



A Message from the Chairperson

Greetings:

As Chairperson of the Civilian Investigative Panel (CIP), it is my pleasure to issue this 2007 Civilian Investigative Panel Annual Report. I also take this opportunity to congratulate my fellow Panel Members and the CIP staff on their untiring efforts toward realization of our goals over the past year, and for remaining focused on our mission to provide the community with independent and impartial oversight of the Miami Police Department (MPD).

The CIP, consistent with the public mandate, remains actively engaged in reviewing policies and procedures of the Miami Police Department as well as conducting its own independent investigations into allegations of misconduct by MPD officers. During 2007, the CIP reviewed 217 complaints as well as existing and proposed changes to MPD policies and procedures. We also initiated changes in our investigative function and will soon have full time investigators on board to provide this function. Our review of police policies and procedures has continued throughout the year. The Panel also took action to assure that we receive from the Police Department timely notice of police involved shootings.

In addition, Panel Members along with staff, work together to support and carry out the CIP's outreach function, using various opportunities and means to disseminate information to the community. The CIP also receives several requests annually for information from governmental agencies and other entities interested in the civilian oversight concept and function. This year, we met with representatives from as far as the Arab Emirates who expressed a desire to learn from us concerning the general concept of civilian oversight and in particular, our structure, successes and challenges. Not only do we provide assistance and information to other agencies; we also turn to them for information and guidance towards enhancing and restructuring our own operations. It is through these collaborative communication and research efforts that civilian oversight like ours will be able to rise above and survive the many challenges and barriers that confront us.

Support is the key to our success. I therefore take this opportunity to express sincere appreciation to the members of the public, the Mayor, City Commissioners, City Manager and staff for the part they played in moving the CIP towards yet another successful year and in making us a part of such an *avant-garde* agency of the City of Miami.

Sincerely,

Brenda B. Shapiro



A Message from the Executive Director

Dear Readers:

In an address that featured a discussion of the challenges in bringing civilian oversight to a community, Sue Quinn, a former President of the National Association for the Civilian Oversight of Law Enforcement (NACOLE) aptly stated, *“NACOLE believes that we can minimize both opposition and disappointment by educating all parties to expect the process will take time, and to expect it will face these and other challenges. This does not mean it’s not working; it means the work is beginning.”* Having been involved in civilian oversight of police for more than 26 years, I can truly attest to the legitimacy of this statement. The Civilian Investigative Panel has celebrated many successes but they did not come without countless challenges and obstacles. We therefore include in the formula for measuring our successes not only whether the battle was won or lost but also the labor and effort that we put forward in reaching the outcome.

The Civilian Investigative Panel continues to forge a path towards advancing a cooperative and mutually beneficial working relationship with the Miami Police Department (MPD). Our research and review into the policies and procedures of the Miami Police Department have been methodical and thorough, resulting in several recommendations to their existing policies and procedures. Several of our recommendations have been adopted in whole or in part in the Department’s policies and procedures.

An unfortunate lag occurred in our Outreach program in 2007 following the resignation of our Community Relations Liaison and subsequent difficulties in recruiting qualified personnel. Nevertheless, we were able to maintain some of our major outreach projects. The enlistment of the City of Miami’s Neighborhood Enhancement Teams (NET) proved to be a plus in communicating our message to the public. It is our mission to continue reaching out, not only within our local community, but to share our information, experiences and lessons learned with communities and agencies nationally and internationally.

In spite of the challenges, the CIP realized many successes and remained resolute in its efforts to carry out its mission. We renew that commitment for the coming year.

Sincerely,

Shirley E. Richardson



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CIP PANEL MEMBERS 2007



Tanya J. Brinkley, Esquire: A prominent attorney practicing in the community for many years, Ms. Brinkley also serves as a Civil Traffic Infraction Hearing Officer for the 11th Judicial Circuit.



Danny Couch: A long time community activist who has served on various municipal, county, and community non-profit boards.



Otis Davis: President of the City of Miami Retired Police Officers Community Benevolent Association, has a long and distinguished career in law enforcement.



Rudy de la Guardia, Esquire: An attorney and partner in the firm Brooks, Frank & de la Guardia, has held the rank of Ambassador Extraordinaire and Plenipotentiary on Special Mission and Honorary Consul for the Republic of Panama. Mr. de la Guardia has also held appointments to various City of Miami boards and is currently Vice Chairperson of the CIP.



Andrew Fishman, Esquire: A distinguished attorney who served as an internal consultant to Vice President Al Gore's National Performance Review, and on the Board of Directors for Greater Miami Legal Services. Mr. Fishman is credited as the Founder and Chairperson of the Black-Jewish Alliance.



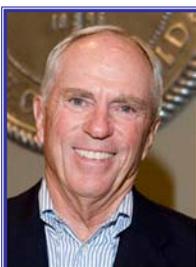
Larry R. Handfield, Esquire: Founding partner of The Handfield Firm and a member in good standing of The Florida Bar. Mr. Handfield received a Bachelor's Degree from Bethune-Cookman College, a Juris Doctorate from Howard University, and a Doctorate Degree of Law from Bethune-Cookman College.



Janet R. McAliley: Served sixteen years on the Miami-Dade County School Board. Ms. McAliley also served as past president of the Florida Immigrant Advocacy Center Board of Directors. She received her Bachelor's Degree from the University of Florida.



Bess McElroy: A dedicated community activist who has served on the boards of multiple community and professional organizations in Miami-Dade County, and was instrumental in the establishment of the CIP. Ms. McElroy has served as Chairperson of one of two CIP Complaints Committees, and chairs the Panel's Outreach Committee.



Timothy Moore: The president of Moore Overseas, and a former intelligence officer for the United States Air Force. Mr. Moore also presided over an advisory group to the National Police in Colombia, responsible for evaluating the disposition of expatriates arrested in Colombia. He currently serves on the Board of Directors for Grove Isle Condominium.



Thomas J. Rebull, Esquire: An attorney with the law firm of Broad and Cassel. Mr. Rebull recently received an AV Peer Review Rating from Martindale-Hubbell which reflects very high to preeminent legal ability and very high ethical standards. He was also recently named a Top Up and Comer by the South Florida Legal Guide.



Hector Schwerert: Currently serves as an investigator for the Public Defender's Office and has served as Criminal Investigator for U.S. Customs, and investigator for the Florida Department of Professional Regulation. Mr. Schwerert received a Masters Degree from the University of Miami. He chairs the Investigations Committee.



Brenda B. Shapiro, Esquire: An eminently respected Family Law practitioner who has chaired the City of Miami Community Relations Board and trained City of Miami Police cadets in community relations. Ms. Shapiro served as Chair of the CIP's Policy & Procedures Committee prior to assuming the Chair for the Panel.



Fred St. Amand: The Chief Executive Officer of Valparaiso United Services, Inc., and Pax-Villa Funeral Home. Mr. St. Amand is a well respected leader in the Haitian-American community in particular, and the community as a whole.



Susan Weintraub: A fourth generation Miamian who has worked for the Guardian ad Litem Program for over five and one-half years. In addition to advocating for the best interest of children, she currently serves on the Coconut Grove Village Council and also chairs the Coconut Grove Village Council's Children's Committee. Ms Weintraub is Vice President of the Board of Directors for Miami Bridge; and board member of the Black Archives. She is a University of Miami graduate and will be attending FIU College of Law in 2008.

(Some members resigned prior to the end of the Fiscal reporting year, and were replaced. As such, you have a total of 14 members listed.)



ADMINISTRATIVE PERSONNEL

Shirley E. Richardson, Executive Director - Director Richardson came to the CIP from a position as the Director of the Office of Professional Compliance (OPC), an organization with responsibility for oversight of the Miami Police Department. A graduate of Florida State University, Ms. Richardson was appointed to serve in 2003 as the CIP's first Executive Director.

Carol A. Abia, Assistant Director – Ms. Abia earned her Masters degree in Public Administration from Florida International University and a Juris Doctorate from the University of Miami School of Law. She previously served as an investigator for thirteen years with the City of Miami Office of Professional Compliance. As the Assistant Director of the CIP, Ms. Abia has primary responsibility for the budget and direct supervision of staff.

Denise Minakowski, Chief Investigator - A graduate of the United States Coast Guard Academy, Ms. Minakowski earned a masters degree in Business Administration from Florida International University. She served as a commissioned officer in the US Coast Guard in such capacities as tactical law enforcement officer and trainer. Ms. Minakowski was also a consultant in the fields of emergency planning and homeland security. As the Chief Investigator, she oversaw the investigations of police misconduct complaints.

Steven S. Wolf, Chief Investigator – Mr. Wolf succeeded Ms. Minakowski as Chief Investigator in April 2007. He holds a Bachelors Degree in Business from Barry University and has many years experience in law enforcement and investigations, including two years as the police chief for the City of McCall, Idaho. Mr. Wolf was Chief Investigator for the State of Idaho Department of Corrections, Office of Professional Standards. He is also a certified polygraph examiner.

Donald F. March, Jr., Research Analyst – A March 2004 addition to the CIP, Mr. March is responsible for policy analysis. He is a graduate of Florida International University. Mr. March is a former Assistant Chief of Police and veteran of twenty six years in law enforcement. He coordinated Command Officer Development Courses for the Southern Police Institute (University of Louisville). Mr. March has taught top level law enforcement officials and managers in such areas as Policy Development, Crisis Management and Incident Command System (ICS).

Ana Maria Prentice, Litigation and Investigative Support Specialist - Ms. Prentice received both a Bachelor's Degree and a Juris Doctorate from the University of Miami. She joined the CIP in April 2006. Her responsibilities include case management support for both the Independent Counsel and the Chief Investigator. Mrs. Prentice has a background in banking and administrative experience in fraud investigations in the private sector.



Ekandem Essiet, Administrative Aide II – Mr. Essiet’s background is in providing administrative support service in the field of health services. He is a degree candidate at Florida International University majoring in Biology and Psychology. A 2006 addition to the CIP staff, he assists in fiscal management and in the preparation of visual aids and reports. Mr. Essiet also serves at the CIP’s liaison to the Department of Information Technology

Blondy Moore, Typist Clerk III - An administrative professional currently working towards degrees in Criminal Justice and Business Administration, Ms. Moore came to the CIP in 2006. Ms. Moore provides administrative support to CIP staff.

Charles C. Mays, Esquire, Independent Counsel - Mr. Mays, a Martindale Hubbell AV rated attorney, is a graduate of Florida A. & M. University and the University of Miami School of Law. He is a founding member and past president of the Black Lawyer’s Association (now known as the Wilkie D. Ferguson, Jr., Bar Association), and has served on the Board of Trustees for the Historical Museum of Southern Florida. As Independent Counsel, Mr. Mays provides legal counsel to the Civilian Investigative Panel and directs investigations undertaken by the Panel.

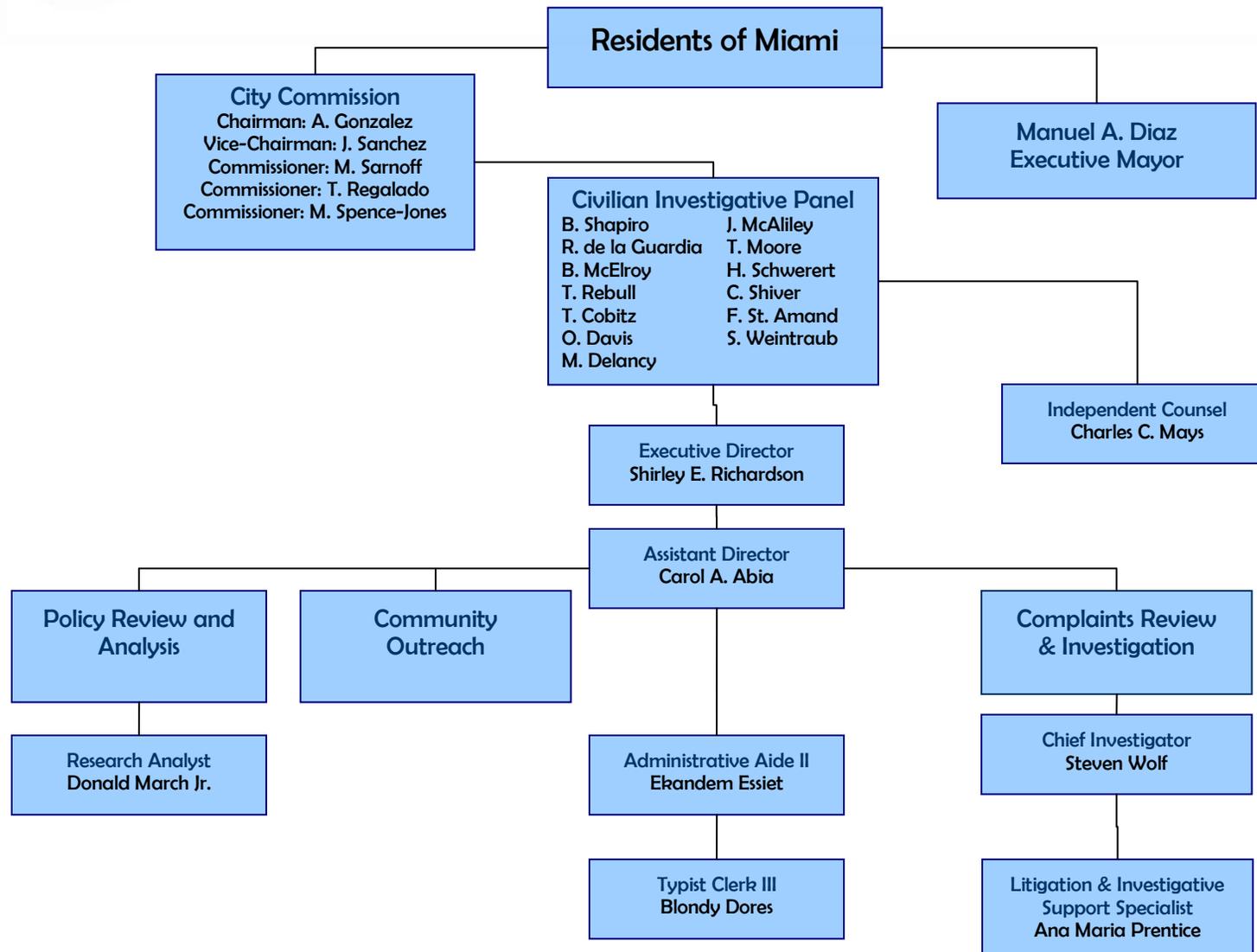


VISION

To be a model civilian oversight agency, focused on enhancing the culture of policing in the community through professionalism and police-community partnerships built on openness, equity, trust and accountability.

MISSION

To provide the community with independent and impartial oversight of the Miami Police Department through monitoring and analysis of police practices, policies and procedures, investigation into allegations of misconduct and extensive community outreach.





EXECUTIVE SUMMARY

Background

This Annual Report of the City of Miami Civilian Investigative Panel (CIP) details the functions, operations and accomplishments of the staff and our volunteer Panel for the fiscal year ending on September 30, 2007. Challenges have beset the Panel from early on, and this last year was no exception. Yet, under the leadership of our Chair, Brenda B. Shapiro, Independent Counsel Charles C. Mays and Executive Director Shirley E. Richardson, the CIP met, and in some instances, exceeded its goals and objectives.

The CIP was created on February 14, 2002, under Chapter 11.5 of the Code of the City of Miami and Ordinance No. 12188. The volunteer Panel consists of thirteen members, 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 qualified electors of the City of Miami, or work or maintain a business within the City.

The CIP's primary functions are to conduct investigations of alleged police misconduct, make factual determinations based upon such investigations, and submit appropriate recommendations to the Miami Police Department and the City Manager, particularly where there is an identified need for additional training or changes in police policies and practices. To accomplish these goals, the CIP is empowered to compel evidence via its subpoena power after consultation with the State Attorney of the Eleventh Judicial Circuit (Miami-Dade County) and approval by CIP Independent Counsel.

Investigations

For most of this reporting year, the CIP found itself with one contract private investigator, although budgeted for four. This is in addition to the departure of the Chief Investigator at the beginning of the fiscal year (October 2006). A thorough search and recruitment process for a new Chief Investigator resulted in a successor being named in early April 2007. Because of a shortage of investigative personnel, this function of the CIP fell short of its intended goal to investigate, review and close a minimum of 240 cases for the year. At the end of Fiscal Year 2007 the CIP completed 217 case reviews and/or investigations.

In addition to conducting investigations into individual complaints, the CIP is responsible for reviewing policies, procedures and practices of the MPD. The CIP requested MPD presence at several of its public meetings to address questions on its Special Weapons & Tactics Team (SWAT), the Crisis Intervention Team and the policies and procedures relating to the use of Electronic Control Devices (commonly referred to as "Tasers").



The CIP also held a public hearing in direct response to complaints concerning the City's Quality of Life Task Force. The Task Force is comprised of members of several City enforcement departments including officers and command staff of the MPD. Police personnel involved with the Task Force, as well as participants from other City Departments were subpoenaed and testified to the specific operations and to the allegations made in the complaints.

In FY 2007 the CIP finally closed its books on a lengthy investigation into police response to demonstrations arising from the Free Trade Area of the Americas Ministerial Conference (FTAA) in 2003. The CIP's final report on the investigation, complete with findings and recommendations, was delivered to the City Commission in January 2007.

Review of MPD Policies & Procedures

Acting under its authority to make written recommendations to the MPD regarding policies and procedures, the CIP provided input to the Chief of Police on MPD proposed changes to their departmental orders. Twelve (12) Departmental Order revisions were reviewed and recommendations forwarded to the MPD. It was noteworthy that in three (3) instances, changes were made by the MPD that were consistent with recommendations submitted by the Panel. Policy and procedural issues arising from investigations into citizen complaints also led to several policy recommendations.

Community Outreach

Community Outreach, a priority for the Panel this past year, remains a challenge for the coming year. Fruitful discussions were held with City administrators concerning televising and recording of monthly meetings. Though current City technology and limited resources would not allow for broadcasting of meetings held outside City Hall, the Panel moved towards greater accessibility to the public by rotating meeting locations within the five Commission Districts. Thirteen Neighborhood Enhancement Team offices, situated throughout the various neighborhoods, were enlisted as distribution sites for CIP print information. In addition, NET Administrators set up an email blast routine for distribution of CIP general information and meeting notices to the various offices, and neighborhood and civic associations. The CIP Outreach Committee continues to explore strategies to reach out to the community and to keep lines of communication open.



FISCAL OPERATIONS

The CIP receives its funding solely from the City of Miami through a special account of the General Fund. It has no other revenue beyond that which is appropriated at the beginning of the fiscal year which starts on October 1 and ends on September 30. The Panel is required to submit an annual budget proposal to the City Commission for approval. Funds appropriated for the year and not used by the end of the year are returned to the General Fund.

THE FY 2007 BUDGET

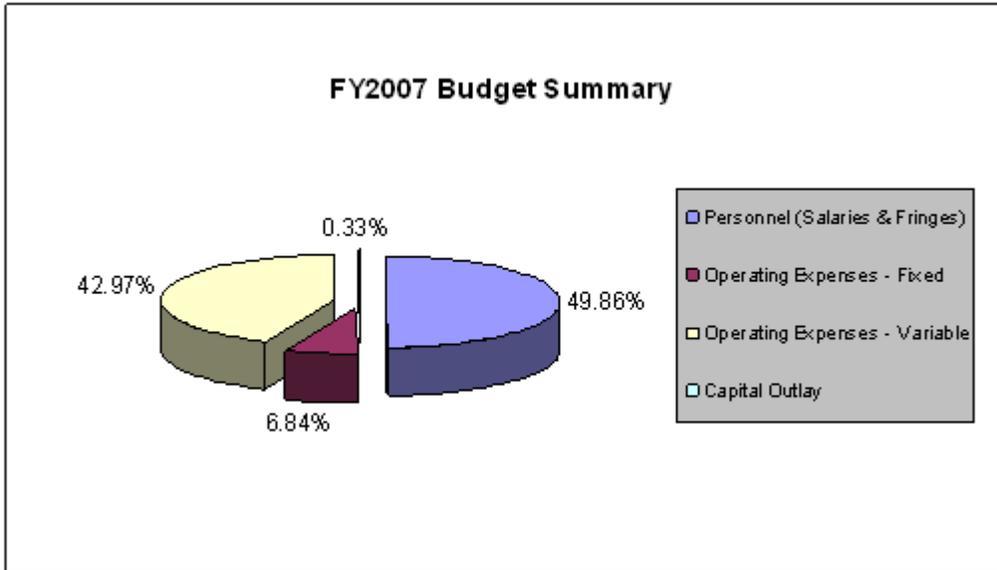
FY 2007 Budget Summary by Category	
Budget Book Category	FY2007 Adopted
Personnel (Salaries & Fringes)	\$ 601,430.00
Operating Expense – Fixed	\$ 82,508.00
Operating Expense – Variable	\$ 518,300.00
Capital Outlay	\$ 4,000.00
TOTAL BUDGET:	\$ 1,206,238.00

Personnel Services comprise salaries, fringes, insurance, tuition reimbursements and allowances and all other related personnel costs. Amounts budgeted for personnel cost in FY 2007 was \$545,059 for salaries and \$56,371 for fringes; for a total of \$601,430 representing 49.8% of the total budget.

Operating Expenses (Fixed) include travel/training, parking, rental of building and equipment. The total budget for this category was \$82,508 of which \$57,158 was for leased office space and equipment and \$20,000 for training/travel.

Operating Expenses (Variable) include funds for other contractual services such as Independent Counsel and court reporting services, telephone and communication, repair and maintenance of equipment, office supplies, publications and memberships. Total set aside for Operating Expenses Variable for 2007 was \$518,300.

Capital Outlay, which included funds for small capital equipment and furniture, was budgeted for \$4,000 this Fiscal Year.



At the close of Fiscal Year 2007, the CIP's fund reported actual expenses of approximate \$985,221.00. The CIP thus spent approximately 82% of its budget allocation. Significant under spending occurred in the Other Contractual Services line item as a result of the loss of three of four outside contract firms hired to conduct private investigations for the CIP. Appropriations not used as of the end of the fiscal year, per procedure, were returned to the General Fund.



SUMMARY OF FY 2007 ACCOMPLISHMENTS

ADMINISTRATION, STAFFING AND DEVELOPMENT:

- Completed the CIP FY 2006 Annual Report.
- Created CIP By-Laws outlining the rules, regulations and practices of the CIP and its membership.
- Drafted proposed revisions to the CIP Ordinance.
- Initiated a plan to decrease costs associated with the CIP's outsourcing of its field investigations through the hiring of staff investigators.
- Studied the feasibility of contracting with a marketing/advertising firm to design and execute a CIP marketing, advertising and community relations plan. Prepared a Request for Proposals for submission to the Department of Purchasing and Procurement.
- Filled vacant position for a Chief Investigator.
- Conducted recruitment and selection to fill vacancies for membership on the Panel.
- Prepared FY 2008 Budget proposal for presentation to the City Commission.
- Successfully underwent an audit of the CIP FY 2006 financial statements and received a report indicating "no significant weaknesses in the [CIP's] Internal Control System," further, that the CIP's financial statements were "fairly represented."

POLICY REVIEW & INVESTIGATIONS:

- 143 Cases of alleged police misconduct were opened.
- 217 Cases investigated and closed.
- 173 Cases pending/under review.
- 13 MPD Departmental Orders/Policy proposed revisions were reviewed.
- 26 Cases in which CIP Findings were not consistent with MPD Findings.
- 39 Cases generated CIP Recommendations, and/or Concerns/Commentaries to MPD.



- Drafted proposed revisions to the CIP's Monitoring List of flagged officers with repeat incidents/misconduct complaints.
- Conducted special investigations/inquiries into the Quality of Life Task Force (multi-agency operation including MPD sworn personnel); Electronic Control Device/Taser Policy and the MPD's Special Weapons and Tactics (SWAT) and Special Threat Response Unit (STRU) teams.

TRAINING:

- Provided required and optional training opportunities to staff and Panel members consistent with the CIP Ordinance.
- Three Panel and two staff members attended the 12th National Association for Civilian Oversight of Law Enforcement (NACOLE) held in Boise, Idaho.
- Staff representative attended the 22nd National Conference on Preventing Crime in the Black Community.
- Coordinated the local planning and staff attended the National Organization of Black Law Enforcement Executives (NOBLE) Conference, held in Ft. Lauderdale, Florida.

OUTREACH:

- Convened a total of 39 public meetings, providing televised coverage for all regular Panel meetings held at City Hall. Regular, monthly meeting times were changed from 5:00 P.M. to 6:00 P.M. to allow additional time for the public to participate.
- Created an Outreach Committee comprising Panel Members and staff support to facilitate outreach efforts/programs.
- Attended and/or participated in community/neighborhood meetings.
- Disseminated CIP brochures and complaint forms (English, Spanish and Creole) to all Neighborhood Enhancement Team Offices, Miami Police Headquarters and Substations and via print, radio and television media.
- Worked with the City of Miami's Information Technology Department to enhance the CIP's website and conduct regular updates to ensure citizen access to current and relevant information and features.
- Hosted, at the request of the Miami Council for International Visitors, a 5-member group of security officials from Gaza and the West Bank interested in learning about civilian oversight of police.



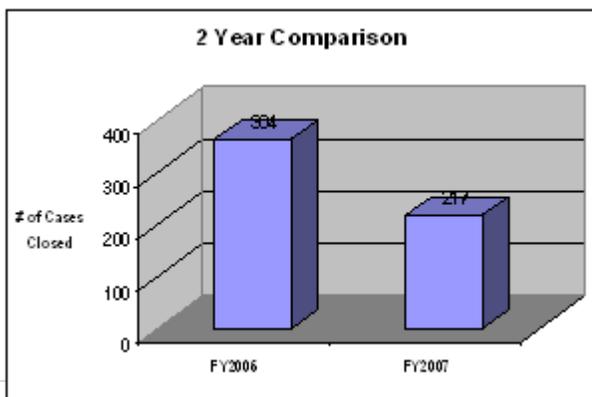
INVESTIGATIONS AND CASE MANAGEMENT

The core responsibilities of the investigative staff and independent investigators are to conduct fair and thorough investigations into allegations of police misconduct and make recommendations, where appropriate, as to the nature and quality of the MPD internal investigation and any policy or procedural issues arising therefrom.

All complaints filed directly with the CIP or received as a closed Internal Affairs (I.A.) case are preliminarily reviewed by CIP Independent Counsel and staff, and a determination made as to whether the CIP will conduct an independent investigation. If Independent Counsel determines that an investigation is warranted, the case is assigned to an investigator. At the completion of the investigative report, it is reviewed by Independent Counsel and submitted to the Complaints Committee with any recommendations. The Complaints Committee, upon review of the case file, forwards its recommendation to the full Panel. The findings and/or recommendations, as approved by the Panel, are submitted to the Complainant, Involved Officer, Police Chief, City Manager and City Commission. The Chief of Police is required by the CIP's enabling ordinance to submit a response within thirty (30) days.

In 2007, the CIP investigative function was performed by CIP Independent Counsel and the Chief Investigator who coordinated the work of two private investigators on contract with the CIP. The CIP's Independent Counsel is primarily responsible for providing legal advice; reviewing documents and reports for legal sufficiency, approving requests for subpoenas and coordinating evidentiary proceedings. Investigative staff is assisted by a Litigation and Investigative Support Specialist.

The onset of FY 2007 saw a decrease from the previous year in the number of cases being closed, primarily due to the resignation of the Chief Investigator and departure of one of the two remaining private investigative firms. During that time, intake of complaints, preliminary reviews, oversight of the private investigators and case dispositions were conducted by Independent Counsel and the Litigation and Investigative Support Specialist. In spite of the limited investigative staff, 162 cases were presented and closed through March of 2007. A new Chief Investigator was appointed in April and continued the process of streamlining and organizing case intake and disposition through implementation of revisions to the protocol for investigations.





At the conclusion of each review or investigation, the CIP renders one of the following findings based on a preponderance of the evidence: **Unfounded, Exonerated, Not Sustained, Sustained or No Finding.**

The following charts represent a comparison of findings made by the CIP to those made by Internal Affairs and the number of cases closed by allegation type. When making a comparison between CIP findings and those of Internal Affairs, it is important to note that not all categories used are identical. The categories that can be equally compared are **Exonerated = Cleared; Not Sustained = Inconclusive** and **Sustained = Substantiated**. The CIP does not have a corresponding category for “**Withdrawn**” or “**Information Only**” used by Internal Affairs.

The CIP’s **No Finding** disposition is a broad category and has some similarities to I.A.’s dispositions of **Information Only and Withdrawn**. This categorization occurs whenever the allegations are determined to be outside of the CIP’s authority or purview: the complainant withdraws the complaint; the complainant refuses to cooperate with the CIP investigator; or the complainant cannot be located.

In at least five cases in FY 07, the CIP brought additional allegations of misconduct, negligence and improper procedure against officers where the allegation was either overlooked or not considered by the Internal Affairs Division. In two of those cases the Panel rendered a finding of **Sustained**.

<i>CIP</i>		<i>INTERNAL AFFAIRS</i>	
<i>Exonerated</i>	7	<i>Cleared</i>	96
<i>Not Sustained</i>	37	<i>Inconclusive</i>	122
<i>Sustained</i>	23	<i>Substantiated</i>	19
<i>No Finding</i>	214	<i>Unsupported</i>	19
<i>Unfounded</i>	19	<i>Information Only</i>	20
		<i>Withdrawn</i>	11
		<i>Non Complaint</i>	4



FY 07 CLOSED CASES BY ALLEGATION TYPES	
<i>Abusive Treatment</i>	36
<i>Discharge of Firearm</i>	3
<i>Discourtesy</i>	84
<i>False Arrest</i>	1
<i>Improper Procedure</i>	58
<i>Misconduct</i>	20
<i>Missing / Damaged Property</i>	19
<i>Negligence of Duty</i>	18
<i>Harassment</i>	12
<i>Untruthfulness</i>	1
TOTAL ALLEGATIONS: (Total allegations may exceed total number of cases closed as some cases may have more than one allegation.)	252

The CIP is also authorized to convene special public hearings on cases or issues which, at the Panel's discretion, necessitate additional inquiry and an open forum for input from not only the immediate parties but also the public in general. After receiving a series of complaints from business owners alleging entrapment and other constitutional violations on the part of the City's Quality of Life Task Force, the CIP convened such a hearing. The Task Force reportedly made numerous arrests and issued over 30,000 citations.

The hearing, which took place on March 28, 2007, provided an opportunity to gather information on the workings of the Task Force, determine constitutional implications, consider the concerns of citizens and business owners, and provide a forum for fostering mutual understanding between the communities and the task force. The community, including complainants and business owners were requested to attend and be heard by the Panel. They did not attend to testify before the Panel. Testimony was nonetheless received from members of the several agencies assigned to the Task Force. The CIP was provided with explanations on the Task Force procedures, nature and number



of arrests, citations issued and corresponding court dispositions. The CIP was not provided with any information that would substantiate allegations against the involved MPD sworn personnel.

Another major FY 2007 achievement of the CIP was its revision of the Monitoring List, designed as a tool to identify habitual and/or possibly problematic officers who exhibit behavior or patterns of misconduct inconsistent with department policies and standards, thereby necessitating greater scrutiny. The Police Department is advised when officers are placed on the Monitor List. The List is not intended to be used as a punitive measure but rather, as a basis for informed and reliable recommendations to the MPD relative to patterns and practices of personnel and/or policy revisions.



POLICIES AND PROCEDURES REVIEW

The goal of the CIP as relates to policies and procedures oversight is to review and analyze MPD policies and procedures, and submit recommendations to the MPD. The Policies and Procedures Committee was charged at the end of the past year with following through on policy issues referred by the two Complaint Committees, the CIP or individual panel members arising from the review of complaints. Research is initiated to aid in developing strategies to assist in improving police policies, procedures and training.

The Policies and Procedures Committee has responsibilities in two areas: review of Departmental Order revisions and research into policy concerns arising from CIP investigations of misconduct allegations.

Departmental Order Revisions.

The written directives governing conduct by MPD officers are contained in a document entitled “Departmental Orders.” The Miami Police Department conducts reviews of the Departmental Orders for accuracy, relevance and updating. The approved revisions to the Departmental Orders are disseminated to police officers. Officers are responsible for maintaining a current set of these directives.

The enabling ordinance for the City of Miami Civilian Investigative Panel provides for participation by the CIP in the MPD policy revision process through the following language in Sec. 11.5-2 *Purposes, powers and duties.*:

“to(3) make written recommendations related to the Miami Police Department policies and procedures concerning but not limited to training, recruitment and notification system for corrective disciplinary procedures and provide input to the Chief of Police before changes in police department policy or procedure are implemented, which proposed changes shall be transmitted to the *CIP* 30 days prior to implementation, except if an emergency requires such change.”

Policy Concerns Arising from Investigations of Complaints.

The Investigations Division of the CIP on behalf of the Complaint Committee refers to the Policies and Procedures Committee policy issues or concerns arising from its investigations into allegations of police misconduct. Most commonly, such referral comes after a series of complaints arise from similar fact situations, and/or the operative policy appears to be insufficient to adequately address the behavior that culminated in or contributed to the complaint. Occasionally, an individual case may involve police conduct, apparently not contemplated or inadequately addressed by the Departmental Orders and the behavior is particularly objectionable.



CIP staff, more specifically the Research Analyst, who also functions as Staff Liaison to the Policies and Procedures Committee researches the issue(s) and presents history, models, trends and analysis to the Policies and Procedures Committee. A recommendation, often requiring a revision to the existing policy, is forwarded from the Policies and Procedures Committee to the full Panel for action consistent with the recommendation. Should the Panel adopt the recommendation, a letter is forwarded to the Chief of Police outlining the recommendation. The Chief of Police is required to respond to the communication within 30 days.

Departmental Order Revisions Reviewed by the CIP in FY 2007.

Departmental Orders revisions are directed to the Research Analyst and a decision package is prepared for consideration by the Committee. The CIP has elected to no longer forward commentary or recommendations on revisions to policy that are solely related to police administration/management issues and/or issues not likely to come before the Panel in discussions of police misconduct.

The following are some of the issues reviewed and recommendations crafted by the Policies and Procedures Subcommittee.

D.O. 2 Chapter 5 **Incident Tracking System.** The Panel requested information and clarification as to “authorship, subject matter, routing and accessibility” of two separate MPD memoranda addressing the review by police supervisors and managers of conduct leading to an officer’s inclusion on the Incident Tracking System. No response was received from the MPD.

D.O. 1 Chapter 11 **Rules and Regulations (Discharge of Firearms Restrictions).** The CIP noted that this revision addressed a conflict between separate passages in the Departmental Orders pertaining to guidance in the use of firearms; a conflict that the CIP had brought to the attention of the MPD on three previous occasions dating back to December, 2004. In November 2005, MPD asserted that no conflict existed. In December 2005 the CIP again requested that the MPD revisit the issue.

D.O. 3 Chapters 1-4 **Special Investigations Section.** Although the subject matter of this revision is unlikely to be the subject of review by the CIP, the MPD was notified of an apparent error in the processing and communication of the Departmental Order revision package.

D.O. 11 Chapter 11 **Crisis Intervention.** The CIP commended the MPD on the proposed Departmental Order revisions aimed at improving an already exemplary Crisis Intervention Program which deals with crisis situations involving the mentally ill or persons with emotional disorders.

D.O. 6 Chapter 18 **Electronic Control Devices:** A cover letter from the MPD informed the Panel of changes to what had been previously known as their Taser Policy, D.O. 6 Chapter 18 **M-26 Taser.**



In addition, changes were made to D.O. 6 Chapter 21 **Use of Force**. Many of the changes were tied to a statutory revision effective June 26, 2006 as indicated in the accompanying MPD transmittal letter. The MPD further advised that “in order to fully comply with state law the changes had to be *immediately* published as an emergency change [italics added].” Enclosed was a copy of the MPD Official Bulletin dated September 29, 2006 informing personnel of the changes. Other changes were made due to “scrivener’s errors and some were made to make the D.O. more readable.” The CIP enabling ordinance contemplates situations that require immediate implementation of a policy change due to the nature of the issue, leading to an after the fact notification and review by the CIP. A revision in the area of the use of force falls in that category.

Other references in the letter of transmittal to the CIP referred to a related change in the Use of Force Policy, also being published in September, but ostensibly communicated to the CIP in April 2006, with the indication that “MPD had already implemented the change through training and official directive.” The CIP’s records do not reflect receipt of the notification hence a request was made for a copy of the April notice.

The CIP noted that reflected in some of the revisions received from the MPD relating to the Taser and the Use of Force policies, were changes recommended by the CIP:

Passive Physical Resistance. One of the observations made by the CIP to the MPD in June and November of 2005 was inconsistent language in separate departmental orders concerning permissible usage of Taser when encountering passive physical resistance. The MPD at that time asserted that “[t]here is no conflict regarding the usage of Taser.” The MPD later, however, acknowledged the conflict as described in the CIP’s November communication and anticipated a resolution with an upcoming revision.

Electronic Control Device (ECD) Nomenclature: In 2005 the CIP recommended use of a generic term, *Conducted Energy Device (CED)*.

Also discussed by the Panel was the MPD directive to specifically authorize the use of an ECD in instances of “Excited Delirium.” Staff advised of several scientific studies underway as to the effects of ECD’s on humans.

In addition, the MPD revisions called for specific and immediate written justification of situations involving use of more than two cycles; requirement of a Response to Resistance Report when the ECD is used against an animal; and modification of the prohibition against usage on “young children” by more specifically defining the term “young children” to mean a person “known to be or physically appears to be younger than fourteen (14) years of age.” These revisions were deemed as improvements in the direction of more accountable and responsible usage and allowing for adequate documentation. No CIP recommendation was made.



D.O.14 Chapter 1 **Uniforms, Equipment and Dress**. Revisions concerned tattoos, skin branding and piercing, managerial prerogatives not likely to be the subject of citizen complaints. No recommendation was made.

D.O.1 Chapter 11 **Rules and Regulations (Firearms Procedures; Handcuffing)**. Sections were removed from this Departmental Order that conflicted with passages in other Departmental Orders concerning shooting at moving vehicles, and the handcuffing of prisoners. Resolution of this conflict was recommended by the CIP in December of 2004, and again in February 2005.

D.O.12 Chapter 5 **Aviation Detail**. The CIP made no recommendation on the premise that the MPD proposed changes to the D.O.'s are related to an Order only recently published with the return of helicopters to the MPD inventory. It is expected that revisions will be forthcoming with experience and any subsequent evaluation.

Policy Recommendations Arising from Investigators and/or the Complaints Committees

Case #05-035-CIP. The CIP recommended on October 17, 2006 revision to the Departmental Order and Standard Operating Procedures concerning the **Transportation of Prisoners**, calling for "direct transportation of all prisoners to the jail, and documentation as to time, location of and reason for any delays." This recommendation arose from a complainant (same sex as transporting officer) who detailed a less than direct route and delays to the booking site. A response to this recommendation was not received.

CIP Case #06-090-CIP **Documentation of referral of an investigation to another investigating body**. Internal Affairs refers certain investigations directly to other investigating bodies, but in this instance involving an allegation of sexual harassment, the I.A. complaint file was categorized with the disposition: "Information Only". The CIP recommended that the record reflect the specifics of and for the I.A. referral. A recommendation letter was sent to the Miami Police Department on October 17, 2006. A written response has not been received.

CIP Case #06-109-CIP **Mini-Stations**. More than one complaint involved a form of temporary custody at an MPD "mini-station", yet these facilities are not described in the Departmental Orders. Information was sought as to their location, any written agreements or contracts with the owners of such offices or buildings as to their use, and any written directives distributed to MPD personnel. A recommendation letter was sent to the Miami Police Department on October 17, 2006, followed by a second communication for a response.

MINI-STATIONS- Following the receipt of complaints alleging various misconduct allegations against MPD officers and reportedly occurring at locations being used as "mini-stations" a CIP recommendation was made on December 1, 2006 to the MPD for publication and distribution of information on the locations of all mini-stations. A request was also made for a copy of all Departmental Orders governing police use of such facilities. A letter was received from the Miami



Police Chief on December 20, 2006 advising, “(t)here are no mini-stations and consequently there are no Departmental Orders addressing same.” The CIP responded on May 9, 2007 to the Miami Police Department by providing a completed CIP investigation, in which documentation was provided as to the existence of offices on private property designated and being used as, or having been used as “**mini-stations.**”

The MPD Legal Advisor appeared before the CIP at its meeting of May 15, 2007 and supported the MPD contention that there are no **mini-stations**. Panel members as well as a member of the public spoke from personal experience and/or knowledge of mini-stations. The general thrust of the message was that there are sites in the City that are either currently being used as mini-stations or continue to carry the insignia of the City indicating a present or prior use as a mini station. The CIP maintains the position that it would be in the best interest of the Miami Police Department to investigate and assure that they do not afford an opportunity for abuse, misconduct, tragedy and/or liability to the City from unregulated uses.

DEFINITIONS OF I.A. CASE CATEGORY AND DISPOSITION TERMS- In December 2006, the Panel recommended the publication and distribution of definitions for the terms “Misconduct” and “Improper Procedure”, charges for which officers can be held accountable.



COMMUNITY OUTREACH

Our FY 2007 plan for outreach involved the implementation of more intensive and formalized marketing strategies. The Chairperson impaneled an Outreach Committee of the Panel with the mission to create a blueprint to include research into and adoption of best practices for engaging citizens, panel members, the Miami Police Department (MPD), political leaders and other interested parties in dialogue, joint efforts and projects towards enhancing trust and accountability in law enforcement.

A major step towards that goal was to meet with stakeholders to include residents, community leaders, politicians, school and social service administrators, other agencies and departments within the city government. The Chairperson met with City Commissioners to advise them of the CIP's intent to host meetings at least once per year in each Commissioner's District. CIP Meetings were changed from 5:00 P.M. to 6:00 P.M. to accommodate the average working person's schedule. The CIP was moving out of the boardroom and into the community. A setback to holding our meetings outside of City Hall was the reported lack of resources by the City's Office of Communications to telecast the offsite meetings on the City of Miami Television Channel 77. Meetings held at City Hall are aired live and re-broadcasted on Channel 77. Panel members and staff conducted numerous group presentations to inform the community on the services offered by the CIP and to get feedback on how we could better meet the needs and expectations of the community. The CIP also made appearances on television and radio talk shows to discuss the mission and work of the CIP to include Creole and Spanish language radio and television talk shows.

A most productive strategy this year involved the enlistment of the City's Neighborhood Enhancement Teams (NET) as conveyors of information to the public about the CIP. NET is responsible for, among other things, improving the quality of neighborhoods through beautification and enforcement efforts, and assisting with housing and economic development. NET representatives maintain partnerships with homeowner associations, other organizations and City departments to coordinate resources and address problems. The CIP therefore chose to seek the assistance of our NET partners in taking our message to the community.

With the coordinated efforts of NET staff, the CIP was included on the agendas of several homeowners' association meetings. CIP staff member(s) visit NET offices and other City Buildings to include City Hall, MPD Headquarters and Substations to replenish supplies of CIP brochures, flyers and complaint forms and to remind City employees at each site of the CIP, its role, and the manner in which they can facilitate the public in the filing of complaints.

Another important development was the advent of a link to the citizens through the 311 system. A citizen dialing that number for information on filing a complaint may now be supplied with the CIP prepared message and directions.



We also are in the process of drafting a Customer Satisfaction Survey designed to evaluate the services we provide. At the close of each case, complainants will be sent a Customer Satisfaction Survey, the results of which can provide specifics towards refining and improving our services.

INFORMATION ON FILING A COMPLAINT

Any person may file a complaint concerning a City of Miami police officer. A complaint can be filed by completing a CIP complaint form. Forms may be obtained from the CIP Office, Miami City Hall, Neighborhood Enhancement Center (NET) Offices, and the Miami Police Department or downloaded from the CIP website: www.miamigov.com/cip.

The complaint form must be submitted to the CIP office by mail, fax or in person to 155 S. Miami Avenue, PH 1-B, Miami, FL 33130, telephone (305) 579-2444, Fax, (305) 579-2436. Complaints **must** be submitted within one year of the incident. Complaints filed after one year of the incident may only be reviewed by the CIP if approved by a majority vote of the Panel members. Additionally, complaints that pre-date the effective date of the City Charter amendment providing for the creation of the CIP shall not be reviewed or investigated by the Panel or staff.



OTHER ISSUES IN 2007

Notification of the CIP in instances of police-involved shootings. On June 30, 2006, the Panel requested to be placed on the Department's notification list whenever a police-involved shooting occurred. The MPD denied the request stating, "for a variety of public safety concerns, ...it would be inappropriate to place the CIP on...the notification list..." On October 17, 2006, the Panel unanimously passed a resolution to recommend to the City Commission that the Miami Police Department be required to "notice the CIP within twenty-four (24) hours of each incident where a City of Miami police officer shoots an individual with his or her firearm." On December 14, 2006 the City Commission voted unanimously in favor of CIP notification.

Anonymous Complaints. CIP Members were divided on whether the Panel should accept anonymous complaints. Research was conducted into how other governmental entities handle anonymous complaints, and after discussion, a motion to accept such complaints failed in a tie vote. The issue is to be reconsidered.

Investigators. Research was conducted into the level of staffing as well as the use of staff versus contract investigators by similarly situated agencies nationwide. An ad hoc committee of the Panel reviewed and discussed alternatives and presented a recommendation for two (2) permanent investigators to be hired, with maintenance of a contractual relationship with a single contractor to be used on an as-needed basis. The City Commission subsequently approved the CIP's FY 2008 proposed budget, which included two staff investigators.

Charter and Ordinance Revisions. A committee was assigned the responsibility to review the existing ordinance in light of the experience to date and come forth with recommendations to address any shortfalls.



APPENDIX A: GLOSSARY OF TERMS

- **Allegation:** Each individual act of misconduct raised by a complainant, witness, or alleged victim against each officer is called an allegation.
- **Civilian:** Any individual who is not a police officer.
- **Complaint:** A complaint consists of one or more allegations of misconduct by one or more uniformed member(s) of the Miami Police Department. When someone contacts the CIP to allege police misconduct, a case file is opened for that complaint. Even if there are allegations that multiple officers engaged in multiple acts of misconduct against multiple civilians, the entire incident is captured as one complaint.
- **Complainant:** A person who files a complaint is called a complainant, whether or not the person is the alleged victim of misconduct. For example, where a mother files a complaint on behalf of her son, whom she claims was improperly strip-searched, the mother is the complainant.
- **Discourtesy:** As a CIP allegation, discourtesy includes rude or obscene gestures and/or language.
- **Exonerated:** Where the acts that provide the basis for the complaint occurred, but the review or investigation shows such acts were proper.
- **Fiscal Year:** A twelve month accounting period that begins on October 1 of one year and ends September 30 of the following year. The reporting period for this annual report conforms to the financial accounting period, from October 1, 2005 – September 30, 2006.
- **Force:** A CIP complaint of excessive or unnecessary force can range in severity from a slap to firing of a gun. Some allegations that do not involve contact but imply physical force, such as pointing a gun, are classified as force complaints by the CIP.
- **No Finding:** Where, for example, the complainant failed to produce information to further the investigation; the review or investigation revealed that another agency was responsible, and the complaint has been referred to that agency; the complainant withdrew the complaint; the complainant is unavailable to clarify the complaint; the officer is no longer employed by the City of Miami, or the CIP did not reach a conclusion.
- **Not Sustained:** Where the review or investigation fails to disclose sufficient facts to prove or disprove the allegation(s) made in the complaint.
- **Sustained:** Where the review or investigation discloses sufficient facts to prove the allegation(s) made in the complaint.
- **Unfounded:** Where the review or investigation shows that the act or acts complained of did not occur or were misconstrued.
- **Witness:** Any civilian interviewed in connection with a CIP case who was neither a complainant nor a victim.