yacobellis again brought Blake to the bathroom for questioning. This time, Officer Yacobellis closed the door and turned on the faucet so people outside couldn't hear what they were talking about. It's unclear how long they were in the bathroom this time. Officer Yacobellis came out of the bathroom when Sergeant Coppola arrived on the scene and told him to wrap up the investigation. Officer Yacobellis ended up arresting Blake Robinson for an outstanding warrant.

The suspect/witness on this call, Blake Robinson, complained that he felt threatened by Officer Yacobellis because, when they were in the bathroom the second time, Officer Yacobellis took his Taser out and was pointing it at him. When Sergeant Coppola arrived on the scene and went into the bathroom, he saw Officer Yacobellis with his Taser in his hand, but it was pointed toward the ground. Officer Yacobellis, in his statement to the state attorney, admitted to taking his Taser out, but only for his own protection. Officer Yacobellis said Blake was becoming upset during the questioning; his hands were moving and he was looking around as if he wanted to go through him. Officer Yacobellis said it was a small bathroom and Blake was much bigger than him. Officer Yacobellis even admitted that it was probably not the best place to talk to someone since the area was so small.

During Officer Yacobellis' investigation, he had two suspects and five family members in the same apartment, all of whom were upset with suspects Aimee and Blake. Officer Yacobellis took one of the suspects into the bathroom on two occasions, closing the door and once turning on the faucet. This was so the other suspect couldn't hear what they were talking about. However, while doing so, he left the other suspect alone. This is an unsafe practice when you are investigating a crime. Officer Yacobellis is an experienced officer and should have either called for a second officer to watch the other suspect and the upset family members or notify his supervisor of the situation and ask for assistance.

In light of this finding, the charges of violating General Order 9, Rules of Conduct, Section XII, Unsatisfactory Performance, and Section II, Violation of Rules, are as follows:

Unsatisfactory Performance

Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees will perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may include, but is not limited to (1) a lack of knowledge of the applicable procedures and job requirements; (2) an unwillingness, inability, or failure to perform assigned tasks; (3) the failure to conform to work standards established for the employee's rank, grade, or position; (4) the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or (5) absence without leave.

In addition to other indicia of unsatisfactory performance, repeated poor evaluations or written records of repeated infractions of rules, regulations, procedures, memoranda or orders of the department will be considered prima facie evidence of unsatisfactory performance.

DISPOSITION: Sustained

Violation of Rules

Employees will not commit any acts, or omit any acts, which constitute a violation of written directives of the department.

DISPOSITION: Sustained

LIST OF EXHIBITS

EXHIBIT 1: Copy of reports

EXHIBIT 2: Lieutenant Coppola's statement

EXHIBIT 3: Sworn statement from Officer James Yacobellis

EXHIBIT 4: Sworn statement from Blake Robinson

EXHIBIT 5: Sworn statement from Lieutenant Dominic Coppola

EXHIBIT 6: Sworn statement from Gayle Brodman

EXHIBIT 7: Sworn statement from Andrew Brodman

EXHIBIT 8: Sworn statement from Kristin Brodman

EXHIBIT 9: Sworn statement from Raymond Lyons

EXHIBIT 10: Sworn statement from Aimee Rubiano

EXHIBIT 11: Sworn statement from Larry Brodman

Action Log

Date	Action
11/8/12	Received IA 2012-09 from CarolAnn Bown
11/8/12	Officer Yacobellis was served notice of IA by Lieutenant Barclay
11/16 – 18/12	Read all statements and started investigation. I took no statements as I used the SAO's statements for their criminal investigation.
01/23/13	Completed IA and forwarded to Deputy Chief Lees.