



## ANNUAL REPORT 2009

### CIVILIAN INVESTIGATIVE PANEL

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 ("Ordinance"). The Ordinance provides for a thirteen-member Panel, twelve of whom are appointed by the City Commission and one by the Chief of Police. 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.

#### IS THE BOARD SERVING THE PURPOSE FOR WHICH IT WAS CREATED?

The purpose of the CIP is to perform independent, civilian oversight of the Miami Police Department. The CIP has and continues to serve its purpose and conduct its duties consistent with the Chapter 11.5 of the Code of the City of Miami and Ordinance No. 12188 as outlined below.

- Promulgate its own rules and procedures for its internal governance and standards of training for its members and staff;
- Enhance understanding of the process for filing, processing and responding to citizen complaints of alleged police misconduct;
- Engage the services of trained investigators;
- Conduct investigations, inquiries and evidentiary hearings into allegations of police misconduct;
- Request issuance of subpoenas for the purpose of obtaining evidence from witnesses, production of documents, papers and other evidence after consultation with the State Attorney of the 11<sup>th</sup> Judicial Circuit and upon approval of its Independent Counsel;
- Make factual determinations, facilitate resolutions and propose recommendations to the City Manager and Chief of Police;
- Review the Miami Police Department's policies and procedures, provide input and make written recommendations to the Chief of Police prior to the department's implementation of new or revised policies or procedures;

- Issue reports to the Mayor, City Commission, City Attorney, City Manager, Chief of Police and the public;
- Conduct regularly scheduled general meetings (every third Tuesday of each month) and convene committee, special and emergency meetings and public hearings as necessary.
- The CIP, in the exercise of its purpose, powers and duties, shall act consistent with Florida Government in the Sunshine Law, all other applicable laws and labor contracts and not interfere with any on-going investigations.

The Civilian Investigative Panel's accomplishments for Fiscal Year 2009 include the following:

GENERAL ADMINISTRATION:

- Efficiently managed all resources of the CIP to meet the goals and objectives of the agency, and ensuring compliance with all applicable laws, regulations, policies and procedures.
- Re-organized staff functions and responsibilities so as to maintain services and achieve goals and objectives in the aftermath of 12% budget and 22% staff reductions.
- Convened a minimum of twelve (12) Regular, one (1) Special and twenty-nine (29) Committee meetings for a total of forty-two (42) meetings in 2009.
- Conducted recruitment and selection processes to fill three vacancies on the Panel.
- Proposed revisions to the CIP Ordinance regarding membership, nominations, appointments and investigative procedures.
- Provided training opportunities to staff and Panel members consistent with the CIP Ordinance. CIP members and staff attended and participated as presenters at the National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference. Internal Investigations, Ethics, Records Management and other mandatory training opportunities were provided to staff.
- Successfully underwent an audit of its FY 2008 Financial Statements.

POLICY REVIEW & INVESTIGATIONS:

- Opened 294 cases of alleged police misconduct.
- Investigated/Closed 372 cases and provided recommendations where necessary. (See below for list of recommendations.)
- Reviewed 25 proposed MPD Departmental Order Chapter revisions and submitted recommendations where necessary. Chapter revisions will invariably include several revisions to sections and subsections within the same Chapter. (See below list of recommendations.)
- FY 2009 policy and case specific recommendations/concerns made by the CIP include:
  1. Instances where MPD/Internal Affairs (I.A.) failed to interview witnesses, identify principal/involved officers and address all allegations involved in a given complaint.

2. MPD/IA investigative findings were determined by the CIP to be inconsistent with facts presented during the investigation and/or the conclusions reached by the CIP.
3. MPD/IA failed to conduct inquiries into justifications for police "stops" where the legitimacy of the stops were in question.
4. Provided notification to the MPD of instances where officers failed to adhere to Departmental Order requiring arrestees to be transported directly to the police station, jail or holding facility and requiring appropriate authorization for delays in transportation.
5. Requested revision of MPD current policies and Departmental Orders to more specifically address the circumstances under which police reports should be generated. The current policy is too vague and allows an apparent wide window of discretion which, as a consequence, results in an increasing number of citizen complaints alleging failure of officers to complete reports.
6. Notified the MPD of warrantless searches by MPD officers, where there was no objective evidence of exigent circumstances permitting a warrantless search under the Fourth Amendment.
7. The CIP recommended systematic record keeping and review of the MPD's Canine policy, deployment and handling of police service dogs. A Miami Police Department representative appeared before the Panel to discuss and address policy concerns as well as any ameliorative steps taken by the MPD in response to the Department of Justice's recommendations for policy changes. The CIP questioned the MPD on the nature and repository of records pertaining to the frequency of K-9 deployment; the number and nature of incidents resulting in serious injuries; the ratio of incidents per canine handler as well as intra and inter agency-wide comparisons.
8. Attention of the MPD was brought to recurring incidents of alleged domestic violence by MPD officers. The CIP requested the MPD to review existing policies and determine effectiveness in deterring domestic violence incidents by MPD officers. The CIP further recommended that the MPD evaluate its domestic violence policy with reference to the domestic violence policy recommendation of the International Association of Chiefs of Police (IACP).
9. The MPD was notified of instances where officers failed to prepare Use of Force reports and/or make the mandatory supervisory notifications of injuries suffered or complaints of injury by individuals in police custody
10. The CIP expressed its concerns regarding several incidents involving detentions or "stops" of individuals by plain clothes officers where circumstances indicated that a uniformed officer should have been engaged.
11. Notification to the MPD of a growing number of complaints alleging mutilation of driver's licenses by officers. The CIP will closely monitor cases to determine whether such cases are isolated incidents or is developing into a trend and will formulate further recommendations, if necessary.
12. The CIP renewed its recommendation for installation of video-cameras in police vehicles.
13. Closer monitoring recommended for off-duty employment in night clubs in light of a growing number of alleged police misconduct/use of force complaints.

#### OUTREACH:

- In addition to the legal requirement that all meetings are publicly noticed, the CIP offers Public Forum opportunities for public participation at all meetings and also provides priority placement on the agenda for persons wishing to be heard.
- The CIP's website is regularly updated with information on upcoming meetings, job and Panel vacancy announcements, meeting minutes and reports, in addition to providing tri-lingual (English, Spanish, Creole) brochures and complaint forms. Electronic Complaints may be submitted via the CIP website.
- CIP brochures and complaint forms (English, Spanish and Creole) are also available at all Neighborhood Enhancement Team Offices, Miami Police Headquarters and Substations.
- With the assistance of the Information Technology Department, the CIP created an updated Public Service Announcement (PSA) that is aired on City of Miami Television Channel 77 in English, Spanish and Creole.
- CIP Members and staff made presentations before the Buena Vista West Neighborhood Association; Overtown Community Oversight Board, Overtown Oversight Board Crime and Safety Committee; Neighborhoods United (Liberty City), Little Havana NET (Little Havana), Miami Neighborhoods United (Coconut Grove) and Village of Center Grove Village Council (Coconut Grove). Contact was also made with the Miami Chamber of Commerce Leadership Miami for involvement of its membership in future CIP projects.
- Meetings were conducted and initiatives shared with civilian oversight agencies locally, and internationally. Agencies included the National Association for Civilian Oversight of Law Enforcement Executive Board, Miami Dade County Independent Review Panel, Jamaica Police Oversight Authority, Fort. Lauderdale Office of Professional Standards, Key West Civilian Review Board and representatives from the City of Ft. Myers.

#### **IS THE BOARD SERVING CURRENT COMMUNITY NEEDS?**

The CIP follows its mandate to provide for independent and impartial civilian oversight of the Miami Police Department (MPD). It continues to serve and be sensitive to the needs of the diverse community it serves.

The CIP office is centrally located in downtown Miami, and thus provides for a greater degree of accessibility to all persons who reside, visit or conduct business in any of the various sections of the City.

Panel members and staff share jointly in outreach efforts and projects to include appearances on radio and television and presentations at community meetings to discuss the CIP and respond to citizens' concerns. Information on how to file a complaint, the investigative process,

accomplishments and other CIP related information are made available through in-person presentations at community meetings, on the CIP website ([www.miamigov/cip.com](http://www.miamigov/cip.com)), at Neighborhood Enhancement Team (NET) Offices, at the CIP office, MPD headquarters and substations.

The CIP conducts monthly and special meetings; all of which offer an opportunity for the public to hear and be heard by the Panel. Regular monthly meetings are conducted on the third Tuesday of each month at 5:30 P.M. Committee meetings are scheduled as necessary and publicly noticed. Unless otherwise noticed, CIP regular monthly meetings are held at the Miami City Hall. Committee meetings are held at the CIP Office and the public invited to participate. Meeting notices are posted with the Office of the City Clerk and e-mailed to the media, NET offices, community groups and other interested groups and individuals.

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

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 up to at least 20 hours monthly to the work of the Panel. No other board would better serve the CIP function.

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

A standing Ordinance Revision Committee reviews (at least annually) the CIP Enabling Ordinance to consider and submit recommended changes to the full panel and City Commission. Recommended changes to the Ordinance include language underscoring the need for diversity on the Panel as well as representation of each of the City's five districts. Also recommended by the CIP are changes to the investigative process and extension of time by which complaints are to be investigated, including expanding the time to complete and investigation from 120 days to 180 days. The expanded time frame is more reasonable and comports with the CIP's case load and staffing. Additionally, it is proposed that language is added to the Enabling Ordinance requiring the Chief of Police to respond more specifically to CIP policy recommendations and other recommendations arising from CIP investigations of individual complaints.

The ACLU, PULSE, NAACP, City Commission staff and the CIP have worked to propose changes to be considered and voted on by the City Commission.

**SHOULD THE BOARD'S MEMBERSHIP REQUIREMENTS BE MODIFIED?**

This is an issue that is being considered by the Panel in light of recent efforts to fill expired terms and vacant positions. The CIP adequately functions within the membership requirements as outlined in the Ordinance. A process is underway to address the CIP's current composition and any possible misperceptions of imbalances in representation.

**THE COST, BOTH DIRECT AND INDIRECT OF MAINTAINING THE BOARD**

The following is the CIP FY 2009 Budget by line item. This represents the direct costs for operating the CIP during the reporting year. There are no identifiable indirect costs. The Panel expended approximately 96% of its Fiscal Year 2009 budget.

| <b>LINE ITEM</b>           | <b>AMOUNT</b>    |
|----------------------------|------------------|
| Salaries & Fringes         | \$558,342        |
| Accounting/Auditing        | \$10,000         |
| Other Contractual Services | \$194,900        |
| Training & Parking         | \$8,000          |
| Communication Services     | \$9,000          |
| Rent Bldg & Others         | \$109,037        |
| Postage                    | \$750            |
| Printing/Binding           | \$3,000          |
| Advertising                | \$8,000          |
| Outreach                   | \$20,000         |
| Office Supplies            | \$3,971          |
| Memberships                | \$3,000          |
| <b>TOTAL BUDGET</b>        | <b>\$928,000</b> |