



CIVILIAN INVESTIGATIVE PANEL

Summary of Minutes

Tuesday, September 15, 2009

5:30 p.m.

Location

City of Miami - City Hall
3500 Pan American Drive
Miami, FL 33133

Members Present

Thomas Rebull, Chairperson
Thomas Cobitz, Vice Chair
Fred St. Amand, Treasurer
Susan Weintraub, Secretary
Michelle Delancy
Rudy de la Guardia

Ray Hart
Janet McAliley
Timothy Moore
Brenda Shapiro

Absent

Bess McElroy

Independent Counsel

Charles C. Mays, Esq.

Staff Present

Carol A. Abia, Interim Executive Director
Steve Wolf, Chief Investigator
Don 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 August 18, 2009 meeting. Moved by Mr. Cobitz, seconded by Ms. McAliley. Motion carried.

Approval of Agenda

Motion: To approve the Agenda of the September 15, 2009 meeting. Moved by Ms. Shapiro; seconded by Mr. Cobitz. Motion carried.

A. Public Forum I

Item E.10: Complainant Tiffany Casabona personally appeared and addressed the Panel on her complaint. Ms. Casabona was questioned by Independent Counsel and the Panel. Ms. McAliley commented that the complainant in this case, similar to the recent Lewis Gates case in Massachusetts, was arrested after talking back to the officer. She added that “talking back” is not a crime. Mr. Mays affirmed the statement made by Ms. McAliley that talking back to an officer is not a criminal offense however; such an act can result in an exhaustive process towards exoneration, if arrested.

Ms. Shapiro extended her thanks and appreciation to Ms. Casabona for providing testimony before the Panel.

Motion: To close case Casabona, Tiffany: CIP 09-182, IA 08-423 as Not Sustained as to allegation of Abusive Treatment and Discourtesy. Moved by Mr. Cobitz and seconded by Ms. McAliley. Motion carried.

Item E: 1: Complainant Paul Turner personally appeared and addressed the Panel on his complaint. Mr. Turner responded to questions from Independent Counsel and the Panel. He also advised the Panel that many citizens in his neighborhood are reluctant to file complaints in fear of repercussions and are unaware of the services provided by the CIP.

Ms. McAliley brought the Panel's attention to the numerous complaints filed against the alleged officer, Wayne Cooper. She also added that the alleged officer was notified of the case and advised to participate in the investigation by providing a statement but failed to do so. According to Ms. McAliley, the Complaints Committee after hearing the Complainant's version, found him to be credible and recommended a finding in his favor.

Mr. Wolf presented additional recommendations to include a failure by Internal Affairs to classify the secondary officer, Kelvin Knowles as a principal officer; as well as the secondary officer's failure to document the complainant's alleged injuries and make mandatory notifications to his superiors. Staff recommendations also included referring the issues in question to the Policies & Procedures Committee for further review and determination if policies are specific enough relative to a “discretionary threshold” of officer reporting or if the officers need additional training. Per the recommendation of Mr. Hart, it was affirmed by Mr. Wolf that Officer Cooper will be included on the monitoring list.

Motion: To close case Turner, Paul: CIP 09-163, IA 09-081 as Sustained as to the allegations of Abusive Treatment, Improper procedure and Discourtesy by Officer Wayne Cooper. Moved by Ms. Shapiro and seconded by Ms. McAliley. Motion carried.

B. CHAIRPERSON'S REPORT

Mr. Rebull advised that that the CIP budget is being reduced by 50% to \$464,000. He noted that there are departments and agencies also undergoing drastic reductions or

elimination. Mr. Rebull further mentioned that the issue of hiring of an Executive Director (ED) is probably a moot one, given the status of the budget. He asked staff concerning the time line for allocating the funds being awarded to the CIP and was advised that this should be done by October 1st but that it is primarily an administrative decision. Mr. Mays added that he will be meeting with the City Attorney on the following day, Wednesday, September 16, 2009, to discuss her legal opinion as to the extent the Panel can be involved in the administrative operations of the CIP. Mr. Rebull suggested scheduling a Special Meeting of the Panel prior to October 1, 2009.

In response to questions from Mr. de la Guardia regarding a proposed roll back of the former Executive Director to an investigator position with the CIP, Mr. Mays advised that he along with Mr. Rebull and Ms. Abia met with the City Manager and an agreement was reached that Mr. Mays would speak with City Attorney regarding resolution of the issue. Mr. Mays advised that he is scheduled to meet with the City Attorney tomorrow.

C. DISCUSSION ON FY 2010 BUDGET

See above. A Special Meeting is to be scheduled to further consider the FY 2010 Budget.

D. COMMITTEE REPORTS

D.1 Policies and Procedures

Mr. Cobitz, Chair of the Policies and Procedures Committee, advised that the Committee met and considered proposed revisions by the Miami Police Department to *D.O. 9 Chapter 12 – Confidential Informants/Sources*. The Committee found the departmental revisions complied with and in some areas exceeded the statutory requirements. No recommendations were therefore necessary. The Committee recommended that the Police Department receive a letter notifying it of the aforesaid determination. Staff was directed to make the necessary notifications.

The Committee reviewed policy recommendations and updates to date and was informed that the Paul Turner case, under Item E.11, may be submitted to the Committee for policy review. The Committee may, at its next meeting, review K-9 issues such as Stop and Bark versus Stop and Bite policies.

D.2 Personnel

Mr. Moore advised that the deadline for receiving applications is October 1, 2009. Additionally, he communicated that seventy-one (71) completed applications were received. (See related discussion under Chairperson's Report.)

E. CASE MANAGEMENT

Chief Investigator Steven Wolf indicated that seventeen (17) cases will be presented before the panel for final disposition. It was also indicated by Mr. Wolf that the CIP has closed three hundred and sixteen (316) cases year to date; opened two hundred and eighty-eight (288) cases, fifty-one (51) of which were Direct Filed. Additionally, Mr. Wolf addressed Ms. Shapiro's concern regarding the disciplinary history of several officers from the August 2009 Panel Meeting by providing the disciplinary history of the officers.

- E.1. **Please see Public Forum 1**
- E.2 **Motion: Complainant: Cynthia Bacetty; Principal Officer: Commander Jose Alfonso (CIP #09-228, IA #08-424): Close as Sustained on the allegations of Discourtesy, and Improper Procedure. Moved by Mr. Cobitz; seconded by Mr. Hart. Motion carried.**
- E.3 **Motion: Complainant: Carol Winds-Morgan; Principal Officers: Ofren Vera, William Gonzalez (CIP #09-194, IA #09-078): Close as Not Sustained on the allegation of Discourtesy. Moved by Ms. Shapiro; seconded by Mr. Cobitz. Motion carried.**

Motion: To close the below cases as listed:

- E.4 **Complainant: Shanell Mitchell; Principal Officer: Andre Paul-Noel, (CIP# 09-249, IA #09-192); No Finding.**
- E.5 **Complainant: Roscoe Burton; Principal Officer: Jorge Loo, (CIP #09-225, IA #09-045); No Finding.**
- E.6 **Complainant: Marckens Darius; Principal Officer: Maurice Sodre, (CIP #09-222, IA #09-122); No Finding**
- E.7 **Complainant: Andrew T. Smith; Principal Officer: Gilberto Presume, (CIP #09-221, IA #08-409); No Finding.**
- E.8 **Complainant: Jason Steward; Principal Officers: Reginald Williams, (CIP #09-217, IA # 09-170); No Finding.**
- E.9 **Complainant: Paulette Young; Principal Officer: Unknown, (CIP #09-245, IA #09-040); Not Sustained.**
- E.10 **Please see Public Forum 1**
- E.11 **Complainant: Jim De La Cruz; Principal Officer: Angel Mercado; Juan Ortega, (CIP #09-158, IA #08-337); No Finding.**
- E.12 **Complainant: Don Whetstone; Principal Officer: Maurice Sodre, (CIP #09-197, IA #09-047); No Finding.**
- E.13 **Complainant: James E. Morgan; Principal Officer: Hector Mendez; Christian Alvarez-Vega, (CIP #09-174, IA #08-247); No Finding.**
- E.14 **Complainant: Ram Ranjitkar; Principal Officer: Luis Hernandez, (CIP #09-196, IA #09-102); No Finding.**

Discussion:

Ms. McAliley articulated her apprehension with regards to the number of complaints alleging that police officers routinely damage driver's licenses. It was recommended by

Ms. McAliley that this issue be addressed in a letter to the Police Chief. Mr. Wolf indicated that an internal tracking method has been implemented regarding the issue of damaged driver's license. Mr. Mays expressed his aspiration to obtain additional information and incidents before presenting this issue to the Miami Police Department.

Motion: To forward a letter to the Police Chief regarding multiple allegations of police officers damaging driver's licenses. Motion carried by unanimous vote.

E.15 **Complainant:** Jorge Sanchez; **Principal Officer:** Elba Valdes, (CIP #09-212, IA #09-151); **No Finding**

E.16 **Complainant:** Marta Betancourt; **Principal Officer:** Osmar Martinez, (CIP #09-198, IA #09-085); **No Finding**

E.17 **Complainant:** Kenneth Smith; **Principal Officer:** Thomas Reyes, (CIP #08-010, IA #09-038); **Not Sustained**

Ms. Shapiro requested that in future cases, officers currently on the Internal Monitoring List are to be noted in the text file.

Motion: To close cases E.4 to E.8 and E.11 to E.16 as Summary Disposition/No Finding; and to close E.9 and E.17 as Not Sustained. Moved by Mr. Cobitz; seconded by Ms. Delancy. Motion carried.

F. PUBLIC FORUM

No Speakers.

G. ANNOUNCEMENTS

The following announcements were made:

G.1 Budget Hearing
Sept. 24, 2009
City Hall Chambers @ 5:00pm

G.2 Next CIP Meeting Date
October 20, 2009.
City Hall, Commission Chambers, 5:30 P.M

Ms. McAliley advised of the upcoming Mayoral debate at the Museum of Science Wednesday, September 23, 2009

Meeting adjourned at 7:15 PM.