



CIVILIAN INVESTIGATIVE PANEL
Summary of Minutes
Tuesday, March 17, 2009
6:00pm



Location

Miami City Hall
Commission Chambers
3500 Pan American Drive
Miami, Fl. 33133

Members Present

Tom Rebull, Chairperson
Thomas Cobitz, Vice Chair
Fred St. Amand, Treasurer
Susan Weintraub, Secretary
Bess McElroy
Janet McAliley
Timothy Moore
Brenda Shapiro

Members Absent

Rudy de la Guardia, Vice Chair
Michelle Delancy.
Ray Hart

Independent Counsel

Charles C. Mays, Esq.

Staff Present

Carol A. Abia, Interim Director
Steven Wolf, Chief Investigator
Donald March Jr., Research Analyst
Shewanda Hall, Investigator
Luis Cabanillas, Investigator

Welcome

Chairperson Rebull called the meeting to order at 6:10 PM.

Roll Call

Roll call was conducted by Ms. Abia.

Approval of the Minutes

Motion to approve the Minutes of the February 17, 2009 meeting. Motion carried by unanimous vote.

Approval of Agenda

Motion to approve the Agenda of the March 17, 2009 meeting. Motion carried by unanimous vote.

A. AWARD PRESENTATION

Past Chair Brenda B. Shapiro was presented with a plaque for her exemplary service as Chairperson of the CIP from 2007-2009. The presentation was made by Chair Tom Rebull on behalf of the Panel. Mr. Rebull also presented Ms. Shapiro with a Certificate of Appreciation from the Mayor of the City of Miami in recognition of her dedicated service to the citizens of Miami during her two-year tenure as Chairperson of the CIP. Ms. Shapiro expressed her appreciation to the Panel and the City of Miami.

B. PUBLIC FORUM I

Representing the auditing firm of Harvey, Covington and Thomas, LLC., Mr. Roderick Harvey, partner and Ms. Connor Courtemanche, Audit Manager, presented the report on the CIP's FY 2008 Audit. They reported that an "unqualified opinion" was rendered; that the audit revealed all "numbers" to be materially correct and that income statements, revenues and expenditures and budget comparisons were "on point." The representatives advised that their random sampling and checks on the internal controls within the CIP revealed that strong controls are in place and working to minimize the probability of fraudulent acts.

C. ADMINISTRATIVE ISSUES

- C. 1 **Staffing:** Ms. Abia reported on the progress towards re-hiring two staff members terminated in January. She informed the Panel that procedures are underway towards re-hiring one of the two terminated individuals. Ms. McAliley raised concerns that the process by the City Administration and Employee Relations has been slow. The Chair and Ms. Shapiro reminded members of the City Manager's stated commitment to working cooperatively with the CIP.
- C.2 **Budget:** Ms. Abia informed the members that the most remarkable issue with the Budget is that expenditures are approximately 60% of the total budget at the mid-year point. She advised that this is in part due to an over expenditure in the Salaries line item. She added however that this line item will be more accurately reflected when the City Manager reimburses the account for salary paid to the former Executive Director after she was terminated from the CIP and assigned to a position elsewhere in the City. Ms. Abia stated that she has communicated with the City Manager's Office to ascertain a date by which the transfer of funds would occur and is awaiting a response.

D. COMMITTEE REPORTS

- D.1 **Policies & Procedures**
No report. The Committee did not meet due to the scheduling of interviews for Panel membership.
- D.2 **Panel Vacancy**
Independent Counsel Charles Mays presented the report on behalf of Committee Chair Michelle Delancy. Mr. Mays advised that the Committee met to consider all applications for Panel membership and to submit the names of applicants to be interviewed by the Panel on March 17, 2009. The Committee, according to Mr. Mays, considered in its selection process, the issues and concerns of the City Commission regarding the make-up of the Panel. As a result of the Committee's actions, a Special Meeting of the Panel convened at 4:30 P.M. on March 17th to interview five potential nominees. Mr. Mays reported that the decision of the Panel regarding the applicants interviewed will be forwarded to the City Commission for ratification at the April 2, 2009 City Commission meeting.

D.3 Ordinance Review Committee

Committee Chair Brenda Shapiro reported that the Ordinance Review Committee met and decided against moving forward with any recommendations for changes at this time. The Committee will, at a later date, present salient issues to the full Panel for deliberation.

D.4 Outreach Committee

Committee Chair McElroy presented the Committee's report on several outreach opportunities attended by Panel members and staff over the past month. Among them were attendance at a series of meetings of the Overtown Advisory Board and a presentation at the Overtown Advisory Board Crime and Safety Committee. Panel and staff also hosted a meeting with two representatives of the Jamaica Police Civilian Oversight Authority. In addition to Panel members and staff, that meeting was also attended by Dr. Eduardo Diaz, Executive Director of the Miami-Dade County Independent Review Panel and Stephen Muffler, Executive Director of the Key West Citizen Review Board. CIP staff also met with Mr. Robert Bates from the Fort Lauderdale Review Board to discuss issues of mutual concern and to offer support as necessary.

D.5 Complaints Committee

Committee Chair McAliley advised that the Complaints Committee met to review cases to be brought before the Panel and also to discuss and resolve several questions arising from the Investigative Procedures. She reported that the CIP Chair, Mr. Tom Rebull, joined in the discussion via telephone. Ms. McAliley briefly addressed each issue and the resolution. Ms. Shapiro requested that all Panel members be provided with a copy of the Minutes of the referenced Complaints Committee meeting.

E. CASE MANAGEMENT

Chief Investigator Steven Wolf advised that the Panel will be presented on today's date with twelve (12) cases for Summary Disposition. He further advised that to date, one hundred and fifty-two (152) cases have been closed by the CIP; ninety-one (91) cases opened, eleven (11) of which were Directly Filed with the CIP and one hundred and fourteen (114) cases pending.

Mr. Wolf reported to the Panel on his meeting with Complainant Mattie Lomax as directed at the Panel meeting of February 17, 2009. Mr. Wolf also requested that three officers, Willie Bell, Michael Ragusa and Jorge Hernandez be removed from the CIP Monitor List. He explained that Officer Bell, who retired from the Police Department, has since suffered an injury and therefore unlikely to serve as a City of Miami Reserve Officer. Officers Ragusa and Hernandez are no longer employed with the Police Department.

Motion to remove Officers Willie Bell, Michael Ragusa and Jorge Hernandez from the Monitor List. Motion carried by unanimous vote.

Chair Rebull requested that in the future matters of this nature are to be taken up at the Complaints Committee for full discussion before presentation to the Panel.

Mr. Wolf presented the following cases for Summary Disposition:

- E.1 Case: Marie Guerrier CIP#: 09-013, IA#: 08-419; Involved Officer(s): Max Gabriel #2140; Allegation(s): Discourtesy and Damaged Property,
- E.2 Case: Jeffrey Pounds CIP# 08-026, IA#08-143; Involved Officer(s): Commander Lorenzo Whitehead #7565; Allegations: Harassment and Misconduct.
- E.3 Case: Marcela Antigua CIP # 08-002, IA# 07-246; Involved Officer(s): Dubionel St. Surin #6876 Allegation(s): Neglect of Duty.
- E.4 Case: Beverly Britt CIP # 08-124, IA #08-020; Winona Trimmings; Involved Officer(s): Brett Preshong #27573, Latrice Golden #27820; Allegation(s): Abusive Treatment and Improper Procedure.

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- E.5 Case: Richard China CIP # 07-151, IA #07-230S; Involved Officer(s): Juan Nodal #5267; Allegation(s): Discourtesy.
- E.6 Case: John Smith CIP#:09-037, IA#: 08-235; Involved Officer(s): Marcel Jackson-#27416; Allegation(s): Abusive Treatment and Improper Procedure.
- E.7 Case: Fenel Luxama CIP#: 08-420, IA#: 08-323S; Involved Officer(s): Kenneth Rodriguez-#28209 Allegation(s): Discourtesy
- E.8 Case: Donnell Trobridge CIP#:08-411, IA#: 08-172; Involved Officer(s): Alfredo Matias #4447 and Reynold Philippe #5686; Allegation(s): Abusive Treatment.
- E.9 Case: Tassiana Legarreta and Tajuana Bender; CIP#: 08-386, IA#: 08-220; Involved Officer(s): Mario Rodriguez #6146; Allegation(s): Abusive Treatment, Discourtesy and Improper Procedure.
- E.10 Case: Wayne Johnson CIP#: 08-343, IA#: 08-139N; Involved Officer(s): Stanley Jean-Poix-#3486; Allegation(s): Harassment
- E.11 Case: Janesha Brookins CIP#: 08-320, IA#: 08-023; Involved Officer(s): Eric Guzman #2664 Allegation(s): Abusive Treatment and Discourtesy.
- E.12 Case: Danny Watkins CIP#: 08-393, IA#: 08-133; Involved Officer(s): Josue Herrera-#27890; Allegation(s): Abusive Treatment and Improper Procedure.

Motion: To close cases E1 to E12 as Summary Disposition and No Finding. Motion carried by unanimous vote.

F. Public Forum II

No appearances.

G Announcements

- G.1 OAB/Overtown Community Oversight Board Meeting
March 19 @ 6 P.M.
- G.2 Invitation to appear with Mr. Marc Jean Jacques on Radio Bele 1700.
Date & Time TBD.

Mr. St. Amand suggested that, as an opportunity for outreach, staff contact *Island Television* that airs on Comcast Cable Channel 76, to request an interview.

Mr. Mays requested that the Panel consider the following four (4) resolutions for issuance of subpoenas. The title of each Resolution was read into the record as follows:

- A resolution of the Civilian Investigative Panel (CIP) authorizing the Independent Counsel to subpoena any and all witnesses and entities necessary for the CIP to obtain testimony and documents relating to an independent investigation of alleged police misconduct in case number CIP 09-053/IA 08-254S.
Resolution adopted by unanimous vote.
- A resolution of the Civilian Investigative Panel (CIP) authorizing the Independent Counsel to subpoena any and all witnesses and entities necessary for the CIP to obtain testimony and documents relating to an independent investigation of alleged police misconduct in case number CIP 09-080/IA 08-332.
Resolution adopted by unanimous vote.
- A resolution of the Civilian Investigative Panel (CIP) authorizing the Independent

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Counsel to subpoena any and all witnesses and entities necessary for the CIP to obtain testimony and documents relating to an independent investigation of alleged police misconduct in case number CIP 09-034/IA 08-184.

Resolution adopted by unanimous vote.

- A resolution of the Civilian Investigative Panel (CIP) authorizing the Independent Counsel to subpoena any and all witnesses and entities necessary for the CIP to obtain testimony and documents relating to an independent investigation of alleged police misconduct in case number CIP 09-081.

Resolution adopted by unanimous vote.

H. NEXT MEETING DATE

Tuesday, April 21, 2009
City of Miami – City Hall
6:00 PM

The meeting adjourned at approx. 7:19 pm.