



655372

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
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The Committee on Community Affairs (Diaz de la Portilla) recommended the following:

Senate Amendment

In title, delete lines 20 - 60
and insert:
between 20 and 22 miles per hour over the posted speed limit of
40 miles per hour eastbound on E 49th Street toward the
intersection of E 9th Court in an unmarked patrol car, and

WHEREAS, Officer Somarriba activated the emergency lights,
but he did not activate the emergency siren, and

WHEREAS, Officer Somarriba does not recall being in pursuit



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11 of any suspect or vehicle, and records do not indicate that he
12 contacted dispatch communications, and,

13 WHEREAS, by traveling at least 20 miles per hour over the
14 posted speed limit and by failing to activate his emergency
15 siren and to contact dispatch communications, Officer Somarriba
16 violated General Order No. 22.04 of the City of Hialeah Police
17 Department Emergency Vehicle Operation and Response Code
18 Protocol and General Order No. 17.06 of the City of Hialeah
19 Police Department Vehicle Pursuit Protocol, and

20 WHEREAS, Officer Somarriba, while traveling significantly
21 over the speed limit and without his emergency siren activated,
22 crashed into the driver's side of the Jeep Compass driven by
23 Marco Barrios while the Jeep was crossing the eastbound lanes of
24 E 49th Street, and

25 WHEREAS, the severe impact of the collision forced the Jeep
26 to flip repeatedly and collide with several vehicles parked at
27 an adjacent car dealership before coming to rest on its side,
28 and

29 WHEREAS, the force of the crash was so great that Marco
30 Barrios was gravely injured and Andrea Castillo was ejected from
31 her seat and landed in the back hatch area of the vehicle with
32 massive blunt trauma injuries to her head and torso, and

33 WHEREAS, Andrea Castillo died as a result of her injuries
34 within days of the crash, and

35 WHEREAS, at the conclusion of the traffic homicide
36 investigation into the death of Andrea Castillo and a companion
37 investigation by the state attorney, the Hialeah Police
38 Department and other investigating agencies concluded that Marco
39 Barrios duly observed the stop sign at the intersection of E



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40 49th Street and E 9th Court and that Officer Somarriba's speed
41 was a contributing factor to the fatal crash, and

42 WHEREAS, a toxicology test conducted in the course of the
43 homicide investigation determined that Marco Barrios was not
44 impaired by alcohol or any other substance at the time of the
45 crash, and

46 WHEREAS, there was no toxicology report for Officer
47 Somarriba, and