



CIVILIAN INVESTIGATIVE PANEL
Summary of Minutes
Tuesday, April 21, 2009
6:00pm



Location

City Hall Chambers
3500 Pan American Drive
Miami, FL 33133

Members Present

Tom Rebull, Chairperson
Thomas Cobitz, Vice Chair
Fred St. Amand, Treasurer
Susan Weintraub, Secretary
Rudy de la Guardia
Raymond Hart
Bess McElroy
Michelle Delancy
Janet McAliley
Timothy Moore
Brenda Shapiro

Independent Counsel

Charles C. Mays, Esq.

Staff Present

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

Welcome

Chairperson Rebull greeted attendees and called the meeting to order.

Roll Call

Roll call was conducted by Ms. Abia.

Approval of the Minutes

Motion: To approve the Minutes of the March 17, 2009 meeting. **Motion carried.**

Approval of Agenda

Motion: To approve the Agenda of the April 21, 2009 meeting. **Motion carried.**

A. PUBLIC FORUM I

A.1 Joseph Centorino, Miami-Dade County State Attorney's Office Public Corruption Unit

Mr. Joseph Centorino, Chief of the Miami-Dade State Attorney's Office Public Corruption Unit gave a brief presentation to Panel members on the primary functions of his department. He communicated to members that the Public Corruption Unit becomes involved when there are issues concerning misuse of public office such as theft, bribery and other crimes. Mr. Centorino explained that when a potential criminal allegation is made against a police officer, the assigned Internal Affairs investigator consults with an Assistant State Attorney on his staff to review the facts of the case and either give clearance for the Police Department to proceed administratively or have the administrative investigation suspended until such time as his office conducts further fact finding. The Public Corruption Unit, based on the results of its investigation, will then decide whether to proceed criminally. A close out memorandum is drafted at the conclusion of a case, outlining the facts of the case and disposition. Mr. Centorino added that the file becomes a public record and available for review after the file has been closed in his office. He informed the Panel that the CIP will be well-served to review such files. With regards to Domestic Violence cases involving police officers as the subject of the complaint, Mr. Centorino advised that they are generally handled by the State Attorney's Office Domestic Violence Unit. Member McAliley asked concerning the availability of a booklet or guide pertaining to Florida's Government in the Sunshine Law. Mr. Centorino advised that there is a handbook on the subject. He also stated that his office has done training on the Sunshine Law and would be available to answer any questions. Mr. Mays stated that he will obtain copies of the handbook for the members.

D.3 Motion: Complainant: Dr. Armando Garrido; Principal Officer: Officer Edward Lugo (CIP #09-053, IA# 08-254S): To close as **Not Sustained for Discourtesy.**

Dr. Armando Garrido addressed the Panel by giving testimony and responding to questions from independent Counsel and Panel members on the specifics of his complaint. (Member Cobitz recused himself from the discussion and vote on the grounds that he was the Traffic Court Hearing Officer on the case.

Discussion ensued among Panel members as to statements provided via e-mail by Dr. Garrido's witness as well as statements from the principal officer and Mr. Garrido. The Panel considered whether there was sufficient information presented by the parties to set aside the Complaints Committee's recommendation of Not Sustained on the Allegation of Discourtesy.

Motion: To enter a finding of Not Sustained against Officer Lugo on the allegation of Discourtesy. Moved by Mr. de la Guardia, seconded by Ms. McAliley. Motion failed by a vote of 2 to 7. Ayes: Rebull & McAliley; Nays: St. Amand, Delancy, de la Guardia, Hart, McElroy, Moore, Shapiro; Abstention: Mr. Cobitz.

Motion: To enter a finding of Sustained against officer Lugo on the allegation of Discourtesy and send a letter written recommendation Chief of Police. Moved by Ms. Delancy, seconded by Mr. de la Guardia. Motion carried by a vote of 9:1 with Ms. McAliley voting Naye.

Complainant: Mr. Darryl Daniels

Mr. Daniels addressed the Panel on a 2005 case opened in 2006 by the CIP and closed in 2008 after repeated attempts to locate the Complainant. Mr. Daniels presented information on his case. He was advised however that the time had elapsed on his case and no further CIP action could be taken.

B. CHAIRPERSON'S REPORT

Chair Rebull reported to Panel members the status of the appointments of new members. He indicated that he met with at least 2 (two) City Commissioners and is in the process of scheduling meetings with others. He further communicated to the members that they should be civil in their discourse. Mr. Rebull advised that he met with several City Commissioners, and among other issues, discussed the Panel's nominations for membership. He encouraged those persons seeking re-appointment and the new appointees to also try to meet with the Commissioners.

C. COMMITTEE REPORTS

C.1 Policies and Procedures

Mr. Cobitz, Committee Chair, reported that the Policies and Procedures Committee did not convene a meeting this month in light of the fact that there were no pending D.O. changes, no responses from MPD to deal with and no policy recommendations to bring forth. He discussed, however, an issue that the Committee and the Panel had dealt with previously, i.e., the subject of in-car video cameras.

Mr. Cobitz referred to an article distributed to the Panel concerning a ticketing incident in Dallas involving officer misconduct captured by an in-car video camera. Mr. Cobitz reminded the members that in 2007, the staff conducted research and completed a survey on in-car video cameras. He also referred to research done by the International Association of Chiefs of Police (IACP), who then published a Model Policy and a Concepts and Issues paper on the subject. In late 2007 the Panel passed a Resolution to recommend that the MPD consider usage of in-car video cameras in their police vehicles. The Resolution was submitted to MPD in February 2008 and a response was received two months later advising that the "City of Miami Police Department has determined that the use of the in-car video camera system is not currently viable." The MPD cited the limited usage of the cameras weighed against cost and budget limitations.

Mr. Cobitz recounted several passages from the Dallas newspaper article, among them, the statement that "according to experts, in-car videos can rescue a career threatened by bogus allegations of misconduct." Further, that in-car videos would resolve some situations where, without them the evidence would amount merely to the officers' word against that of the complaining party. The article also cited Bureau of Justice statistics that reportedly show, "in 2003 [6 years ago], 54 percent of police departments in cities with more than 250,000 people were using in-car cameras. That's up from 34 percent in 2000." Dallas' experience thus far with in-car video cameras reportedly include clearance of some officers on allegations of misconduct; exposure of wrong doing and tweaks in departmental policies arising from incidents captured by the in-car video cameras. Mr. Cobitz believed the availability of such video footage would provide key information to assist both the MPD in their mission, and also offer very credible evidence in resolving allegations of officer misconduct

Motion: That the CIP resend to the MPD its previously submitted recommendation on in-car videos, citing the Dallas experience and the newspaper article. Moved by Mr. Cobitz, seconded by Mr. de la Guardia.

Ms. Shapiro added that the MPD should be asked to provide the definitive budgetary information that supported the previous response from the Department. Mr. St. Amand advised that he supported the motion as a means of addressing discourtesy complaints, a number of which had come before the Panel. **The motion carried.**

C.2 Outreach

Ms. Abia reported that the CIP will be focusing some of its Outreach efforts in Little Havana and West Flagler areas. She advised that she contacted the City's Neighborhood Enhancement Team (NET) offices in both areas in an attempt to identify, target organizations, leaders, coordinate and/or partner with them on some projects. She additionally contacted Mr. Marc Jean Jacques with Island Television who indicated a willingness to have the CIP on his program. The CIP also attended the Overtown Community Oversight Board meeting and was recognized by the Chair of the Crime and Safety Commission as having given a very thorough presentation at her Committee meeting. Ms. Abia added that she is awaiting communication from the Urban Empowerment Corporation in Coconut Grove to attend one of their meetings and speak on the CIP. Ms. Abia will be also contacting Radio Bele, a Creole radio station, to follow up on an invitation to appear on one of their programs.

C.3 Personnel Committee

Committee Chair Timothy Moore reported that the committee met in March and two issues were raised resulting in recommendations being made for consideration to the Panel. One suggestion was to restructure the CIP organizational chart. The other recommendation was to modify the job specifications and requirements of the Executive Director for posting of a nationwide search.

Motion: To adopt job specifications and requirements for the Executive Director with a salary range of \$80,000-\$135,000 commensurate with experience. Moved by Mr. de la Guardia, seconded by Cobitz. Motion carried.

Motion: To conduct a national search for an Executive Director. Moved by Mr. Moore, seconded by Ms. Shapiro. Motion carried.

Motion: To place the Executive Director job announcement on the CIP website. Moved by Mr. de la Guardia, seconded by Mr. Cobitz. Motion carried.

Mr. De la Guardia informed the Panel that an agenda item to discuss the Budget was not placed on the current meeting's agenda, however, he wanted to inform Panel members that the City's first deadline to submit a proposed budget is May 18, 2009. He advised that Ms. Carol Abia, Interim Director, will prepare a proposal for the Budget Committee's review. Ms. Abia responded that she would have a proposal in approximately one week. Once completed, Ms. Abia will forward the information to the Budget Committee members and coordinate a meeting date.

D. CASE MANAGEMENT

Chief Investigator Steven Wolf advised that ten (10) cases will be presented to the Panel for closure. He further advised that one hundred eighty-one (181) cases have been closed to date; forty-six (46) opened; thirty-four (34) received by direct file with the CIP and one hundred forty (140) pending cases.

D.1 **Motion: Complainant:** Sandy Douglas; **Principal Officer:** Officer Albert Pacheco, (CIP #09-034, IA #08-184): To close case as **Exonerated** for Improper Procedure and **No Finding** for Discourtesy. **Moved by Mr. Cobitz, seconded by Ms. Delancy. Motion carried.**

D.2 **Motion: Complainant:** Pedro Yee; **Principal Officer:** Officer Miguel Hernandez (CIP #09-048 IA #09-0291N): To close as **Exonerated** for Improper Procedure and **Not Sustained** for Discourtesy. **Moved by Mr. Cobitz, seconded by Ms. Delancy. Motion carried.**

D.3 Taken out of order and discussed under Public Forum I above.

Motion: To Close the Following Cases with Summary Disposition of No Finding. Moved by Mr. Cobitz, seconded by Ms. Delancy:

- D. 4 Complainant: Jorge Alexi; Principal Officer: Yoslan Marrero (CIP 09-033; IA 08-141); Allegation: Abusive Treatment and Discourtesy.
- D. 5 Complainant: Kirsten Baier; Principal Officer: Maximiliano Valdes (CIP 08-257, IA 07-084S); Allegation: Discourtesy.
- D.6 Complainant: Robert Velazco; Principal Officer: Misael Reyes (CIP 08-425; IA 08-173); Allegation: Abusive Treatment.
- D.7 Complainant: Roberto A. Soto; Principal Officer: Mario Gonzalez (CIP 08-326; IA 08-122); Allegations: Abusive Treatment and Missing Property.
- D.8 Complainant: Raymond Moore; Principal Officers: Garret Wing and Danile Crocker (CIP 09-044; IA 08-288N); Allegation: Abusive Treatment.
- D.9 Complainant: Lawrence Jackson; Involved Officer: Sharon Barfield-Harris (CIP 08-133; IA 07-236); Allegations: Misconduct and False Arrest.
- D.10 Complainant: Dexter Jones; Involved Officer: Stanley Jean-Poix (CIP 09-020; IA 08-229N); Allegation: Improper Procedure.

Motion carried.

E. **PUBLIC FORUM II**

No speakers.

F. **Announcements**

Mr. Mays updated the Panel on the following items:

- Rachel's Law: The Miami Dade County Independent Review Panel provided the CIP with a copy of a letter sent by them to the Miami-Dade Board of County Commissioners regarding Rachel's Law. Mr. Mays provided the Panel with background information on Rachel's Law, which proposes to set forth statewide guidelines on the use of confidential informants. He stated that the Panel may not lobby against or on behalf of the law.
- Police Officers' Bill of Rights: Mr. Mays communicated that there are no Amendments on the Bill that will affect the CIP or other Police Oversight Agencies. However, he explained that he will nevertheless monitor the Bill's progress for any developments contrary to Civilian Oversight or the *Timoney* decision.
- Challenge to Orlando, Florida Oversight Board: Mr. Mays advised that he contacted the Orlando County Attorney's Office that represents the Civilian Review Board and received copies of all briefs that were filed. The Board has been in existence since 1992 and they have only issued 1 (one) subpoena which has been challenged. He advised however that there has been no attack on the *Timoney* decision rather the antagonist has tried to distinguish *Timoney*.

F.1 Next CIP Meeting Date:

City of Miami- City Hall Chambers
May 19, 2009
5:30 P.M.