



civilianinvestigativepanel

FISCAL YEAR 2012 ANNUAL REPORT

INTRODUCTION

The City of Miami Civilian Investigative Panel (CIP) is required, pursuant to City Code Sec. 2-890 and by City Ordinance No. 12188 Sec. 11.5-12, to submit an annual report to the Mayor, City Commission, City Manager, and Chief of Police, setting forth information relating to the CIP's creation, membership, goals and accomplishments, the sufficiency of its enabling legislation, community responsiveness and financial cost. This report meets the requirements of both the Charter and Ordinance. It is also intended to provide the citizens of Miami and other interested persons with information on the progress of the CIP.

The City of Miami Civilian Investigative Panel (CIP) was created on February 14, 2002, under Chapter 11.5 of the Code of the City of Miami and Ordinance No. 12188. The Ordinance initially provided for a thirteen-member Panel, twelve of whom are to be appointed by the City Commission and one by the Chief of Police. In June 2010 the City Commission voted to amend Section 11.2-28 of the Ordinance, entitled: Membership; nomination of members; terms of office and vacancies; appointment of the CIP nominating committee. As a result of the amendment, the composition of the CIP membership was revised to require that it reflect the racial, gender, ethnic, religious, linguistic, sexual orientation and cultural diversity of the City of Miami. The amendment also requires that at least two members must be from each of the five City of Miami commission districts; ten members are to be selected by the City Commission from names submitted by the CIP, two members are to be appointed by the Mayor and one appointment from the Chief of Police. The June 2010 revision to the Ordinance included the requirement that the CIP create a Nominating Committee comprised of five members of the CIP, with one member representing each of the five Commission districts.

All members of the CIP, with the exception of the Chief's appointment, are permanent residents of the City of Miami, or work or maintain a business within the City. Members serve on a volunteer basis and are required to have a good reputation for integrity and community service.

The CIP performs independent, civilian oversight of the Miami Police Department, consistent with Chapter 11.5 of the Code of the City of Miami and Ordinance No. 12188. It is required to:

A major function of the CIP is the receipt, review and investigation of citizen complaints of alleged police misconduct. The CIP's investigative staff, Independent Counsel and 13-member Panel are all tasked with ensuring that CIP investigations and reviews are fair and thorough. The CIP's Complaint Committee conducts public meetings involving detailed discussion of complaint investigations by the CIP staff, receive and evaluate witness testimony, and submits recommended findings and conclusions to the full membership of the CIP. Complainants and involved police officers have an opportunity to be heard at both the Committee level and at Panel meetings. Subpoenas are issued and Special Hearings convened as necessary, consistent with the City Charter, Ordinance and the CIP's internal policies and procedures.

The CIP is also empowered to receive and review the Miami Police Department's proposed revisions to its Departmental Orders, policies and procedures. CIP staff as well as the CIP's Policies and Procedures Committee are tasked with initial review of the proposed revisions, considering their impact, practicality, reasonableness, and equity. Committee determinations and recommendations are presented to the full Panel for review and approval.

The Panel's determinations and recommendations as relates to its investigations and reviews of alleged police misconduct and MPD policy changes are submitted to the Chief of Police, City Manager, City Commission and Mayor.

FY 2012 CIP ACCOMPLISHMENTS

Achieved Operational Savings

The CIP continued throughout FY 2012 to maximize operations and efficiencies with a budget that underwent staggering reductions in 2008 through 2010. The CIP's devoted staff and volunteer Panel members routinely seek means by which to reduce costs while simultaneously achieving its mandate. This included:

Consolidating the functions of the CIP Executive Director and CIP Chief Investigator to be under the title of Chief Administrative Investigator. Additional reviews of CIP position classifications are underway in an effort to achieve greater operational efficiencies and cost savings. Staff has also undergone and continues to undergo cross training to assume other functions as required.

Making accommodations for two new investigators by working with the City's General Services Administration personnel to configure and construct work areas. Diligent search was conducted for low cost building materials. City surplus equipment and furnishing were identified and used.

Securing the services of a local expert in civilian oversight to provide introductory training to new and continuing Panel members at a minimum, reduced cost. Additionally, low cost e-learning training opportunities were identified. This

Ethics and the Miami-Dade County State Attorney's Office.

Conducted a CIP Retreat for all Panel members and staff. The theme was 'Understanding the Mandate and Mapping New Paths.' The CIP was joined at the retreat by members of the American Civil Liberties Union, Haitian American Grass Roots Coalition, Neighbors and Neighbors Association and the Miami Workers Union. Topics included an overview of civilian oversight generally, a discussion on the CIP's enabling ordinance and scope of its authority, a review of the CIP's By-Laws, and expanding outreach efforts.

Purchased electronic training materials for the benefit of CIP staff and Panel members. Materials may be viewed at the CIP office or available on loan.

Provided Excellent Customer Service

The following represents the CIP's case management statistics for Fiscal Year 2012.

Opened **200** cases of alleged police misconduct, 7% of which were directly filed with the CIP. The remaining cases were initially filed with the Miami Police Department's Internal Affairs Unit and received by the CIP for independent investigation and/or review.

Completed **183** investigations.

There were **163** cases pending/open as of September 30, 2012 that carried over to FY 2013.

CIP case findings and recommendations are submitted to the Chief of Police, City Manager, Mayor and City Commission. The following represents some of the findings and recommendations of the CIP. Where the CIP's findings are inconsistent with those of the MPD, notification is submitted to the Chief of Police and copies to the City Manager, City Attorney and City Commission.

- Submitted six notifications/alerts to the MPD on officers who have been placed on the CIP's Monitor List or who are already on the list but have received an additional complaint warranting a new entry. Officers are added to the CIP Monitor List when they accumulate a predetermined number of complaints or complaint classification and are therefore tracked by the CIP for repeat complaints. The MPD is notified when an officer is added to the list and again when he/she receives additional complaints requiring a new entry on the list. The discretion lies with the MPD as to any remedial/disciplinary action to be taken.

has issued several recommendations and met with the Chief of Police on cases involving lack of documentation by both Miami officers and joint agencies operating undercover within the City without prior notification. A seminal case investigated by the CIP in 2010 involved what is believed to be a multi-agency police task force operating within the City of Miami whose members entered a food establishment, held one of the patrons at gunpoint and customers believing a robbery was underway by armed individuals fell to the floor. Some patrons proceeded to voluntarily surrender their wallets. To date, the Miami Police Department has been unable to provide information as to the agency or agencies and officers involved.

- Complainant involved in an accident with a police vehicle was removed from his vehicle at gunpoint by an unidentified officer. The officer also failed to follow procedure for documenting accident involving the city issued automobile. Internal Affairs and the CIP substantiated Improper Procedure. The CIP also sustained on the unwarranted use of the firearm.
- Officer confiscated complainant's recording device after it was used to record police and landlord actions. The recorder was improperly released by the officer to the landlord and was subsequently reported as lost. The CIP rendered findings of substantiated against the officer for Improper Procedure and Missing Property. IA sustained on Missing Property but rendered a finding of Inconclusive as to the Improper Procedure.
- Destruction by officer of Complainant's personal property/parking vouchers or what could have been classified as evidence in the arrest of the Complainant for conducting business (parking vehicles) without a license. The CIP sustained the complaint of Missing Property. Internal Affairs reached a finding of cleared.
- Several complaints of abusive treatment by officers on persons experiencing seizures, where officers failed to recognize the symptoms but instead exerted force; mistakenly believing that the individuals were resisting. The CIP requested that the Miami Police Department's Crisis Intervention Unit appear before the Panel to address efforts to avoid situations of this nature. The CIP was satisfied that a program was in place and that the City of Miami has a lead role in this emerging development in law enforcement services. Questions were raised, however, concerning the limited number of new and veteran officers with responsibilities of dealing with the public who have undergone training and refresher courses.

2013 Goals

To Achieve Operational Savings

Continue to review all processes, contracts and expenditures with a view to minimizing costs while maintaining acceptable levels of service.

Develop Strategic Skills

Review and revise as necessary existing operating procedures for all CIP functions.

Facilitate Service Access for Customers

Recruit for and hire into vacant investigator position.

Recruit for and hire into vacating administrator position. Position is expected to become vacant in July 2013.

Continue to work with the Miami Police Department towards increased cooperation and responsiveness. Meet at regular intervals with Internal Affairs command staff.

Develop an outreach policy and outreach functions for the CIP, working closely with the Department of Communications, local media and community organizations. Continue to follow through on the Civilian Investigative Panel efforts to structure, improve, and facilitate service through extensive outreach projects recommended and developed by its Outreach Committee.

Complete the Civilian Investigative Panel's comprehensive FY 2013 Annual Report by January 2014.

Provide Employees With Key Information

Provide mandatory and necessary training opportunities for each employee in identified areas of specialization and meet mandatory requirements for Panel members.

Provide Excellent Customer Service

The CIP hired two investigators in the final quarter of FY 2012 and almost immediately lost one of the two as a result of a reported family emergency requiring his relocation out of Florida. Recruitment is underway in FY 2013 to hire into the vacated position. With one new investigator, the number of cases investigated and closed thus far in the fiscal year has risen exponentially. The CIP expects to investigate/review and close approximately 300 cases in 2013. This increase in case disposition will reduce the backlog of cases which in part resulted from operating for three consecutive years with a single investigator and budget consecutive reductions totaling approximately 70%.

There will be no increase in administrative staff as the CIP will initially focus on

Information on how to file a complaint, the investigative process, accomplishments and other CIP related information continue to be made available from the CIP Office, on the CIP's website (www.miamigov/cip.com), at Neighborhood Enhancement Team (NET) Offices and the Miami Police Department.

Individuals or organizations wishing to be included on the CIP's electronic mailing list may contact the CIP at 305-960-4950.

IS THERE ANY OTHER BOARD, EITHER PUBLIC OR PRIVATE, WHICH WOULD BETTER SERVE THE FUNCTION OF THE BOARD?

No other board would better serve the CIP function. The CIP was created pursuant to a referendum overwhelmingly approved by the citizens of Miami. Panel Members are appointed following an in-depth screening and selection process by a nominating committee and commit at least 20 hours monthly to the work of the Panel.

SHOULD THE ORDINANCE CREATING THE BOARD BE AMENDED TO BETTER ENABLE THE BOARD TO SERVE THE PURPOSE FOR WHICH IT WAS CREATED?

Revisions to the CIP's Ordinance have been considered and remain under review. Proposed changes include an extension of time by which CIP investigations must be completed, from the current 120 days to 180 days. The expanded time frame is more reasonable and comports with the CIP's case load and staffing level.

Additionally, it is proposed that the Ordinance specifically require that the Chief of Police respond within 30 days to both the CIP's policy recommendations and recommendations arising from its investigations of individual complaints.

Additional Ordinance revisions may be submitted.

SHOULD THE BOARD'S MEMBERSHIP REQUIREMENTS BE MODIFIED?

No further modifications to current membership are required. The latest modification requiring district representation and diversity adequately addressed the membership related concerns of the City Commission.

THE COST, BOTH DIRECT AND INDIRECT OF MAINTAINING THE BOARD

The total FY 2012 budget for the CIP is \$464,000. The following are the CIP's major expenditure groupings. They represent the average cost of operating the CIP during the reporting year. There are no indirect costs.

In FY 2012 the CIP had significant budget savings most of which resulted from a prolonged recruitment and selection process for two new investigators. The positions were budgeted in 2012 at \$49,000 each but were not filled until the last quarter of the year.

EXPENSE TYPE	AMOUNT
Salaries & Benefits	\$288,694.00
Contracted Services	\$160,900.00
Training	\$4,500.00
Advertising & Community Outreach	\$4,500.00
Other	\$5,406.00