

# NACOLE Case Studies on Civilian Oversight

## Civilian Investigative Panel

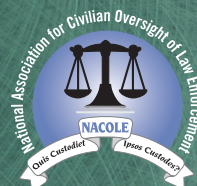
**Miami, Florida**

**Investigative-Focused Model**

by Michael Vitoroulis



**COPS**  
Community Oriented Policing Services  
U.S. Department of Justice





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# Program Context

The Civilian Investigative Panel (CIP) is the civilian oversight agency primarily responsible for investigating civilian complaints against the Miami Police Department (MPD), a force of roughly 1,100 sworn officers serving the 453,579 residents of the City of Miami. The CIP is authorized to receive, investigate, and recommend the disposition of complaints; review and investigate internal investigations completed by the MPD's Internal Affairs Division; and to submit recommendations on current and proposed policies, procedures, and practices concerning but not limited to training, recruitment, and disciplinary procedures to the chief of police. Voted into the Miami City Charter in 2001 following community calls for greater accountability after several high-profile scandals and officer-involved shootings, the CIP has operated and endured in a state- and citywide environment particularly hostile to civilian oversight. Despite early attempts to weaken the CIP and reduce its authority, there has since been a renewed effort by the CIP to re-establish community trust and build legitimacy in the eyes of both the department and the community.

# History and Evolution of Civilian Oversight in Miami

Relations between the Miami community and law enforcement in the run-up to the 21st century could be characterized as hostile and distrustful. A series of high-profile scandals involving murder, corruption, excessive force, and drug dealing—such as the Miami River Cops Scandal, in which nearly 100 officers were arrested, fired, suspended, or reprimanded and roughly 20 received prison sentences for drug-related and robbery charges—plagued the MPD.<sup>1</sup> In 1980, years before the River Cops Scandal emerged, the acquittal of four Miami-Dade police officers involved in the death of Arthur McDuffie resulted in three days of rioting throughout the city of Miami and 18 deaths.<sup>2</sup>

Federal indictments of five MPD officers and a spate of officer-involved shootings at the turn of the century prompted a coalition of community groups and activists, including the Spanish American League Against Discrimination, Brothers of the Same Mind, the Haitian American Grassroots Coalition, the American Civil Liberties Union (ACLU) of Florida, and People United to Lead the Struggle for Equality (P.U.L.S.E.), and several others, to lobby for an amendment to the Miami city charter in June 2001, allowing for the creation of a civilian-led panel responsible for investigating complaints alleging misconduct by sworn MPD officers.<sup>3</sup>

The ensuing months saw a lively debate between coalition members, MPD officials, the Miami Fraternal Order of Police (FOP), and Miami's city commission concerning the panel's duties and scope of authority. At the heart of these discussions was the panel's ability to issue subpoenas, which received steadfast opposition by former MPD chief Raul Martinez and city commissioners.<sup>4</sup> By August of that year, the city commission unanimously approved placing a charter

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1. Ted B. Kissell, "River of Sleaze," *Miami New Times*, April 6, 2000, <https://www.miaminewtimes.com/news/river-of-sleaze-6378923>.

2. David Smiley, 2015, "McDuffie Riots: Revisiting, Retelling Story – 35 Years Later," *Miami Herald*, May 16, 2015, <https://www.miamiherald.com/news/local/community/miami-dade/article21178995.html>.

3. Andrea Robinson, "New Plan Aims to Police the Police: Rights Groups Seek Miami Citizen Panel," *Miami Herald*, June 29, 2001.

4. Charles Rabin, "Civilian Review of Police Debates," *Miami Herald*, July 29, 2001; Andrea Robinson, "Police Oversight Board Will Go to Referendum," *Miami Herald*, August 10, 2001.



amendment for the creation of such a panel before Miami voters.<sup>5</sup> The issue of subpoena power nonetheless remained a point of contention. The FOP president claimed that such a panel would violate the union’s contract with the city.<sup>6</sup> To remedy potential legal conflict, one city commissioner suggested that the panel be given independent legal counsel to approve the issuance of subpoenas in consultation with the Miami-Dade State Attorney’s Office.<sup>7</sup> With the issue of subpoena power to be resolved through the details of its ordinance, Miami voters approved the creation of a Civilian Investigative Panel.<sup>8</sup> Following the voter referendum, the president of the Miami FOP stated that the union was not opposed to civilian oversight—but it was concerned with how subpoena power would be applied. In an article published by the *Miami Herald*, the FOP president was quoted saying, “We will look at possible violations of police officers’ bill of rights, our contract and existing rules and procedures.”<sup>9</sup> The FOP president’s concerns were related to a statewide statute in the Florida Constitution known as the Law Enforcement Officer Bill of Rights<sup>10</sup> (LEOBOR), which details, among others, the rights and protections afforded to law enforcement officers employed by a law enforcement agency in Florida.

The LEOBOR states the processes for investigating complaints against sworn law enforcement officers in Florida and therefore is an important aspect when discussing the history and contention surrounding the CIP. A section titled “Rights of Law Enforcement Officers and Correctional Officers While Under Investigation.” reads:

“Whenever a law enforcement officer or correctional officer is **under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal**, the interrogation must be conducted under the following conditions . . .”<sup>11</sup> (emphasis added)

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5. Robinson, “Police Oversight Board” (see note 4).

6. Robinson, “Police Oversight Board” (see note 4).

7. Robinson, “Police Oversight Board” (see note 4).

8. Andrea Robinson, “Civilian Oversight of Police Approved,” *Miami Herald*, November 7, 2001.

9. Andrea Robinson, “Details of Police Review Board to be Worked Out,” *Miami Herald*, November 8, 2001.

10. Florida State Statutes, Title X, Chapter 112, § 112.532-112.533.

11. Florida State Statutes, Title X, Chapter 112, § 112.532(1).

In addition, a section titled “Receipt and Processing of complaints.” in the LEOBOR reads:

“Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, which shall be **the procedure** for investigating a complaint against a law enforcement and correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary.”<sup>12</sup> (emphasis added)

When the CIP was voted into the city charter in 2001, community members, elected officials, and the law enforcement community were tangentially aware of the potential complications presented by the LEOBOR with regard to establishing an independent entity authorized to conduct investigations of law enforcement officers. There was, however, no relevant case law at the time preempting the creation of a municipal entity outside a law enforcement agency in Florida to conduct misconduct investigations. Much of the history and debate surrounding the CIP stems from the legal interpretation of the LEOBOR and whether the CIP was “in conflict” with the Florida Constitution. Indeed, the CIP’s authority has largely been shaped by the LEOBOR in ways unlike most other operational civilian oversight agencies in the United States.

As the city commission continued to work out the details of the CIP ordinance, the debate over the panel’s authority became increasingly heated, with the FOP threatening to sue over what it believed to be an improper level of authority.<sup>13</sup> A proposal put forth by the police chief endowing him the authority to decide when the panel’s investigations can move forward was denied by the city commission.<sup>14</sup> By February 2002, the Miami city commission approved an ordinance creating a 13-member panel authorized to accept anonymous complaints, investigate MPD misconduct, and review MPD policies and issue recommendations.<sup>15</sup> The panel was given

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12. Florida State Statutes, Title X, Chapter 112, § 112.533(1)(a).

13. Editorial Board, “Miami Police, Citizens Clash on Oversight Plan,” *Miami Herald*, December 27, 2001.

14. Oscar Corral, “Commission Denies Chief Say on Review Panel Inquiries,” *Miami Herald*, January 25, 2002.

15. Oscar Corral, “Miami OKs Civilian Panel to Probe Police,” *Miami Herald*, February 25, 2002.

independent legal counsel, appointed by and subject to removal by the Miami City Attorney, who was to be responsible for reviewing the issuance of subpoenas which would ultimately be subject to approval by the Miami-Dade State Attorney's Office.<sup>16</sup>

As the first round of appointments to the CIP were being made in 2003, the Civil Rights Division (CRD) of the U.S. Department of Justice (DOJ) launched a probe into MPD misconduct. The investigation identified deficiencies in the department's use of force and reporting, vehicle pursuit policy, search and seizure procedures, and handling of civilian complaints—particularly the rarely conducted complaint reviews conducted by the Office of Professional Compliance (under the City Manager). The letter further concluded, “An adequate external complaint process is a crucial oversight mechanism and an important deterrent of misconduct.”<sup>17</sup> Despite the DOJ's findings, the MPD was able to stave off federal intervention into its practices—partially because of the appointment of John Timoney as chief of police, whose tenures as police commissioner in New York City and Philadelphia left him regarded by some as “one of the most progressive and effective police chiefs in the country.”<sup>18</sup>

At the CIP's first formal public meeting in March 2003, former MPD Chief John Timoney pledged full cooperation with the panel.<sup>19</sup> However, by December of that year, one month after the CIP's first executive director (ED) was hired, the first signs of struggle that would later characterize the CIP's challenges and relationship with MPD began to emerge.

An early test for the CIP came after the community called for an investigation into the MPD's handling of protests during the Free Trade Area of the Americas (FTAA) Summit in November 2003. Amnesty International, the ACLU of Florida, and more than 100 individuals in the community criticized the police's use of force toward nonviolent protestors and several hundred

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16. Carolyn Salazar, “9 Join Police-Probe Panel,” *Miami Herald*, January 24, 2003.

17. Steven H. Rosenbaum, “Re: Investigation of the Miami Police Department,” memorandum to Alejandro Vilarello, City Attorney for the City of Miami, March 13, 2003.

18. Elsa Walsh, “Miami Blue,” *The New Yorker*, February 26, 2007, <https://www.newyorker.com/magazine/2007/03/05/miami-blue>.

19. Carolyn Salazar, “Police Survey Board Meets Today,” *Miami Herald*, March 20, 2003, <https://miamiherald.newspapers.com/image/647600220/>. During his time as Police Commissioner in Philadelphia, Timoney had a poor relationship with the civilian oversight entity there, the Police Advisory Commission (PAC). The PAC Executive Director at the time was quoted saying that Timoney cooperated, but only begrudgingly.

improper arrests.<sup>20</sup> The panel initiated its investigation in December 2003 and issued its first subpoena in June 2004 requesting the MPD's operational plan for the FTAA Summit. The Miami City Attorney filed a motion to dismiss the subpoena and asserted that "the CIP is an advisory board of the City of Miami Commission. By its nature, it is subservient and not autonomous," bringing the independence and authority of the panel into question.<sup>21</sup> In September 2004, the 11th Judicial Circuit of Florida ordered the department to provide the plan to the CIP. The MPD refused yet again and successfully appealed the final judicial order in August 2005, reversing the circuit court's decision, citing the plan's exemption from Florida's public records laws.<sup>22</sup> The findings from the CIP's investigation, without the information that would have been obtained from having access to the MPD's operational plan, were eventually published in July 2006.

Another struggle with the issuance of subpoenas emerged three years later. In September 2007, the CIP initiated an investigation into allegations that Chief Timoney violated the MPD's ban on gifts by driving a car lent to him by a local car dealer for more than a year.<sup>23</sup> The chief refused to testify despite the CIP's subpoena and a subsequent ruling ordering his cooperation, on the basis that the subpoena overstepped the CIP's authority and because the ordinance required the CIP to provide the chief with a written report of its findings, to which the chief must respond.<sup>24</sup> A circuit court judge ordered the chief to comply with a second subpoena, which the chief appealed and filed a motion to dismiss on the basis that the LEOBOR explicitly exempts the police chief from internal investigations<sup>25</sup> and that the investigation took place

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20. Carolyn Salazar, "Find Truth about Police, Panel Told," *Miami Herald*, January 16, 2004, <https://www.newspapers.com/newspage/650408317/>; Steven Greenhouse, "Demonstration Turns Violent at Trade Talks in Miami," *The New York Times*, November 21, 2003, <http://www.nytimes.com/2003/11/21/us/demonstration-turns-violent-at-trade-talks-in-miami.html>.

21. Tristram Korten, "RIP for the CIP." *Miami New Times*, June 23, 2005, <http://www.miaminewtimes.com/news/rip-for-the-cip-6339874>.

22. *Timoney v. Civilian Investigative Panel*, 917 So. 2d 885 (Fla. Dist. Ct. App. 2005), Case No. 3D04-2844, <https://www.courtlistener.com/opinion/1091243/timoney-v-miami-civil-investigative-panel/>.

23. Editorial Board, "Civilian Panel Opens Probe of Timoney, Car," *Miami Herald*, September 18, 2007.

24. Michael Vasquez, "Judge Considers Contempt Ruling Against Miami Police Chief," *Miami Herald*, March 6, 2008.

25. Florida State Statutes, Title X, Chapter 112, § 112.532(1)-(6).

beyond the CIP's 120-day investigative timeline.<sup>26</sup> In 2008 the Florida Third District Court of Appeal maintained that investigating the chief of police was within the CIP's jurisdiction because the cited sections of the LEOBOR applied only to internal investigations, and the chief must therefore cooperate with the CIP's investigation.<sup>27</sup> The court also noted that the case was within the panel's investigative jurisdiction because Timoney had purposefully delayed proceedings until the statute of limitations expired.

The following years were similarly difficult for the CIP. Amid a fiscal crisis for the city, the panel's annual budget was cut in half in fiscal year 2010, which necessitated the elimination of two staff positions.<sup>28</sup> The executive director, refusing to accept a reduction in salary and benefits, was fired by the panel in late January 2009.<sup>29</sup> That same year, city commissioners considered amending the CIP's ordinance and reducing the number of panel members from 13 to nine.<sup>30</sup> Furthermore, the panel's chief investigator raised concerns regarding the independent counsel (IC) hindering of the CIP's investigations. In a detailed letter to Miami's mayor and city commissioners, he alleged that the IC, appointed by the city attorney, intentionally thwarted investigations in order to minimize negative findings against the MPD and frequently overstepped the boundaries of his position.<sup>31</sup> For years, the panel remained in a troubled and neglected state—described as “in turmoil” by the *Miami Herald* in 2014.<sup>32</sup>

In addition, while still in a state of internal tumult, the CIP began its journey on a momentous eight-year legal challenge to its authority and ability to subpoena MPD officers. In April 2009, the CIP issued a subpoena to MPD Lieutenant Freddy D'Agastino in connection with a civilian complaint alleging misconduct during a traffic stop. D'Agastino filed a lawsuit in the

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26. The chief's motion claimed that the CIP no longer had jurisdiction to investigate the case because the statutory deadline of 120 days to complete an investigation had passed four days earlier.

27. *Timoney v. City of Miami Civilian Investigative Panel*, 990 So. 2d 614 (Fla. Dist. Ct. App. 2008), Case No. 3D08-677, <https://www.casemine.com/judgement/us/591469aeadd7b049342dc9f9>.

28. Michael Vasquez, “Miami Police Review Panel to Consider Firing Director,” *Miami Herald*, January 19, 2009.

29. Michael Vasquez, “Civilian Review Panel's Director Fired,” *Miami Herald*, January 23, 2009.

30. Editorial Board, “Skip the Politics,” *Miami Herald*, June 10, 2009.

31. Steven S. Wolf, former chief investigator for the CIP, “Re: Claim of Whistleblower Violation,” memorandum to Manual A. Diaz, former mayor, and Miami City Commission, October 15, 2009, <http://media.nbcblocalmedia.com/documents/SteveWolf.pdf>.

32. Nadege Green, “Miami's Civilian Board that Polices the Police is in Turmoil,” *Miami Herald*, April 29, 2014, <https://www.miamiherald.com/news/local/community/miami-dade/article1963646.html>.

11th Judicial District of Florida<sup>33</sup> alleging that the CIP’s authority to investigate misconduct conflicted with portions of the LEOBOR concerning investigations that may lead to disciplinary action against a law enforcement officer.<sup>34</sup> The circuit court ruled in the CIP’s favor, reasoning that the sections of the LEOBOR cited in the lawsuit pertain only to internal investigations and that the CIP’s advisory role did not conflict with the LEOBOR because it cannot impose disciplinary action. D’Agastino sought a review of the court’s decision by the Florida Supreme Court,<sup>35</sup> which in 2017 affirmed the initial ruling regarding the constitutionality of the CIP’s authority to independently investigate complaints against law enforcement officers. The court also ruled, however, that the CIP’s authority to subpoena a law enforcement officer who is the subject of the investigation could not be reconciled with the limitations imposed by the LEOBOR and was therefore unconstitutional.

Relevant to the court’s 2017 decision was the LEOBOR’s provision that “whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason which could lead to disciplinary action, demotion, or dismissal, **such interrogation shall be conducted under the following conditions. . .**”<sup>36</sup> The court reasoned that “a core component of . . . disciplinary investigations . . . is the ability to interrogate the subject officer. However, law enforcement agencies cannot interrogate an officer by any means but must comply with the elaborate interrogation framework of rights and obligations imposed . . . in the [LEOBOR].”<sup>37</sup> The court further reasoned that maintaining the CIP’s authority to subpoena law enforcement officers “would render the rights conferred upon officers by the [LEOBOR] meaningless because the CIP provides the police department with a mechanism to circumvent the operation of the [LEOBOR’s] protective measures.”<sup>38</sup>

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33. *Freddy D’Agastino v. City of Miami* (Fl. Dist. Ct. App. 2013), Case No. 3D10-2704, <https://caselaw.findlaw.com/fl-district-court-of-appeal/1729158.html>.

34. Florida State Statutes, Title X, Chapter 112, § 112.533(1).

35. *Freddy D’Agastino v. The City of Miami*, SC16-145 (Fla. 2017), <https://law.justia.com/cases/florida/supreme-court/2017/sc16-645.html>.

36. Florida State Statutes, Title X, Chapter 112, § 112.533(1).

37. *Freddy D’Agastino v. The City of Miami*, 28 (see note 33).

38. *Freddy D’Agastino v. The City of Miami*, 30 (see note 33).

Meanwhile, at the same time the CIP was working to maintain its authority to conduct investigations and subpoena officers, community groups began raising concerns about its effectiveness.<sup>39</sup> In 2014, the Miami city commission passed a resolution creating an independent review committee (IRC) tasked with:

“reviewing the CIP’s ability to perform its duties independent of its Independent Counsel, determine whether there is a delay attributed to the CIP in the investigation of alleged police misconduct, and prepare a report containing its findings as well as any recommendations to the City Commission, City Attorney, and City Manager.”<sup>40</sup>

The IRC was composed of five members appointed by each city commissioner and had 60 days to conduct its evaluation and formulate recommendations.<sup>41</sup> The IRC discussed and debated its findings at several public hearings and approved a set of recommendations centered on improving the panel’s independence and operations, such as allowing the panel to hire and fire its ED and IC and setting its annual budget to be a set percentage of the police department’s budget, as well as clarifying its composition and policy recommendation authority.<sup>42</sup> The bulk of the IRC’s recommendations were accepted by Miami’s Charter Review and Reform Committee, which were then recommended to and accepted by the Miami City Commission. A referendum on several proposed changes to the Miami city charter, including revisions to the charter section pertaining to the CIP, was put before Miami voters in the fall of 2016. The CIP charter amendments passed overwhelmingly with more than 78 percent of the vote.<sup>43</sup>

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39. Editorial Department, “Time for Change at the Civilian Investigative Panel,” *Miami Times*, May 8, 2014, [http://www.miamitimesonline.com/opinion/editorials/time-for-change-at-civilian-investigative-panel/article\\_abfe8334-9098-11e6-a1d5-10604b9ffe60.html](http://www.miamitimesonline.com/opinion/editorials/time-for-change-at-civilian-investigative-panel/article_abfe8334-9098-11e6-a1d5-10604b9ffe60.html); Eric Johnson, “Black Leaders Calling for Change at Civilian Investigative Panel,” *Miami Times*, May 8, 2014, [http://www.miamitimesonline.com/news/black-leaders-calling-for-change-at-civilian-investigative-panel/article\\_afc2500e-9098-11e6-a2ef-10604b9ffe60.html](http://www.miamitimesonline.com/news/black-leaders-calling-for-change-at-civilian-investigative-panel/article_afc2500e-9098-11e6-a2ef-10604b9ffe60.html).

40. “CIP Independent Review Committee,” City of Miami City Clerk’s Office, accessed August 10, 2020, [http://archive.miamigov.com/city\\_clerk/pages/Board/CIP\\_IndependentReviewCommittee.asp](http://archive.miamigov.com/city_clerk/pages/Board/CIP_IndependentReviewCommittee.asp).

41. City of Miami Resolution #R-14-0196, May 8, 2014, [http://archive.miamigov.com/city\\_clerk/pages/Board/BoardDocs/CIP\\_InvRevCom/Jun6\\_2014/Resolution%20R-14-0196%20-%20CIP%20Independent%20Review%20Committee%20\(adopted%205.8.201....pdf](http://archive.miamigov.com/city_clerk/pages/Board/BoardDocs/CIP_InvRevCom/Jun6_2014/Resolution%20R-14-0196%20-%20CIP%20Independent%20Review%20Committee%20(adopted%205.8.201....pdf).

42. Francis Suarez and the Charter Review and Reform Committee, “Final Report of Charter Review and Reform Committee and Recommendations for Referral to Voters,” memorandum to the mayor and the City Commission of Miami, June 8, 2014, 13–14, <http://www.miamigov.com/cityattorney/docs/FinalReport-CharterReviewandReformCommittee.pdf>.

43. “City of Miami, Florida, Civilian Investigative Panel Measure (November 2016),” Ballotpedia, accessed August 10, 2020, [https://ballotpedia.org/City\\_of\\_Miami,\\_Florida,\\_Civilian\\_Investigative\\_Panel\\_Measure\\_\(November\\_2016\)](https://ballotpedia.org/City_of_Miami,_Florida,_Civilian_Investigative_Panel_Measure_(November_2016)).

The charter amendment clarified the panel’s membership composition, affirmed its right to hire and fire the ED and IC subject to city commission approval, established an annual budget by ordinance, confirmed its authority to investigate misconduct and review policies and practices of the police department, and clarified its authority to issue subpoenas in consultation with the State Attorney’s office.<sup>44</sup>

In June 2017, the Miami city commission passed an ordinance codifying additional details regarding the CIP’s charter amendment.<sup>45</sup> These changes made explicit the CIP’s authority to issue policy recommendations;<sup>46</sup> clarified its authority to conduct investigations, including a mandatory duty to investigate uses of force resulting in death;<sup>47</sup> included a requirement that the panel evaluate the ED and IC annually;<sup>48</sup> extended its investigative timeline from 120 days to 180 days;<sup>49</sup> eliminated the requirement that the CIP’s IC consult the State Attorney’s Office for the issuance of all subpoenas;<sup>50</sup> clarified the role and duties of the panel’s ED and IC;<sup>51</sup> and set the CIP’s annual budget to be “no less than one percent of the approved regular salaries and wages line item of the city’s police department general fund” except in cases where the city manager has declared a fiscal emergency.<sup>52</sup> In December 2017, following the Florida Supreme Court’s ruling in the D’Agastino case mentioned earlier, the CIP’s ordinance was modified further to explicitly prohibit the CIP from issuing a subpoena to a law enforcement officer.<sup>53</sup>

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44. “City of Miami, Florida, Civilian Investigative Panel Measure (November 2016),” (see note 43).

45. City of Miami Ordinance No. 13688 (June 8, 2017).

46. City of Miami Code § 11.5-27(3).

47. City of Miami Code § 11.5-27(4).

48. City of Miami Code § 11.5-27(11).

49. City of Miami Code § 11.5-31(3)(a).

50. City of Miami Code § 11.5-32.

51. City of Miami Code § 11.5-34.

52. City of Miami Code § 11.5-35(a).

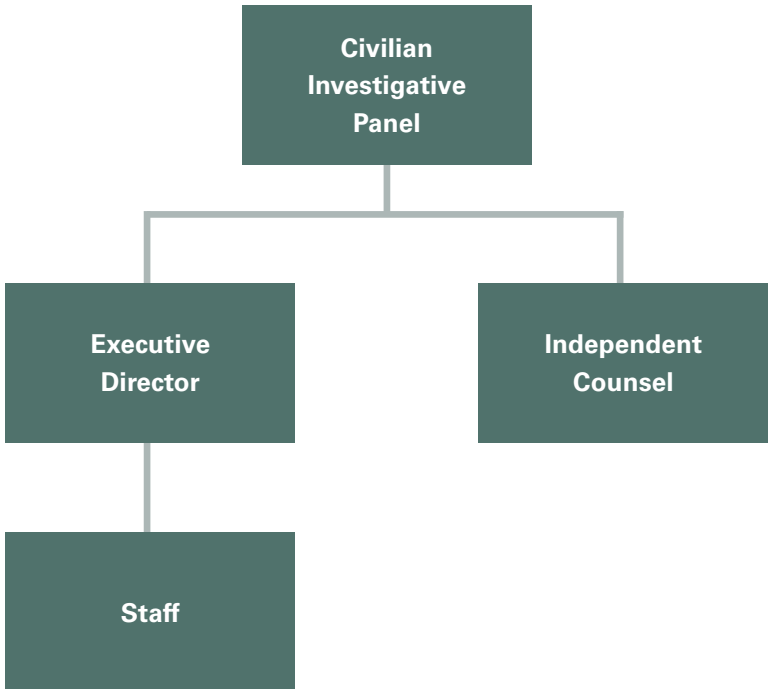
53. City of Miami Ordinance No. 13719 (December 14, 2017); City of Miami Code § 11.5-32(a)(3).



# Organizational Structure

The CIP consists of a 13-member volunteer board as well as an ED and an attorney acting as independent legal counsel, both of whom work under the direction of the board. The CIP does not report to or work under any other entity in the city of Miami but is required by ordinance to issue an annual report to the mayor, city manager, City Commission, and chief of police. Figure 1 illustrates the CIP’s organizational structure.

**Figure 1. Organizational chart of Civilian Investigative Panel**



## Board member qualifications, appointments, and terms

The CIP ordinance requires that it establish a nominating committee, described in the following sections, to solicit and screen applications for board vacancies, interview candidates, and by majority vote submit nominees for approval by the city commission.<sup>54</sup>

54. City of Miami Code § 11.5-28(c)(1).

Ten members from the nominating committee’s pool of nominees are approved and appointed by the Miami city commission.<sup>55</sup> Two members must represent each of the five geographical districts constituting the city of Miami.<sup>56</sup> Two members of the panel, subject to confirmation by the city commission, are elected by the mayor from the pool of candidates submitted by the CIP’s nominating committee.<sup>57</sup> One member is appointed by and serves at the will of the police chief.<sup>58</sup>

All candidates must be either permanent residents of the city of Miami, own real property in the city, or work or maintain a business in the city.<sup>59</sup> Candidates must have a reputation for integrity and community service and may not have had any felony convictions.<sup>60</sup> No candidate (with the exception of the chief’s appointee) nor any member of their immediate family may be currently employed by the city nor be a former sworn member of the MPD.<sup>61</sup> Any individual who is currently or has previously been a party to or a party’s legal representative in litigation against in the city may not serve on the CIP for at least two years following the conclusion of the litigation.<sup>62</sup>

All members serve three-year terms.<sup>63</sup> No member may serve more than two consecutive terms.<sup>64</sup>

## Committees

The CIP is required by ordinance to establish a nominating committee to facilitate the process of selecting and appointing board members. The nominating committee must consist of five CIP members, with one member representing each of the city’s five districts, appointed on an annual basis by the CIP chairperson and subject to majority vote by the rest of the panel.<sup>65</sup> If the CIP’s

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55. City of Miami Code § 11.5-28(c)(1).

56. City of Miami Code § 11.5-28(a)(1).

57. City of Miami Code § 11.5-28(a)(2).

58. City of Miami Code § 11.5-28(a)(3).

59. City of Miami Code § 11.5-28(b)(1).

60. City of Miami Code § 11.5-28(b)(1).

61. City of Miami Code § 11.5-28(b)(2).

62. City of Miami Code § 11.5-28(b)(2).

63. City of Miami Code § 11.5(f).

64. City of Miami Code § 11.5(f).

65. City of Miami Code § 11.5-28(d)(1); the CIP chairperson, vice-chairperson, and any other officers deemed necessary are elected by majority vote. The CIP chairperson is empowered to appoint, with majority approval by the rest of the panel, all members serving on the CIP’s various committees. See City of Miami Code § 11.5-29.

composition does not include at least one member representing a city district, the nominating committee is required to fill its vacancy with one member of the general public.<sup>66</sup> No CIP member may serve on more than two consecutive nominating committees.<sup>67</sup>

In addition to the nominating committee, the CIP also has several standing committees, of which each CIP member must be a member of at least one. The committees and their basic roles are as follows:<sup>68</sup>

- By-laws Committee – Considers and proposes amendments to the CIP’s by-laws on an annual basis
- Complaints Committee – Reviews and votes on recommended dispositions for each case prior to the CIP’s regular monthly meetings
- Policies and Procedures Committee – Reviews MPD’s policies and procedures for the purposes of proposing revisions to be recommended by the CIP
- Ordinance Revisions Committee – Reviews and recommends revisions to the CIP ordinance on an annual basis
- Budget and Finance Committee – Assists the ED in the development of a budget proposal for the city commission and sends a representative to the city commission when the budget is proposed and discussed
- Outreach Committee – Plans and executes efforts to engage the city, police, and public in the work of the CIP

## **Board training**

The CIP, in collaboration with the ED, is required to develop training standards for its members and staff. All CIP members must complete ethics, conflict of interest, and Florida Sunshine Law training.<sup>69</sup> All members except for the police chief’s appointee are also required to complete the Citizens Police Academy and training provided by the National Association for Civilian Oversight of Law Enforcement (NACOLE) or equivalent training programs.<sup>70</sup>

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66. City of Miami Code § 11.5-28(d)(2)(a).

67. City of Miami Code § 11.5-28(d)(3).

68. *By-Laws of the Civilian Investigative Panel* (Miami, FL: Civilian Investigative Panel, n.d.).

69. City of Miami Code § 11.5-28(b)(3).

70. City of Miami Code § 11.5-28(b)(3).

## Staffing

Two professional staff members must be hired by the CIP, subject to approval by the city commission: (1) an ED, acting as the panel's chief executive officer, and (2) an attorney, acting as the CIP's IC. CIP members are required to annually evaluate both the ED and IC pursuant to written criteria established by its members.<sup>71</sup>

### *Executive director*

The CIP must hire a full-time ED with education or experience in criminal justice who is responsible for overseeing the overall operations of the CIP. The ED is explicitly responsible for hiring, supervising, and terminating CIP staff; ensuring CIP members complete their training requirements; establishing priorities and objectives for the CIP; managing the implementation and evaluation of the CIP's functions; establishing written rules and standard operating procedures in collaboration with CIP members; and promoting community understanding and use of the complaint process in collaboration with CIP members.<sup>72</sup>

The ED may be appointed and removed by the CIP, subject to the City Commission's approval.<sup>73</sup>

### *Independent counsel*

The CIP must also hire, subject to approval by the City Commission, an experienced and competent attorney who is knowledgeable in municipal law and in good standing with the Florida Bar for at least seven years.<sup>74</sup> The CIP is empowered to remove the IC with approval of the City Commission.<sup>75</sup> The IC's specific duties as prescribed by ordinance are as follows:

- Issue written determinations, after consulting with appropriate prosecutorial agencies, as to whether an investigation by the CIP of a directly filed complaint involving potential criminal conduct will interfere with any pending or potential criminal investigation or prosecution<sup>76</sup>

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71. City of Miami Code § 11.5-34(a)(2); City of Miami Code § 11.5-34(b)(2).

72. City of Miami Code § 11.5-34(a).

73. City of Miami Code § 11.5-34(a).

74. City of Miami Code § 11.5-34(b)(1).

75. City of Miami Code § 11.5-34(b)(1).

76. City of Miami Code § 11.5-34(b)(1)(a).

- Review CIP requests for subpoenas in compliance with legal requirements, including but not limited to federal and state statutes and prevailing case law, and the appropriateness of issuance of the subpoena; in cases that involve potentially criminal conduct by a police officer, issue written determinations after consultation with appropriate prosecutorial agencies as to whether the issuance of the subpoena will interfere with any pending or potential criminal investigation or prosecution; and advise the CIP of the results of such review and consultation<sup>77</sup>
- Prepare subpoenas as directed by the CIP in accordance with the procedures set forth in the ordinance<sup>78</sup>

### *Additional professional staff*

The CIP may “engage the services of trained investigators” in order to assist it in its work.<sup>79</sup>

As of July 2018, the ED was assisted by a recently hired assistant director, two investigators, and an administrative aide. The assistant director is primarily responsible for planning and executing the CIP’s community engagement and outreach functions. Investigators must have a minimum of five years of investigative experience and a bachelor’s degree. Staff regularly attend NACOLE conferences and undergo a training curriculum similar to that of the CIP members.

### **Budget**

As a result of the city charter and ordinance revisions that took place in 2017, the city commission must ensure that the CIP

“operate[s] on an annual budget established by the City Commission, by ordinance, that will allow the panel to maintain its independence and perform its Charter mandated functions, with sufficient professional staff, while taking into account the City Manager’s declaration of a fiscal emergency, a financial urgency, or financial emergency in the city . . .”<sup>80</sup>

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77. City of Miami Code § 11.5-34(b)(1)(b).

78. City of Miami Code § 11.5-34(b)(1)(c).

79. City of Miami Code § 11.5-27(3).

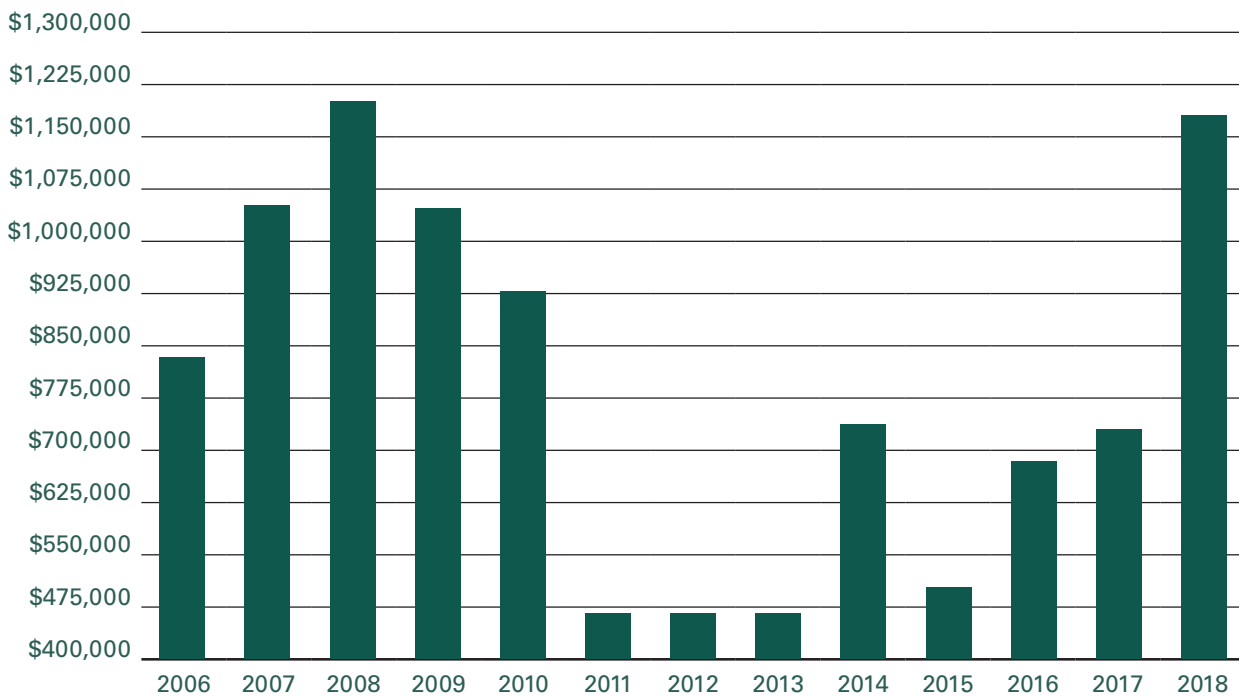
80. City of Miami Charter § 51(C).

As obligated by the revised city charter, in 2016 the Miami city commission passed an ordinance<sup>81</sup> amending the CIP’s enabling ordinance to provide the agency with a minimum annual budget:

“The CIP shall be operated on an annual budget that shall be no less than one percent of the approved regular salaries and wages line item of the city’s police department general fund except as otherwise required by the city manager’s declaration of a fiscal emergency, financial urgency, or financial emergency . . . ”<sup>82</sup>

Historically, and prior to the charter and ordinance revisions described earlier, the CIP’s annual budget has been subject to major fluctuations. Figure 2 provides the CIP’s annual budget from 2006 through 2018.

**Figure 2. Civilian Investigative Panel annual budget, 2006–2018**



81. City of Miami Ordinance No. 13688 (June 8, 2017).

82. City of Miami Code § 11.5-35(a).

# Scope of Authority

The CIP's authority is broadly outlined in the city charter and detailed further in its enabling ordinance. The City of Miami Charter empowers it to do the following:<sup>83</sup>

- Conduct independent investigations of allegations of police misconduct and police uses of force resulting in death or great bodily harm to a person.
- Conduct independent investigations of other matters pertaining to repeated issues of conduct by City of Miami police officers.
- Review police department policies and practices.
- Make written requests and recommendations regarding the CIP's reviews and investigations to the city manager and the police chief, to which the police [chief] shall issue a written response within 45 days.

## Receiving and investigating complaints

The CIP is authorized to receive and investigate complaints filed by anyone alleging misconduct by sworn MPD officers, provided that the complaint was submitted to the CIP within one year of the incident that gave rise to the complaint and that the investigation will not interfere with any potential or current criminal investigation.<sup>84</sup> A complaint filed more than one year after the incident may be accepted by the CIP if approved by majority vote of its members.<sup>85</sup>

To differentiate between complaints submitted directly to the CIP for investigation and those received and investigated by MPD's Internal Affairs (IA) Section, CIP refers to their complaints as "direct files" and, for the purposes of this report, those received and investigated by IA shall be referred to as "MPD complaints."

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83. City of Miami Charter § 51(E).

84. City of Miami Code § 11.5-31(1)(c); City of Miami Code § 11.5-31(2)(a).

85. City of Miami Code § 11.5-31(1)(c).

## **Use of force investigations**

The CIP ordinance mandates that it initiate an independent investigation into any incident in which a police shooting or other use of force results in the death of a person.<sup>86</sup> The CIP is also authorized to investigate any use of force resulting in great bodily harm to a person.<sup>87</sup>

## **Reviewing and investigating closed MPD complaint cases**

Complaints filed with the MPD instead of the CIP are investigated and adjudicated by MPD's IA. The CIP is authorized to receive the close-out reports of all misconduct investigations completed by MPD's IA and may initiate an independent investigation or conduct a review of the entire case file.<sup>88</sup>

The CIP may also place an officer who has been the subject of three or more complaints within the past year on a publicly accessible monitoring list.<sup>89</sup>

## **Recommending complaint dispositions and discipline**

The CIP may issue recommendations regarding complaint dispositions, training, and discipline on sustained allegations to the chief of police for any case it investigates or reviews.<sup>90</sup> The chief of police must respond to the CIP's recommendations in writing explaining why they were or were not accepted within 45 days.<sup>91</sup>

## **Access to information and subpoena power**

The CIP's access to departmental records and information is not clearly outlined in the city charter nor in its corresponding ordinance. With regard to the CIP's authority to review and investigate closed MPD internal investigations, the department is required to make the entire investigative file available to CIP for inspection and copying.<sup>92</sup>

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86. City of Miami Code § 11.5-31(2)(b).

87. City of Miami Code § 11.5-31(2)(b).

88. City of Miami Code § 11.5-31(2)(c).

89. City of Miami Code § 11.5-31(5)(d).

90. City of Miami Code § 11.5-31(5)(c).

91. City of Miami Code § 11.5-31(6).

92. City of Miami Code § 11.5-31(2)(c).



In practice, IA provides the CIP with subject officers' personnel records containing previous complaints and their findings as well as the officers' disciplinary histories. For all other records and documentation, CIP staff must schedule appointments with MPD's Internal Affairs and physically retrieve any requested case files and documentation relevant to the CIP's duties. Other forms of evidence maintained by the department, such as body-worn camera (BWC) footage, are obtained through public records requests under the Florida Sunshine Law.

The CIP may subpoena witnesses and documents "as part of any investigation, review, inquiry, audit, or public hearing."<sup>93</sup> The CIP's IC must review the subpoena request for appropriateness and compliance with federal and state statutes and prevailing case law.<sup>94</sup> If deemed appropriate and compliant by the IC, the CIP may issue the subpoena upon approval by a majority of its seated members.<sup>95</sup>

As a result of the previously mentioned ruling by the Florida Supreme Court in *D'Agostino v. City of Miami*, the CIP is no longer permitted to furnish subpoenas to any law enforcement officer who is the subject of a complaint in the state of Florida. A provision explicitly barring the issuance of such subpoenas was included in an amendment to the CIP's ordinance in late 2017.<sup>96</sup>

## **Policy review and recommendations**

The CIP is authorized to submit written recommendations to the police chief at any time regarding "current MPD policies, procedures, and practices relating but not limited to training, recruitment, and disciplinary procedures."<sup>97</sup>

Similarly, the CIP is given the authority to review and comment on policy revisions under consideration by the MPD.<sup>98</sup> Any time the police chief is considering revising departmental policies or procedures, he or she must submit them to the CIP for review, comments, and written recommendations.

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93. City of Miami Code § 11.5-32(a).

94. City of Miami Code § 11.5-32(a)(1).

95. City of Miami Code § 11.5-32(a)(2).

96. City of Miami Ordinance No. 13719 (December 14, 2017); City of Miami Code § 11.5-32(a)(3).

97. City of Miami Code § 11.5-31(7)(a).

98. City of Miami Code § 11.5-31(7)(b).

The police chief is also required to respond to the CIP’s policy recommendations in writing within 45 days of receipt.<sup>99</sup>

## **Public reports and meetings**

The CIP is required to issue at least one written report annually to the mayor, city manager, city commission, and police chief that includes “statistics and summaries of the results of the CIP’s investigations and reviews, a comparison of those results with the actions taken by the police chief, any recommendations related to changes in policies and procedures and any recommended changes to [the CIP ordinance].”<sup>100</sup> In addition, it may issue reports, requests, and recommendations to the mayor, city commission, city attorney, city manager, police chief, and community concerning any matter within its authority at any time.<sup>101</sup> The aforementioned parties must respond to the CIP in writing explaining why the CIP’s requests or recommendations were or were not accepted.<sup>102</sup>

Furthermore, the CIP is required to issue a notice of all of its upcoming public meetings to the city clerk and post the notice in appropriate locations as well as on its website at least seven days prior to the meeting.<sup>103</sup> Minutes for all meetings must be recorded.<sup>104</sup>

## **Staff evaluation**

Pursuant to the ordinance amendments approved by Miami’s city commission in 2017, the CIP is required to evaluate the performance of its ED and IC on an annual basis using written criteria.<sup>105</sup> The criteria used for the evaluation are described further in the Procedures section of this report.

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99. City of Miami Code § 11.5-31(7).

100. City of Miami Code § 11.5-37.

101. City of Miami Code § 11.5-27(9); City of Miami Code § 11.5-31(8).

102. City of Miami Code § 11.5-31(8).

103. City of Miami Code § 11.5-36.

104. City of Miami Code § 11.5-30(d).

105. City of Miami Code § 11.5-27(11).

# Procedures

As of July 2018, the CIP's primary functions in practice were investigating and recommending dispositions and discipline on complaints and conducting community outreach.

## Complaint intake and investigating direct files

As mentioned in the Scope of Authority section of this report, complaints alleging misconduct by sworn MPD officers can be filed either directly with the CIP (“direct files”) or with MPD (“MPD complaints”). Direct files may be submitted by anyone—including anonymous sources—through the CIP website, phone, mail, or email or in person at the CIP office. The CIP has also partnered with local community groups to create hotlines and facilitate complaint filing for non-English speakers. The CIP’s complaint forms are available in English, Spanish, and Haitian Creole.

A complaint must be filed within one year of the incident in order for it to be eligible for investigation, unless the CIP decides by majority vote to accept the complaint.<sup>106</sup> Upon receipt, the CIP sends a copy of the complaint to MPD within two working days.<sup>107</sup>

By ordinance, the CIP is required to review each complaint for potential criminal liability before proceeding with an investigation. Complaints alleging potential criminal conduct must be forwarded to the CIP’s IC within two days.<sup>108</sup> The IC then has 10 days to issue a written determination as to whether an investigation would interfere with a pending or potential criminal investigation or prosecution.<sup>109</sup> If the panel’s IC determines that the complaint will not interfere with any pending or potential criminal investigation or prosecution, the CIP must initiate its investigation within seven working days of receiving the IC’s determination.<sup>110</sup> Upon commencement of the investigation, the CIP will send a notification to both the complainant(s) and subject officer(s).<sup>111</sup>

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106. City of Miami Code § 11.5-31(1)(c).

107. City of Miami Code § 11.5-31(1)(b); If a complaint alleges potential criminal conduct, the CIP has three working days to forward the complaint to MPD. See City of Miami Code § 11.5-31(3)(b)(1).

108. City of Miami Code § 11.5-31(3)(b)(2).

109. City of Miami Code § 11.5-31(3)(b)(3).

110. City of Miami Code § 11.5-31(3)(b)(4).

111. City of Miami Code § 11.5-31(2)(d).

The CIP uses the following classifications for all complaints: abusive treatment, bias-based profiling, discourtesy, harassment, improper procedure, misconduct, missing or damaged property, or negligence of duty.<sup>112</sup>

After CIP investigators obtain a statement from the complainant, they will send a request to one of the MPD's legal advisors for any documentation and records relevant to the investigation retained by the department. Once all findings of fact and evidence have been collected, CIP investigators will document MPD policies and procedures considered with respect to the complaint's allegations and append recommended dispositions with explanations for each allegation to the case file. Completed complaint investigations are then forwarded to the CIP's Complaint Committee for preliminary review and presentation to the full panel of CIP members thereafter.

Investigators must complete investigations and present findings to CIP members for a final vote on recommendations to the chief of police within 180 days of the initiation of the investigation.<sup>113</sup>

## **Reviewing and investigating completed MPD complaint cases**

The CIP's timelines and procedures for misconduct complaints received and investigated by MPD's IA Section are largely similar to those for direct file cases. The MPD is not required to forward complaints to the CIP upon intake, but it is required to send close-out reports for all completed and adjudicated internal investigations within three working days of the police chief's or his or her designee's final decision.<sup>114</sup> Internal affairs must thereafter make the full investigative report available to the CIP.<sup>115</sup>

Within 10 working days of receiving and reviewing the above documentation from internal affairs, the CIP executive issues a decision regarding whether to conduct a review of or reinvestigate the case.<sup>116</sup> If a decision to review or reinvestigate the case is made, CIP will send a notice to the subject officer(s) and complainant informing them of the decision<sup>117</sup> and begin requesting

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112. Civilian Investigative Panel, "Annual Report—Fiscal Year 2016–2017," memorandum to Daniel J. Alfonso, city manager, December 19, 2017, 4, <http://archive.miamigov.com/cip/docs/2016-2017AnnualReport.pdf>.

113. City of Miami Code § 11.5-31(3)(b)(4).

114. City of Miami Code § 11.5-31(3)(c)(1).

115. City of Miami Code § 11.5-31(2)(c).

116. City of Miami Code § 11.5-31(3)(c)(1).

117. City of Miami Code § 11.5-31(2)(d).

and reviewing all relevant records from MPD. Investigators will then assemble investigative reports similar to direct file cases described earlier, including recommended dispositions, and send them to the CIP's Complaints Committee for initial review by panel members. The case will then be reviewed by the full panel for a vote on the recommended disposition and any additional recommendations for the chief's consideration.

The CIP has 180 days to submit reinvestigated cases and 60 days to submit reviewed cases to the full panel.<sup>118</sup>

## **Panel review and recommendations**

For both direct file and MPD cases, the CIP may “formulate recommendations to the police chief as to disposition, including recommendations as to training of police officers, revision of city police department policies or procedures, or where a complaint has been sustained, consequences for the subject officers.”<sup>119</sup>

Completed investigations are first sent to the CIP's Complaints Committee for an initial review. Panel members receive detailed investigative files containing the procedural history of the handling of the complaint, complaint and investigation narratives, a list of department policies considered and relevant policy texts, staff recommendations, and a timeline of all steps taken throughout the course of the investigation.

After reviewing the case file, the Complaints Committee holds a preliminary vote on each allegation's disposition, which is then presented to all CIP members for a final vote at its monthly public meeting. Panel members may recommend a disposition of unfounded, exonerated, not sustained, sustained, or no finding for each allegation. While the panel recommends a disposition for all allegations, in practice disciplinary or policy recommendations are typically only included for cases of particular concern to CIP members.

After the panel's final vote, the CIP sends a letter summarizing its findings and recommendations relating to each individual complaint to the chief of police, subject officer(s), complainant, and—where appropriate—the mayor, city manager, or city commission. The police chief is

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118. City of Miami Code § 11.5-31(3)(c).

119. City of Miami Code § 11.5-31(5)(c).

required to respond in writing to the CIP’s recommendations explaining why they were or were not accepted within 45 days.<sup>120</sup> Letters to and from the chief regarding the CIP’s recommendations are posted on the CIP’s website.<sup>121</sup>

## Policy recommendations

At the time of this writing, the CIP did not employ any professional staff to perform policy analysis or research. The CIP’s Policy and Procedures Committee, consisting of five panel members, assumes the responsibility of reviewing the MPD’s policies, procedures, and practices regarding training, recruitment, and disciplinary procedures (among other things) pursuant to its authority in its enabling ordinance.<sup>122</sup> Recommendations concerning MPD policies and procedures also emerge from the panel’s observations throughout the course of its complaint work.

Recommendations relating to the department’s policies and procedures are typically presented as letters sent to the chief of police. When a complaint investigation has given rise to practices or procedures of concern to the CIP, relevant recommendations are included in the aforementioned letters to the chief regarding the recommended disposition of the individual complaint. In instances where the CIP has observed a pattern of incidents that raise concerns regarding the relevant policies or procedures, the CIP will hold a vote on whether to send the police chief a written letter regarding the discrete policy matter. The police chief must respond to all recommendations delivered by the CIP within 45 days of receipt explaining in writing why the recommendations were or were not accepted.<sup>123</sup>

The CIP is also authorized to review and provide input concerning new or revised policies under consideration by MPD. The police chief is required to transmit any proposed policy changes to the CIP within at least 45 days of their implementation.<sup>124</sup> The CIP then has 30 days to respond in writing to the proposed policies, to which the police chief must respond within 45 days explaining whether the panel’s recommendations have been adopted and why or why not.<sup>125</sup>

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120. City of Miami Code § 11.5-31(6).

121. The CIP’s letters to the chief and the department’s responses are available at Civilian Investigative Panel, “Letters to Chief,” City of Miami, accessed August 10, 2020, <http://archive.miamigov.com/cip/letterstochief.html>.

122. City of Miami Code § 11.5.31(7)(a).

123. City of Miami Code § 11.5-31(7)(a).

124. Eileen Damaso, chair, Civilian Investigative Panel, “Re: Body Worn Camera Usage,” letter to Jorge Colina, chief, Miami Police Department, May 16, 2018.

125. Damaso, “Re: Body Worn Camera Usage” (see note 124).

In May 2018, the CIP sent a letter to the police chief concerning an observed lack of compliance with MPD's departmental orders on BWCs. The panel's concerns stemmed from its finding that in the CIP's cases for the year which involved subject officer(s) who had been issued BWCs, half had issues relating to the use or non-use of the BWC according to policy. The CIP presented a list of cases with findings, whether a BWC was issued or activated, and details concerning the use of the BWC. The panel recommended implementing more effective discipline for misuse of BWCs, requiring activation before arriving at a call, and conducting a quality assurance audit to ensure BWCs are deployed according to policy.<sup>126</sup> In a separate policy letter, the CIP presented a list of cases in which allegations of improper procedure or negligence of duty were sustained due to the subject officer(s) not producing or completing a daily worksheet detailing their tour of duty as required by MPD policy.<sup>127</sup> The CIP requested that the department supervise compliance with this requirement more closely in order to better assist IA and the CIP's investigative work.<sup>128</sup>

Past recommendations emerging from the CIP's complaint investigations have included investigating new misconduct allegations discovered during the course of internal investigations,<sup>129</sup> reducing the use of unmarked cars for minor traffic offenses,<sup>130</sup> and improving MPD's case management system to ensure the proper maintenance of evidence.<sup>131</sup>

## Public meetings

The CIP holds monthly public meetings where cases are discussed and voted on, oral reports are issued, announcements concerning the CIP's work are made, and community members can publicly raise their concerns with MPD or the CIP. The panel's meeting calendar is posted online, where the public can view each meeting's agenda and a packet for the day's meeting containing

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126. Damaso, "Re: Body Worn Camera Usage" (see note 124).

127. "11.6.18.19 Work Sheets," Departmental Orders (Miami: Miami Police Department, April 10, 2020), [https://www.miami-police.org/DeptOrders/MPD\\_Departmental\\_Orders.pdf](https://www.miami-police.org/DeptOrders/MPD_Departmental_Orders.pdf).

128. Eileen Damaso, chair, Civilian Investigative Panel, "Re: Worksheets," letter to Jorge Colina, chief, Miami Police Department, June 19, 2018.

129. Cristina Beamud, executive director, Civilian Investigative Panel, "Re: CIP # 16-105, IA# 15-2185," letter to Rodolfo Llanes, chief, Miami Police Department, October 20, 2016, <http://archive.miamigov.com/cip/docs/Letters/AlainGonzalez.pdf>.

130. Cristina Beamud, executive director, Civilian Investigative Panel, "Re: CIP #16-132," letter to Rodolfo Llanes, chief, Miami Police Department, December 28, 2016, <http://archive.miamigov.com/cip/docs/Letters/Alisha%20Kellerman.pdf>.

131. Cristina Beamud, "Re: CIP #16-088," letter to Rodolfo Llanes, chief, Miami Police Department, October 19, 2016, <http://archive.miamigov.com/cip/docs/Letters/LindaSaucet.pdf>.

each case file in its entirety is available for download.<sup>132</sup> The CIP's meetings are broadcast live on a local television station and livestreamed online. Video recordings of the CIP's meetings are also archived and available on the CIP's website.

## Community outreach

In 2017, at the direction of its assistant director, the CIP embarked on a renewed effort to conduct outreach to members of the community. The goals of the panel's outreach are to facilitate the complaint process, improve public trust in the CIP, hear community concerns, and include stakeholder and community groups in the CIP's work. The CIP also conducts outreach at MPD roll calls and to the unions representing MPD officers.<sup>133</sup>

A central component of the CIP's community outreach is increasing the accessibility of its services to minority groups throughout Miami. Complaint hotlines have been established with several local community groups to conduct complaint intake for Miami's non-English speaking public.

The panel has also engaged with grassroots and nonprofit organizations such as the Haitian American Grassroots Coalition, P.U.L.S.E., Concerned African Women, League of United Latin American Citizens, the ACLU, and several others to increase the public visibility of the CIP by distributing brochures and complaint forms. The CIP works extensively to build legitimacy with Miami's Haitian and Cuban communities, who may have reduced trust in government and the police.

The CIP maintains an active presence on Facebook, where it posts updates and information concerning its work, media appearances, and attendance at outreach events.<sup>134</sup>

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132. Civilian Investigative Panel, "Meeting Calendar," City of Miami, accessed August 10, 2020, <http://archive.miamigov.com/cip/meetings.html>.

133. Rodney W. Jacobs, Jr., *Communication Plan* (Miami, FL: Civilian Investigative Panel, 2017), 4.

134. The CIP's Facebook page can be viewed at Civilian Investigative Panel's Facebook page, accessed August 10, 2020, <https://www.facebook.com/CIP305/>.



## Reporting

The format for all municipal boards and committees in the City of Miami is proscribed by ordinance. The CIP's annual reports to the city manager, mayor, and city commission must provide the following information as required by the city:<sup>135</sup>

- Whether the board is serving the purpose for which it was created
- Whether the board is serving current community needs
- A list of the board's accomplishments
- Whether there is any other board, public or private, that would better serve the functions of the board
- Whether the ordinance creating the board should be amended to better enable the board to serve the purpose for which it was created
- Whether the board's membership requirements should be modified
- The cost, both direct and indirect, of maintaining the board

## Staff evaluation

Panel members use an evaluation form from the City of Miami Department of Human Resources to fulfill the requirement that the CIP ED and IC be evaluated on an annual basis. Panel members grade both employees on a five-point scale for each of the following criteria: job knowledge, productivity, quality of results, interpersonal skills, discipline, judgement, organizational planning, achievement of objectives, and supervision.

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135. City of Miami Code § 2-890.



The wave of high-profile incidents in 2020 between police and community members prompted widespread calls for greater community oversight of law enforcement agencies. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices, a white paper by the National Association for Civilian Oversight of Law Enforcement, outlines the history of civilian oversight including reference to this case study of the Miami Police Department and eight others.



**COPS**  
Community Oriented Policing Services  
U.S. Department of Justice

U.S. Department of Justice  
Office of Community Oriented Policing Services  
145 N Street NE  
Washington, DC 20530

To obtain details about COPS Office programs,  
call the COPS Office Response Center at 800-421-6770.

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National Association for Civilian  
Oversight of Law Enforcement  
P.O. Box 20851  
Indianapolis, IN 46220-0851