

## Two Florida Officers Are Charged in Beating of Homeless Man

The officers were fired by the Police Department in Hialeah, outside Miami, and charged with kidnapping and battery in connection with the episode last month, a prosecutor said.



By Johnny Diaz

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MIAMI — Two former South Florida police officers face felony charges in connection with the beating of a homeless man whom they detained outside a shopping center and then drove several miles to a remote location last month, the authorities said.

Lorenzo Orfila, 22, and Rafael Otano, 27, both formerly of the Police Department in Hialeah, Fla., just outside Miami, were each charged with armed kidnapping and battery, Katherine Fernandez Rundle, the Miami-Dade County state attorney, said at a news conference on Thursday. Mr. Orfila was also charged with official misconduct by a public servant, she said.

A third man, Ali Amin Saleh, 45, a civilian, was also arrested and charged with witness tampering for his efforts “to cover up the actions of the officers,” Ms. Fernandez Rundle said.

“Excessive force and abusive power will always, always undermine the fundamental goals of good policing in any community anywhere,” she said at the news conference. “Officers who forget that do a great disservice to the people they have sworn to serve.”

The officers responded just after 5 p.m. on Dec. 17 to a call about a disturbance at a bakery in a shopping center in Hialeah, a city of about 220,000 residents just northwest of Miami, the authorities said. The officers handcuffed the homeless man, Jose Ortega Gutierrez, 50, and placed him in the back of a police car, according to an arrest warrant.

Ms. Fernandez Rundle said that surveillance footage from the shopping center showed no reason for Mr. Ortega Gutierrez to be taken into custody.

The officers then drove the man for about 11 minutes to an isolated area more than six miles from the plaza, Ms. Fernandez Rundle said.

Mr. Ortega Gutierrez “was taken out of the marked Hialeah police car and, while handcuffed, he was allegedly beaten and thrown to the ground by the officers,” she said, adding that Mr. Ortega Gutierrez lost consciousness during the beating.

After he regained consciousness, Mr. Ortega Gutierrez, out of handcuffs and bleeding from the head, was spotted by an off-duty Hialeah police officer who was walking his dog and called 911.

Mr. Ortega Gutierrez told the officer that two police officers had beaten him, Ms. Fernandez Rundle said. Mr. Ortega Gutierrez was taken to a hospital, where he was treated for his injuries, she said.

Later on, an officer who responded to the off-duty officer’s call was contacted by Mr. Orfila, who asked him about the man’s condition and to make a “no report” of the call, the arrest report said. That officer disregarded that request.

Twelve days after the encounter, during a follow-up interview with detectives, Mr. Ortega Gutierrez said that he had been approached by Mr. Saleh, who identified himself as a private investigator, and asked him to sign an affidavit that had been pre-notarized, Ms. Fernandez Rundle said.

The affidavit, written in English and Spanish, said that Mr. Ortega Gutierrez had been arrested for drinking the day of the encounter and that he had not been beaten by the officers.

Mr. Ortega Gutierrez told the police that Mr. Saleh gave him \$1,350. He also told them that he signed the document and took the money because he was homeless and unemployed, Ms. Fernandez Rundle said.

During the investigation, detectives found that the global positioning system on the officers’ police cars showed them outside their assigned patrol area that day, Ms. Fernandez Rundle said.

“Officers Otano and Orfila both failed to turn on their body-worn cameras during their entire encounter with Ortega Gutierrez,” she said.

The episode was among the latest in a series of high profile cases involving misconduct by police officers. On Thursday, five Memphis police officers were charged with second-degree murder and other crimes in the death of Tyre Nichols, a 29-year-old Black man. The charges stemmed from a traffic stop on Jan. 7 that the authorities described as a display of staggering brutality.

The Hialeah officers were reassigned and then fired from the department, Chief George Fuente said at the news conference. Mr. Orfila had been with the department for three years and Officer Otano had served for five years.

Robert Barrar, a lawyer for Mr. Orfila, said on Friday that his client was innocent, “and when all the evidence is presented before a jury, we are confident that the jury will find him not guilty.”

Michael Pizzi, a lawyer for Mr. Otano, said that his client “did not commit any crimes.” Mr. Otano “was a police officer on duty and he did not kidnap or assault anybody,” Mr. Pizzi said.

“He will be exonerated and get his job back,” he added.

Both former officers were in custody on Friday, according to jail records.

“It’s a sad and disappointing day when any officer betrays a badge,” Chief Fuente said at the news conference, “and it’s extremely disappointing to me it being an officer that wore the Hialeah patch.”

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