

Good afternoon,

We have had a few entities ask for the arbitrator's ruling in the case of Officer Johan Mulero, who was terminated in 2018. The copy of the ruling is attached. Also, please see the city's statement below regarding the ruling:

In December 2018 the City terminated the employment of Officer Johan Mulero following a disturbing incident during which he mistreated and wrongfully arrested a DeLand resident.

Mr. Mulero appealed the City's decision, as is his right, and the City and Mulero both presented their cases to an independent arbitrator late last year. During this hearing, the City presented Mulero's Body Worn Camera footage, which showed that the incident mentioned above was not an isolated one, but rather represented a pattern of misconduct by Mulero in his interactions with members of the public during his tenure with the police department.

Given the same set of circumstances with Mulero or any other officer, the likely outcome would have been termination. Indeed, Mulero's actions do not at all represent how we train our officers to interact with members of the public.

We were notified Friday that the independent arbitrator affirmed many of the City's findings, including Mulero's serious mistreatment of members of the public, and found that ordinarily the appropriate punishment for such conduct would be termination. However, **due to some technical issues with the City's investigation into Mulero's misconduct**, the arbitrator chose to effectively give Mulero a two-year unpaid suspension and is requiring him to undergo additional training instead of upholding the City's decision to terminate his employment.

While the City will abide by the arbitrator's ruling as required, **we are extremely disappointed and dismayed that the arbitrator upheld the City's finding of fact concerning Mulero's misconduct and agreed it was a dismissible offense, only to then contradict those findings by deciding to reinstate him.** **This exposes a serious flaw in the system that allows an officer with a history of misconduct to continue their employment without facing the appropriate consequences for their actions.**

As for Mr. Mulero, he is once again an employee of the City and the police department, and we will provide support for him to be the best person and officer he can be. He will be required to undergo extensive training and will be re-trained in de-escalation techniques to ensure this type of misconduct never occurs again. We hope this serves as a learning experience on what it means to be a police officer and is used by him as an opportunity to grow as a person.

###

Chris Graham

Community Information Specialist
City of DeLand