



civilian**investigative**panel

FISCAL YEAR 2011 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 CIP was created on February 14, 2002, under Chapter 11.5 of the Code of the City of Miami, 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 by the Chief of Police. The June 2010 revision to the Ordinance includes 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 in 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:

1. Promulgate its own rules and procedures for its internal governance and standards of training for its members and staff;
2. Enhance understanding of the procedures for filing, processing and responding to citizen complaints of alleged police misconduct;
3. Engage the services of trained investigators;
4. Conduct investigations, inquiries and evidentiary hearings into allegations of police misconduct;
5. 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 11th Judicial Circuit and upon approval of its Independent Counsel;
6. Make factual determinations, facilitate resolutions and propose recommendations to the City Manager and Chief of Police;
7. 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;
8. Issue reports to the Mayor, City Commission, City Attorney, City Manager, Chief of Police and the public;
9. Conduct regularly scheduled general meetings (every third Tuesday of each month) and convene committee, special and emergency meetings and public hearings as necessary.
10. Perform its duties and responsibilities in a manner consistent with Florida Government in the Sunshine Law, all other applicable laws and labor contracts and not interfere with any on-going criminal investigations.

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

Generally

The CIP continues to serve the purposes for which it was created. It provides independent, fair and impartial civilian oversight of the sworn Miami Police Department by reviewing Miami Police practices, policies and procedures and conducting investigations and reviews into allegations of police misconduct. The CIP aims to enhance police delivery of law enforcement services and community trust through heightened police accountability and professionalism.

CIP rules, standards, policies and procedures have been promulgated and continue to undergo periodic reviews to enhance the level of service provided by the CIP. Information for filing police misconduct complaints are made available to the general public by contacting the CIP office, via the CIP's website, through mailings, at the Police Department and Neighborhood Enhancement Team Offices. CIP Information concerning

the services provided are also available via CIP monthly, televised meetings and its recurring public service announcements aired on City of Miami Television Channel 77.

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 work jointly to ensure that CIP investigations and reviews are fair and thorough. Open, public meetings of the CIP's Complaints Committee allow for detailed discussion with staff and interested parties on individual complaints. Complainants and involved police officers have an opportunity to be heard at both the Committee level and at Panel meetings on scheduled cases. 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 CIP's determinations and recommendations as relates to investigations and reviews of alleged police misconduct and MPD policy changes are submitted to the Chief of Police, the affected officers and the complainant. Responses from the Chief of Police are due within 30 days of submission.

CIP 2011 ACCOMPLISHMENTS

Investigations/Policy Review

The CIP opened two hundred and forty-seven (247) new cases of alleged police misconduct in FY 2011. One hundred and ninety-one (191) cases were closed during the same period.

The Miami Police Department submitted to the CIP twenty-five proposed changes to its Departmental Orders/policies and procedures. All twenty-five submissions were reviewed by the CIP and responses submitted to the Chief of Police.

The following are some of the notifications and recommendations to the Miami Police Department arising from case investigations and policy reviews:

- Notification of officers added to the CIP Monitor List after acquiring a number of complaints that meet or exceed pre-set thresholds. Alerts were also submitted on officers already on the Monitor List who acquire additional complaints.
- Incomplete MPD/IA case files where key documents necessary for a thorough investigation were not located in the files.
- Incomplete IA investigations, to include investigative leads that were not pursued, key witnesses not interviewed and/or key documents not obtained.
- Instances where IA and/or other MPD personnel failed to timely respond to CIP requests for information.
- MPD/IA failed to exercise its authority to require officer to submit to DNA testing in a case involving an allegation of intimate contact by a male officer with a female detainee. DNA, however, was obtained from the detainee showing the presence of male DNA.
- Recommendation for installation of dashboard cameras in police vehicles. Due to budget constraints, the CIP recommended that the MPD commence a pilot program.
- Repeated incidents of officers' failure to complete Response to Resistance (Use of Force) Reports.
- Inadequate oversight, accountability and reporting procedures for inter and intra agency task force operations. Miami Police Department reports of no requirement for notification and reporting when other law enforcement agencies conduct undercover, tactical operations within Miami city limits. A CIP case involved an apparent police task force operation that had patrons of a restaurant diving to the floor for cover on the mistaken belief they were victims of a robbery. Miami Police report that it is unaware of the involved agency or agencies. The CIP has received additional complaints arising from task force operations.
- Failure of officers to routinely notify the Department of Children and Family in cases where domestic violence incidents occur in presence of a child. The CIP recommended re-acquainting officers with requirements and procedures when officers respond to Domestic Violence calls.

- Failure of officers to follow notification and approval requirements when conducting an “un-arrest.”
- Failure of officers to provide names and/or other identifying information upon request.
- Concerns regarding questionable, warrantless entries into residences, searches and seizures.

Outreach

The CIP engaged in outreach activities to include attendance at community meetings pertaining to police involved shootings and violence in the Overtown and Liberty City areas, and participation in a project sponsored by the University of Miami School of Law regarding police-involved shootings and civilian review of the same.

English, Spanish and Creole complaint forms are made available to complainants. Forms are accessible from the CIP Office, by mail and electronically.

The CIP website is updated monthly to provide information on CIP services, upcoming and past meetings, meeting minutes and reports. Additional information on CIP membership, recruitment and other resources are available on the CIP’s website.

Three new members were appointed to the Panel in FY 2011 resulting in increased diversity and district representation.

Administrative & Financial

The CIP has been diligent in its efforts to cut costs and achieve operational savings while maintaining quality performance, service and productivity levels. Savings were achieved through reductions in salaries and operating expenses.

An FY 2011 independent audit of the CIP’s financials reported that the CIP operated within its budget and that its basic financial statements fairly represented its financial position. The CIP’s operations were found to be in conformity with general accounting principles.

The CIP provided to CIP staff and Panel Members with required training opportunities. Panel Members and staff attended required and recommended training on civilian oversight of police through the National Association for Civilian Oversight of Law Enforcement, Ethics, Government in the Sunshine Law, and law enforcement procedures and practices offered through the Miami Police Department’s Citizens’ Police Academy.

GOALS FOR FISCAL YEAR 2012

- To continue to seek means of achieving operational savings while retaining quality service delivery. The CIP in 2012 will hire two additional investigators at FY 2011 level of funding.
- To propose changes to the CIP Ordinance to enable the Panel to more efficiently and effectively achieve its goals and meet community needs.
- To exceed its FY 2011 completion rate for case reviews and investigations.
- To complete all investigations and reviews within mandated time limitations.
- To continue membership recruitment efforts aimed at meeting diversity goals and district representation.
- To develop CIP employees' and volunteer members' knowledge base through attendance at relevant training and workshops.
- To enhance the CIP's outreach efforts through partnerships, workshops, public appearances, presentations and expanded use of print and electronic media.

IS THE BOARD SERVING CURRENT COMMUNITY NEEDS?

The CIP strives daily to meet and exceed the current needs of the community. Miami citizens, by overwhelming vote, approved the creation of the Civilian investigative Panel to serve as an impartial, independent, civilian body, armed with subpoena power, to conduct fair, impartial and independent investigations into police misconduct complaints and to review police policies and procedures. The CIP as an agency of the City of Miami, operating exterior of the Police Department and under the auspices of a thirteen-member, civilian, volunteer board is ideally positioned to meet community needs.

With its budget slashed from a high of \$1.2 million to a low of \$464,000, the CIP's staff and volunteer members continue to work diligently and tirelessly, maintaining services and meeting community's needs for impartial and fair investigations and oversight. The CIP has also gained added support from community leaders and civic organizations.

New outreach projects are on the horizon for FY 2012. Changes have been made to the CIP's Outreach Committee, whose membership is now comprised of one individual from each of the five Commission districts, for a total of five

members. Current membership of the Committee represents the many diversities of the Miami community. Panel members and staff share jointly with Outreach Committee members on outreach projects.

A major project of the CIP is to have the Miami Police Department outfit its vehicles with dashboard cameras. The CIP has sought and has been receiving the commitment and support of public officials, community leaders, civic organizations and the leadership of the Miami Police Department in this effort.

The CIP conducts several meetings monthly in addition to other Committee and special meetings scheduled on an as needed basis. All CIP meetings are open to the public and offer an opportunity for public input. Regular monthly meetings of the full Panel are conducted on the third Tuesday of each month at 5:30 P.M. at City Hall Commission Chambers. Monthly Complaints Committee meetings are held on the first Friday of each month at the CIP's Office. Beginning in FY 2012, the Complaints Committee will attempt to schedule meetings in each of the five Commission districts. Meeting location changes will be published at the City Clerk's Office and on the CIP's website. Individuals or organizations wishing to be included on the CIP's electronic mailing list may contact the CIP at 305-960-4950.

Information on how to file a complaint, the investigative process, accomplishments and other CIP related information continue to be made available on the CIP website (www.miamigov/cip.com) or by calling the CIP office.

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 to at least 20 hours monthly to the work of the CIP.

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

Proposed revisions to the CIP's Ordinance have been and are currently being revisited by the CIP. An Ordinance Review Committee submitted proposals to the full panel which have been approved for forwarding to the City Commission. Proposed changes include an extension of time by which CIP investigations are to 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 requires 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 modifications to current membership are required. A recent modification to the ordinance adequately addressed membership concerns of the City Commission for district representation and diversity.

THE COST, BOTH DIRECT AND INDIRECT OF MAINTAINING THE BOARD

The following is the CIP FY 2011 Budget by line item. This represents the costs for operating the CIP during the reporting year. There are no indirect costs. The Panel expended 96% of its Fiscal Year 2011 allocated budget.

EXPENSE TYPE	AMOUNT
Salaries	\$171,188.00
Contracted Services	\$157,216.00
Lease*	\$108,022.00*
Other	\$9,055.00
Total Expenditures	\$445,481.00

*\$106,000 of the \$108,022 expenditure relates to a final resolution on a lease from prior years.

Any questions or concerns regarding this report may be directed to Carol Abia, CIP Interim Executive Director at 305-960-4952.

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