



civilian **investigative** panel

**ANNUAL REPORT
2017**

2nd Edition

TABLE OF CONTENTS

Mission	3
Letter From Chair	3
Executive Director Summary	4
I. Introduction: The Panel and Departmental Operations	5
II. Complaint Activity	6
III. Investigations	10
IV. Case Resolution and Investigative Outcomes	11
V. Case Abstracts	12
1. Example: Sustained.....	12
2. Example: Unfounded	12
3. Example: Exonerated	13
4. Example: Not Sustained.....	13
VI. Investigative Findings	14
VII. Subpoena Power	18
VIII. Demographic Trends and Analysis	19
a. District Locations of Complaints Contrasted with Population.....	19
b. Characteristics of Alleged Victims.....	19
c. Types of Allegations Submitted.....	19
IX. Body Worn Camera Use	22
X. Outreach, Communication Plan, and Community Relations	23
a. Be Mindful of the Communities we serve.....	23
b. Accessibility and Responsibility	23
c. Diversity and Inclusion.....	23
d. Consistency and deliberate actions	23

MISSION

The Civilian Investigative Panel serves the public and police by providing fair and impartial assessments regarding concerns about sworn police officers. The CIP provides a truthful balanced judgment of issues and complaints and provides a safe, open environment to express grievances, concerns and solutions. The facts are assessed by community members in order to reflect the values of the community, improve understanding and public safety.



LETTER FROM CHAIR

Dear Fellow Miamians,

I am honored to serve as the Chair for the City of Miami Civilian Investigative Panel (“CIP”). During my tenure as a Panel member, I have had the distinct opportunity to witness the impact and progress of the CIP. I am excited for this opportunity to lead the CIP in new and important initiatives.

The main focus of our organization and for the creation of this report, is to inform the public of options when confronting perceived police misconduct. In Miami, our Panel does autonomous investigations, independent of the Police Department internal affairs office, thereby giving us a different scope of latitude and depth. Our office supports a Panel of Miami volunteers and appointees by the Mayor, City Commissioners, and the Chief of Police. These community members hear cases that have been thoroughly investigated or reviewed by our office and reach conclusions based on the facts of the complaint.

What does this mean for the community? Our Panel, as well as the Miami Police Department (“MPD”) leadership, emphasize community engagement and participation in the policing of our city. We understand that a positive, inclusionary relationship between police and community reduces crime, promotes officer safety and fosters open dialogue. The CIP should not be viewed as an adversary of our police nor are we dismissive of the hazards officers face daily and the sacrifices they make in protecting society. Collectively, we simply strive to hold police accountable for their actions and when practical, offer recommendations to improve agency policies and practices. We achieve these objectives through transparency and encourage community involvement. The Miami Police Department is one of the best in the nation and to uphold that excellence in policing, we cannot allow a few bad apples taint the reputation and dedication of the hard working men and women who serve with distinction. Police misconduct undermines public trust and affects community relations.

One of our primary functions is to recommend discipline after careful consideration and deliberation. In 2017, the Miami Police Department imposed discipline against several officers following our recommendations. We will continue to work diligently and cooperatively with City and police leaders in order to ensure accountability through a fair and impartial process.

The City of Miami and its voters have bestowed the unique responsibilities of independent, external review and investigation of its officers and auditing of departmental practices. We do not take these tasks lightly and I, like my fellow Panel members are grateful for the opportunity to serve the community in this capacity and are committed, to work diligently towards justice and improve the quality of public safety services in this great city we call home.

Sincerely,

Eileen Damaso, MPA.

EXECUTIVE DIRECTOR SUMMARY



Dear Members of the Miami Community:

It is a pleasure to serve as Executive Director of the City of Miami Civilian Investigative Panel (“CIP”). Miami is fortunate to have citizen oversight of its police department and a forum for the public to express grievances and concerns about how they are policed. This is an extraordinary investment on the part of the voters, elected officials, and panel members. Furthermore, the CIP can dramatically improve relationships between the police and the public and simultaneously increase the police department’s capabilities to further reduce crime and improve public safety. After all, the police and the people across Miami want to live, work and play in safe neighborhoods and want their police to be engaged, professional and effective while respecting the rights of individuals.

The CIP experienced several significant changes during 2017 that have allowed us to better serve our community. The City of Miami Commission enacted legislation that clarified and expanded the authority of the CIP to conduct reviews, audits and make factual determinations. The new ordinance further set a minimum budget for the CIP. These changes, as well as the Charter revisions in 2016, were accomplished through the cooperation and hard work of community stakeholders and City Commission members and is a testament to what collaboration efforts achieve.

Our primary job is to investigate allegations of misconduct by sworn members of the Miami Police Department. Calendar year 2017 saw 277 complaints received – the highest number recorded by the CIP since our inception in 2002 and represents a 22% increase from 2016 (223 complaints). The increase may be attributed to our adoption of simplified, online complaint intake and more people willing to use the processes afforded them to file a complaint. “Customer service” is our highest priority in assisting aggrieved persons, and the hard work of our investigators remained consistent without sacrificing the quality or objectivity the panel and public expects of us.

The highest volume of complaints stemmed from incidents occurring in District 5¹ where we received 104 complaints², or 38% of all complaints in 2017.³ Sustained complaints for 2017 declined slightly from 15% in 2016 to 13% in 2017 and is proportionate to the “not sustained” rate during the same time (10% in 2016 and 9% in 2017).⁴ Findings where officers were exonerated rose significantly over the last year (14% in 2016 to 23% in 2017).⁵

The “no findings” rate, the percentage of complaints that were closed without a full investigation due to the complainant being unavailable, withdrawal, or the subject officer no longer being employed by the City of Miami Police, decreased by 3% in 2017.⁶

Complainants could file their grievances directly with CIP or the Miami Police Department. Complaints filed directly with the CIP are more likely to find officer culpability than the “no finding” determinations reached by direct filings with the City of Miami Police Department (MPD) Internal Affairs Section. For example, direct filings with CIP resulted in “no findings” in 13%⁷ of cases compared to 72%⁸ of those by internal affairs.

In 2017 the Florida Supreme Court ruled in favor of the Civilian Investigative Panel, reinforcing legitimacy for civilian oversight of police departments statewide and the authority to investigate police conduct. The Court moreover acknowledged our role in reviewing internal investigations by personnel tasked with policing their peers and our ability to critique departmental policies.

2017 was also significant in that we created and filled the position of Assistant Director, hiring Rodney W. Jacobs, Jr. Mr. Jacobs is a recent law graduate and is currently pursuing his Masters of Public Administration and Masters of Public Health at the University of Miami. Throughout his tenure, Rodney has devoted much of his time as Community Outreach Coordinator and is also supporting the federally mandated Community Advisory Board comprised of Miami volunteers. His efforts have vastly increased public awareness, the number of community events and engagements during 2017. He also updated and streamlined the CIP webpage and Rodney’s attention to detail is much appreciated.

As we move forward, the CIP will continue to work diligently to hear the voices of the community and provide a bridge to work together with police to improve trust and public safety.

Sincerely,

Cristina Beamud, Esq.

¹District 5 encompasses the following zip codes: 3136, 33127, 33137, 33147, 33150, and 33138.

²See Figure 1.5

³See Figure 1.6, 1.7, 3.1

⁴See Figure 2.1

⁵Ibid

⁶See Figure 2.1

⁷out of 54 cases

⁸161 out of 223 reported complaints

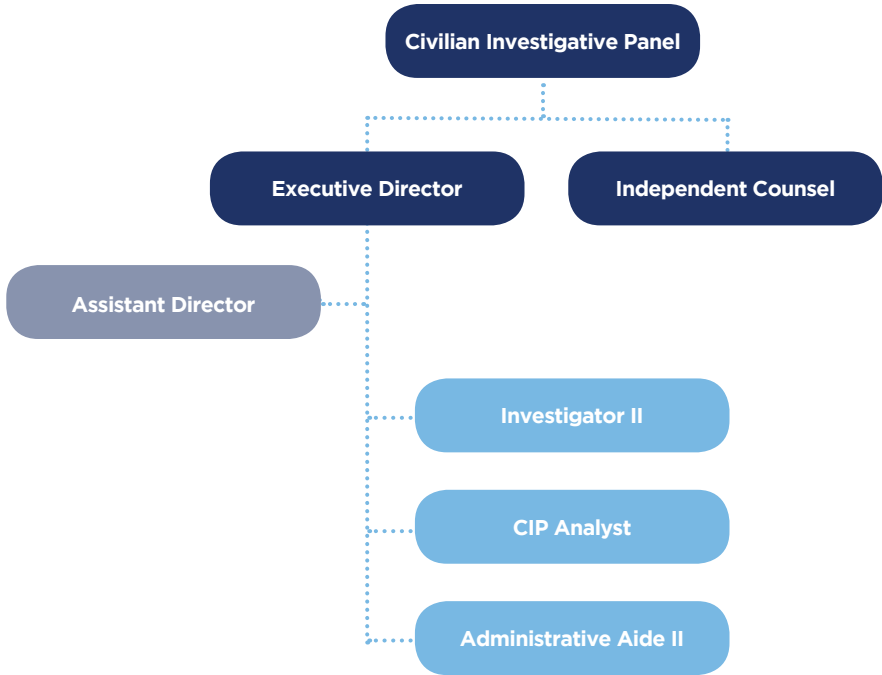
I. INTRODUCTION

The Panel and Departmental Operations

The Civilian Investigative Panel (CIP), created by City of Miami Ordinance No. 12188, provides for independent and impartial citizens' oversight of the Miami Police Department. The powers and duties of the panel are: to conduct investigations, inquiries and evidentiary hearings into allegations of police misconduct; to make factual determinations, facilitate resolutions and propose recommendations to the City Manager and Chief of Police; to review and make recommendations regarding the Miami Police Department's existing policies and procedures, including training, recruitment and discipline and provide input to the Chief of Police prior to implementation of new or revised policies and procedures; to request issuance of subpoenas for the purpose of obtaining evidence from witnesses, production of documents etc., after consultation with the State Attorney and CIP Independent Counsel; to issue reports to the Mayor, City Commission, City Attorney, City Manager, Chief of Police and the public. The CIP conducts public meetings on every third Tuesday of each month in addition to special and emergency meetings and public hearings. This annual report complies with the above language and provides the citizens of Miami and other interested persons with information regarding the activities and processes of the CIP. The CIP organizational hierarchy is illustrated below.



civilian investigative panel TABLE OF ORGANIZATION

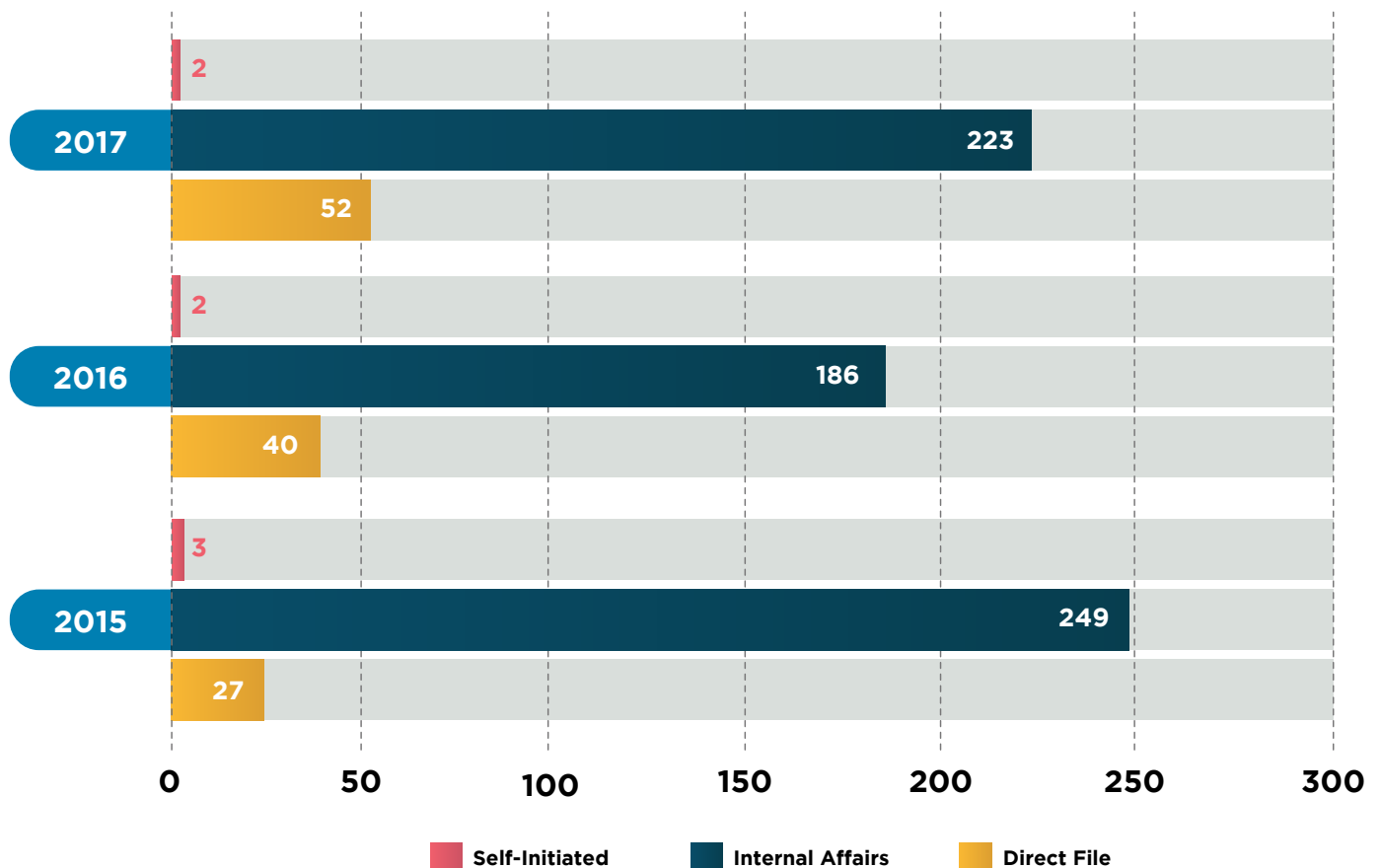


II. COMPLAINT ACTIVITY

In most instances, contact with the Civilian Investigative Panel begins when an individual files a complaint, either online or in-person at our office. Complaints are accepted by any means of communication including via third-parties, email and anonymously. The CIP has aggregated data to show the breakdown of complaints by District. Many Miamians understand the geography of the city by use of zip codes and thus we provide the zip codes within each Commissioner District. District 1 zip codes; 33142, 33125 and 33126. District 2 zip codes; 33139, 33132, 33131, 3314, 33129 and 33133. District zip codes; 33130 and 33135. District 4 zip codes; 33145, 33134, and 33144. Lastly, District 5 is comprised of zip codes 33136, 33127, 33137, 33147, 33150, and 33138. It is important to track where complaints originate in order to focus CIP resources and understand trends in allegations to make recommendations and inform the Miami Police Department of our observations.⁹

In 2017 the CIP received 277 Complaints.¹⁰ This is an increase from the 223 received in 2016.¹¹ As highlighted below most complaints arise from District 5.¹² Complaints for incidents outside of our jurisdiction are referred to the appropriate governmental entities that have the jurisdiction to investigate.¹³

FIGURE 1.1: Sources of total complaints, 2017



⁹ See Figure 3.1 ¹⁰ See figure 1.1 ¹¹ Ibid ¹² See Figure 1.6, 1.7 ¹³ Note: The complaints listed only show the most reoccurring and are not a full list of complaints per district.

FIGURE 1.2: 2017 District 1 complaints

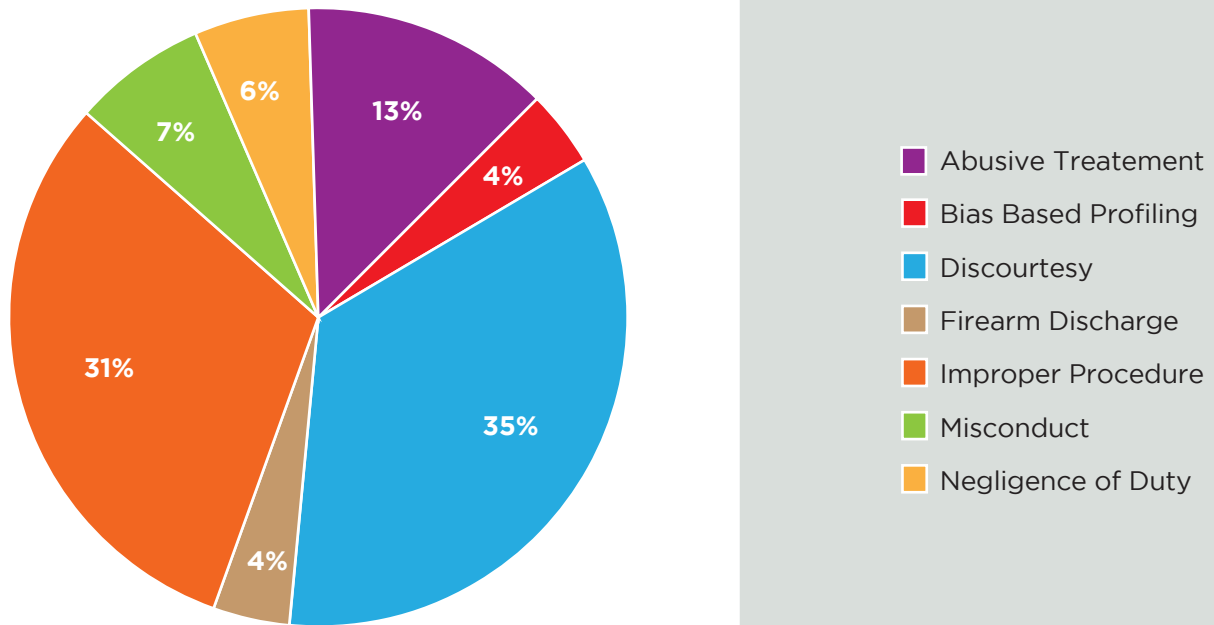


FIGURE 1.3: 2017 District 2 complaints

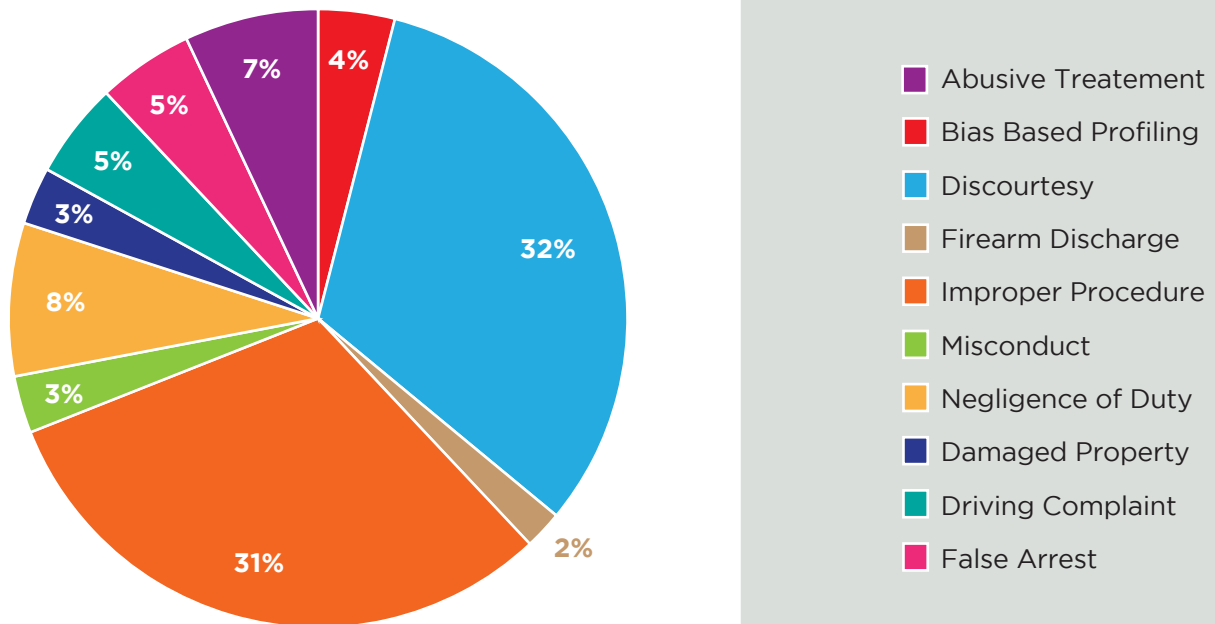


FIGURE 1.4: 2017 District 3 complaints

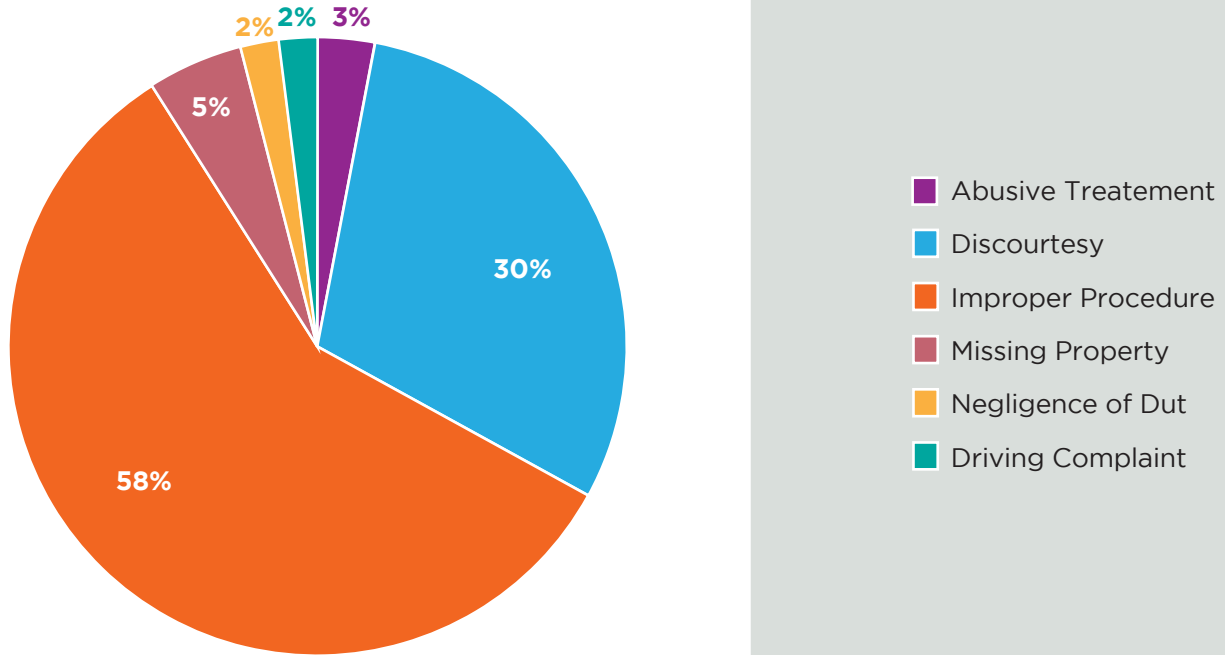


FIGURE 1.5: 2017 District 4 complaints

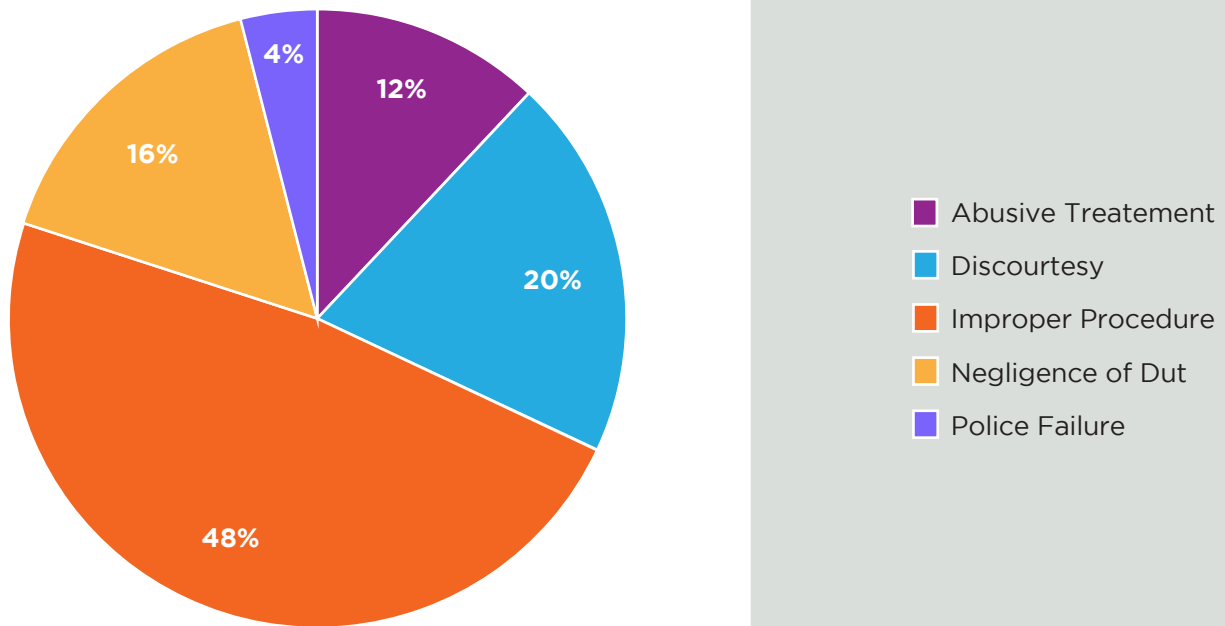


FIGURE 1.6: 2017 District 5 complaints

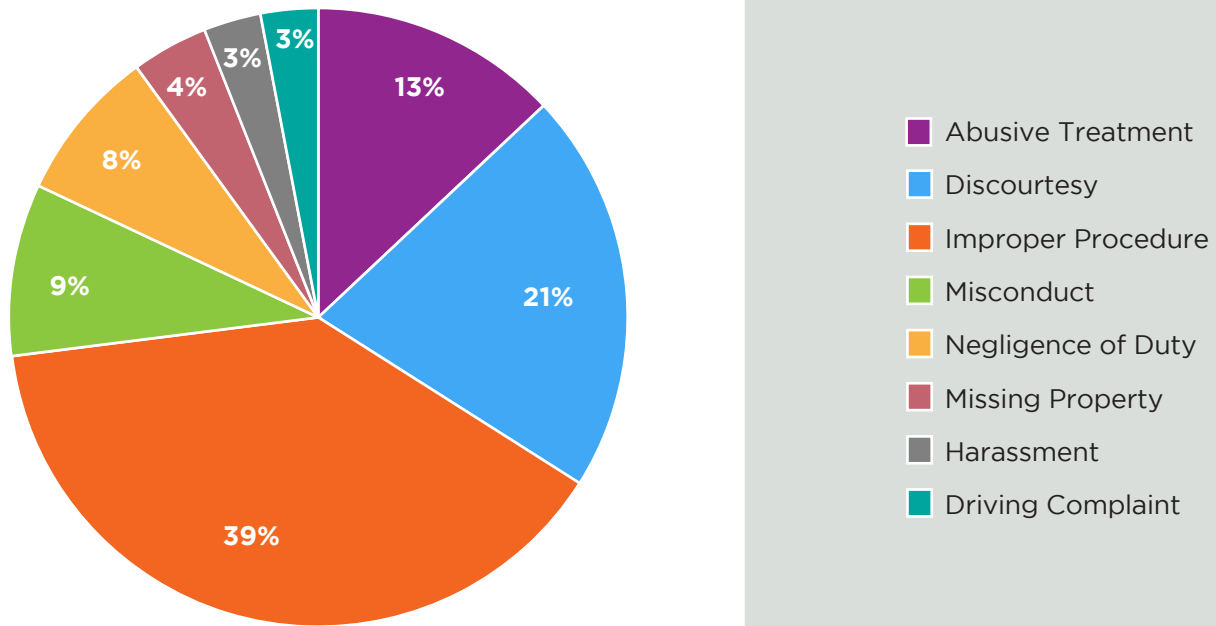
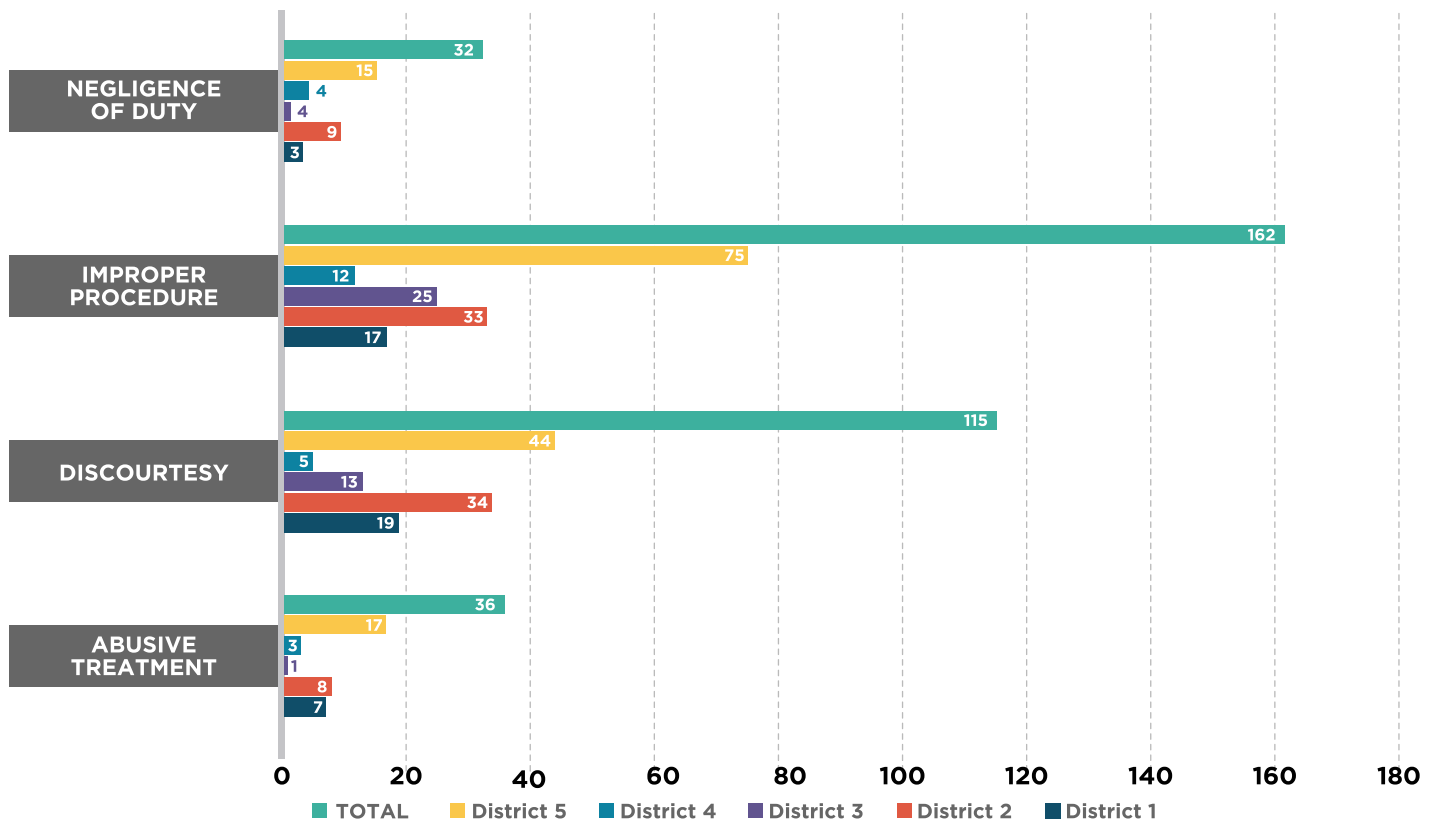


FIGURE 1.7: District Comparisons of Complaints. This chart only depicts the complaint comparisons of the top four reoccurring allegations, 2017¹⁴



¹⁴ This graph only includes the most reoccurring allegations, it is not a full comparison of all allegations types.

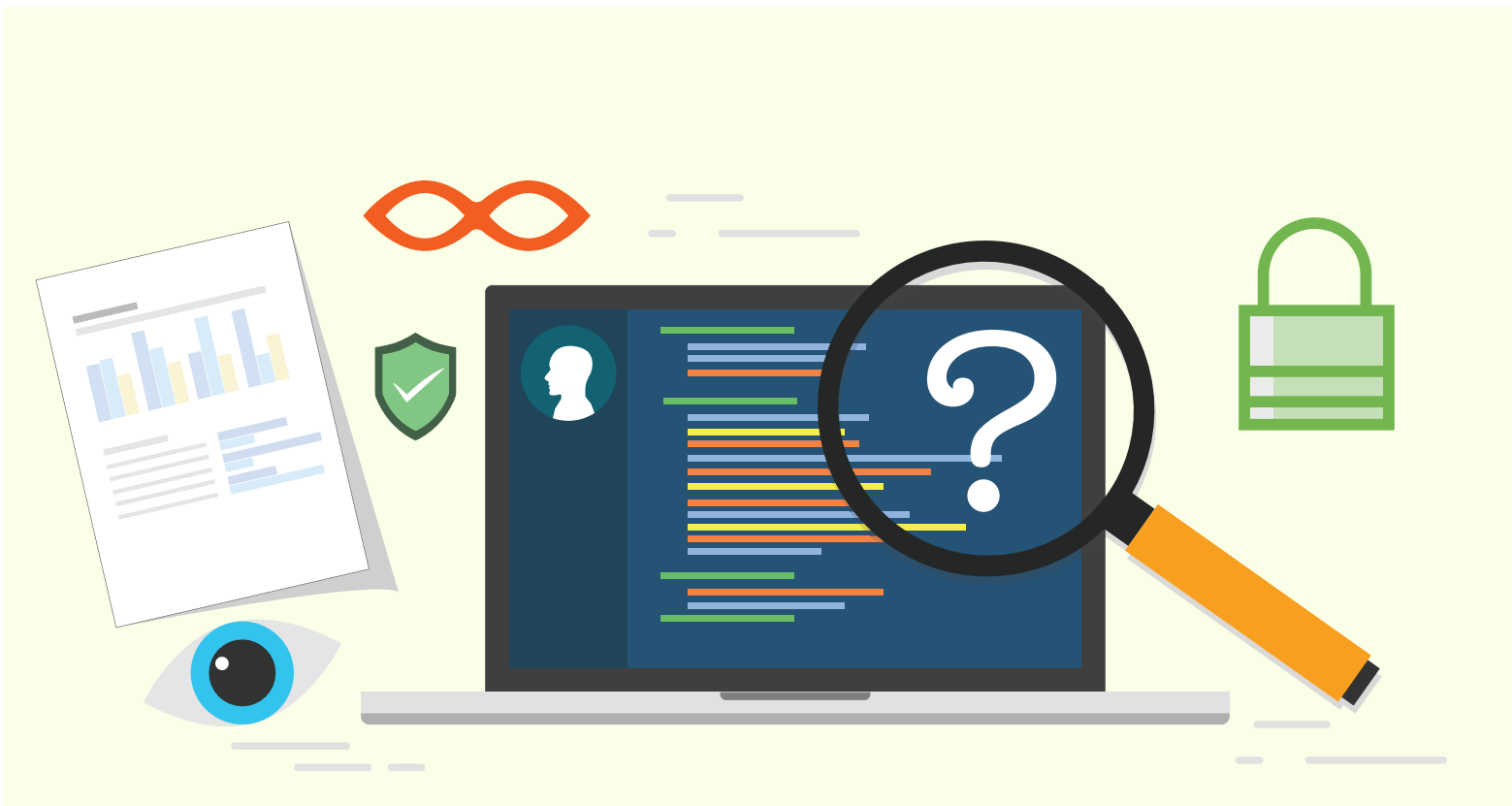
III. INVESTIGATIONS

Investigations are the core function of the Civilian Investigative Panel. Every complaint that is not referred to another agency is assigned to one of our investigators and is tracked and processed. At the onset of an investigation, the investigator collects evidence and takes statements from the complainant, any witnesses, and when possible, identifies the police officer(s) involved in the encounter. Once the subject officer has been identified, CIP investigators send written notices to the subject officers. Once all reasonable investigative leads have been exhausted a written recommendation is presented to the Complaint Committee of the CIP and then considered by the full Panel. Panel recommendations are then forwarded to the Chief of Police after public deliberation, for the Chief's response.

Where a complainant is available for interview, and continues to cooperate for the duration of the investigation, the CIP is able to come to a finding of fact. On the other hand, when a complaint is withdrawn, no complainant is available, or no additional evidence is obtainable, the investigation is closed with a "No Finding" result. The CIP seeks to minimize no finding results because our ultimate goal is to conduct full investigations with completed findings. The Panel has the ability to self-initiate investigations as well. However, there are instances when complaints filed by third parties, or anonymously may not lead to full investigations with conclusive findings due to the lack of facts.

Where CIP self-initiated cases or received allegations from sources directly during the first half of 2017, there was a 120-day limit to conduct an investigation once received, or following closure by the State Attorney's Office for criminal review. The time limitation was expanded to 180 days in June 2017 when the governing city ordinance was revised. Only 9 complaints (3%) ended due to time limitations and were closed as "No Findings." The following section covers the CIP investigations and outcomes.¹⁵

¹⁵ CIP drafted letters, and Police Chief Responses to recommendations can be found on the CIP website. www.miamigov.com/cip



IV. CASE RESOLUTION AND INVESTIGATIVE OUTCOMES

A CIP complaint can have five of different outcomes. To understand the data presented in this report, it is important to understand the CIP's terminology used in rendering an investigative finding.

Complaints are generally categorized as:

1. Abusive Treatment (Excessive Force)
2. Bias-Based Profiling
3. Damaged Property
4. Discourtesy
5. Driving Complaint
6. False Arrest
7. Firearm Discharge
8. Harassment
9. Improper Procedure
10. Misconduct
11. Missing Property
12. Negligence of Duty

Complaints alleging criminal conduct on the part of Miami Police officers are referred to the State Attorney's Office. That agency also forwards complaints to CIP once its criminal review is concluded.

Allegations that are fully investigated by the CIP receive one of five outcomes:

- 1. UNFOUNDED:** Where the review or investigation shows that the act or acts complained of did not occur or were misconstrued;
- 2. EXONERATED:** Where the acts that provide the basis for the complaint occurred, but the review or investigation shows such acts were proper;
- 3. NOT SUSTAINED:** Where the review or investigation fails to disclose sufficient facts to prove or disprove the allegations made in the complaint;
- 4. SUSTAINED:** Where the review or investigation discloses sufficient facts to prove the allegations made in the complaint;
- 5. 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.

V. CASE ABSTRACTS

The following case abstracts are taken from complaints closed in the second half of 2017 and serve as examples of what the findings mean in practice. The cases are of public record.

1. EXAMPLE: SUSTAINED

The Complainant was driving northbound on NW 12th Avenue in the left lane behind the officer's marked police vehicle which was attempting to make an illegal left-hand turn onto NW 7th Street. The intersection was clearly marked with a "no left turn" sign and the Complainant was riding a scooter and believed he was in imminent danger of being hit from behind because of the officer's actions. The Complainant used his horn to alert the police officer and the officer stopped the scooter operator and asked if his horn was broken.

The officer cited the Complainant for violations relating to the use of horns and equipment for motorcycle and moped riders. The subject officer filed a Uniform Police Worksheet documenting a second officer was riding with him on the date of incident and attempts were made to contact the second officer. Staff received no responses from the officer. There was no indication on the subject officer's worksheet that he was responding to an emergency call, in pursuit of an actual or suspected violator of the law, or responding to a fire alarm at the time he encountered the Complainant. The CIP identified and contacted an independent eyewitness familiar with the intersection signage, the officer's attempt to make an illegal turn and the scooter operator's reaction. The eyewitness also observed the subject officer stop the scooter operator.

CIP Resolution of the Complaint: Due to the diligent investigation and information presented at the panel meeting, Panel members voted to close the complaint of improper procedure as sustained. The CIP found by the preponderance of the evidence to show that the subject officer violated Departmental Orders/Florida State Statutes. This case was one of many that concerned Panel members because of the pattern of misconduct demonstrated by the same officer who was hired in March 2004. In sum, the officer has compiled 35 citizen complaints as of this writing. Many of the allegations are generally related to traffic stops. The CIP tracks and monitors officers with multiple complaints as part of our responsibilities to make policy recommendations.

2. EXAMPLE: UNFOUNDED

The Miami-Dade Clerk of Court website showed that a Complainant received two traffic citations, one was closed as not guilty and another closed as adjudication withheld with a \$163.00 fine. The complainant contacted the CIP and provided a statement regarding the traffic stop that led to the Miami-Dade court matter and claimed the officer that stopped him was discourteous. He stated the he was traveling southbound on SW 32nd Avenue and entered an area where workers were clearing debris from Hurricane Irma. During the course of his the maneuvering around debris and city workers, a city employee tapped his car with a chainsaw. The complainant stopped to speak to the employee and police were called to the scene.

The responding officer interviewed the Complainant and the construction crew leader of the cleanup team. The Complainant believed that the tickets were unjust and were issued to shield the city from liability for the employee's conduct. The CIP received a copy of the incident report and conducted an investigation. Witnesses corroborated



the reporting person's statement that the Complainant attempted to drive through an active work zone, drove around barricades and onto a sidewalk, disregarding people telling him not to. The complainant was issued traffic citations for driving on the sidewalk and driving around the barricades. The Panel voted to close the complaint of discourtesy as unfounded given the facts of the case and independent eyewitness accounts.

3. EXAMPLE: EXONERATED

The Complainant had been advised on several occasions that he cannot sleep in the city-operated parking lot during operating hours and alleged that the officer told him to pack up his things and leave the area. CIP Independent Counsel advised the Panel that an addendum to The Pottinger agreement allowed officers to arrest homeless persons for "life sustaining conduct" if the sole available shelter at the time is a shelter from which the person is barred, due to his or her purposeful misconduct, criminal or otherwise which occurred at the shelter. The Complainant indicated he was no longer welcome at Camillus House, and was removed on past occasions.

The CIP obtained the Internal Affairs file that contained footage from the officer's body worn camera that showed the subject officer removing a pocket knife and box cutters from the Complainant. Thereafter, the Complainant is seen packing his belongings and the officer explained item left behind may be disposed of by staff. At the panel meeting, body worn camera footage of the incident was shown and Panel members championed the video as being a perfect example of how body worn camera evidence can help officers accused of wrongdoing. The Panel voted to exonerate the officer, due to the body worn camera footage which was irrefutable.

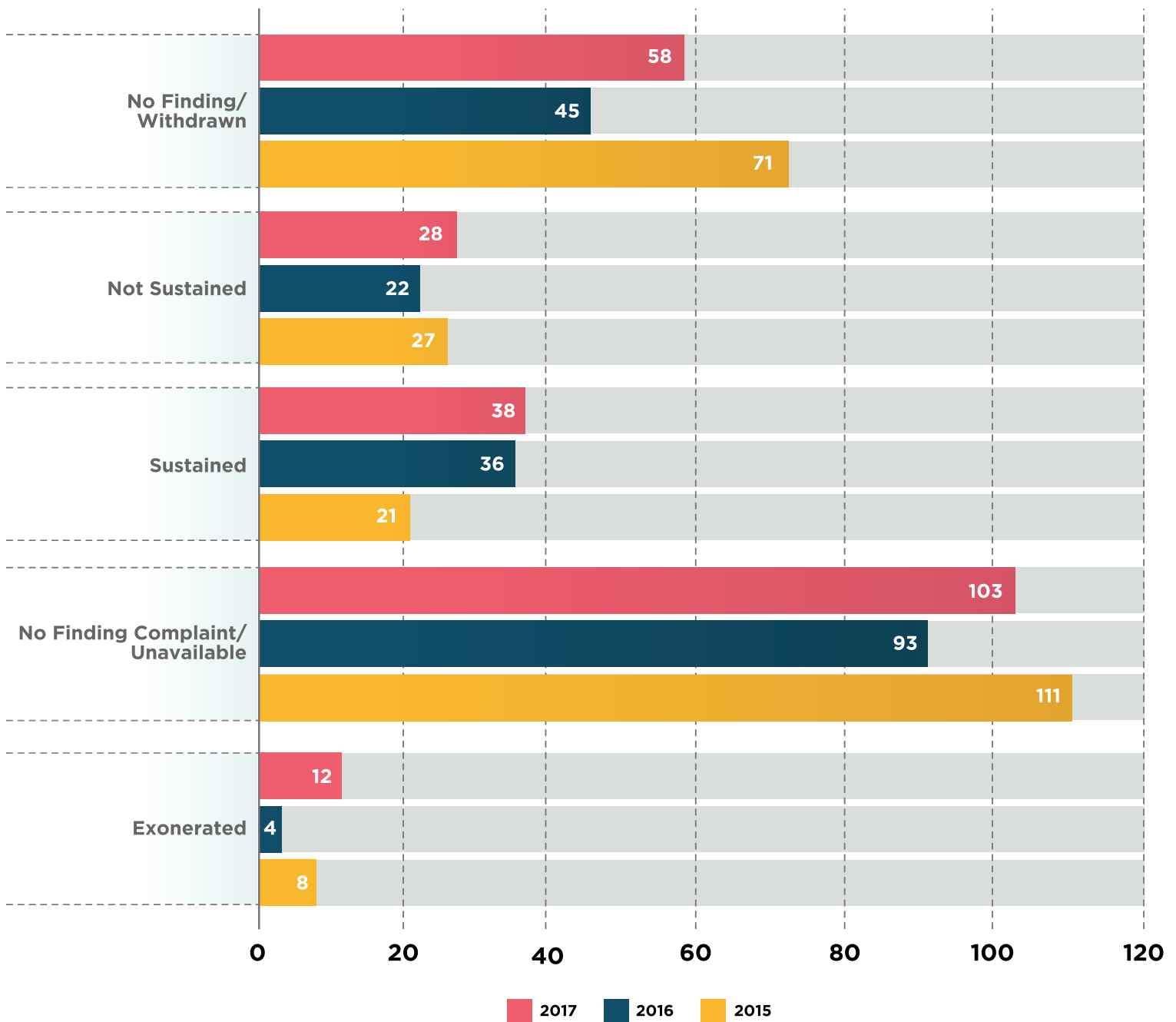
4. EXAMPLE: NOT SUSTAINED

A Complainant was involved in a dispute with a taxi driver and alleged the subject officer became frustrated and yelled that Complainant had no choice but to pay the cab fare or he would take her to jail. The Complainant claimed First Amendment violations through the officer's mean-spirited intimidation. Records showed there were three calls for assistance from the cab driver about a female who refused to pay her cab fare and one call was made from the complainant advising the cab driver wanted to charge her \$26.00 for a ride that took less than 10 minutes. The panel reviewed the material and voted to not sustain the allegation of improper procedure against the officer.

VI. INVESTIGATIVE FINDINGS

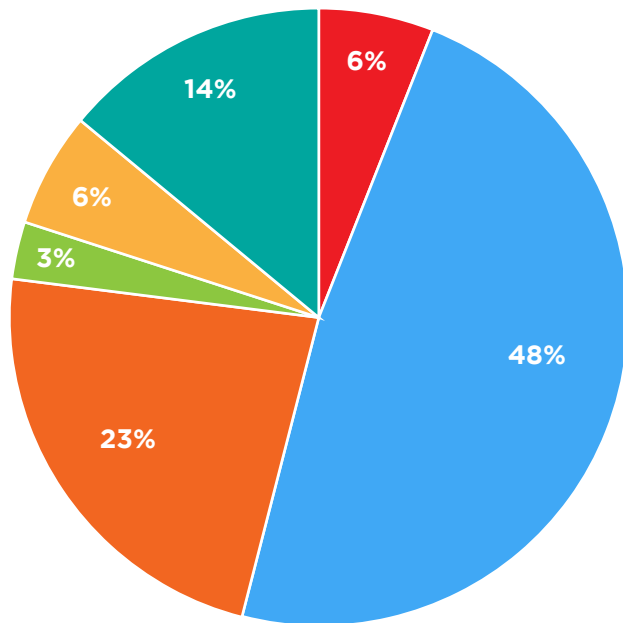
As illustrated below in Figure 2.1, the sustained rate for complaints has fluctuated between 13% and 6% over the last three years. In 2017, the sustained rate was 13%. The not sustained rate, was 10%. Below is the determination data by City of Miami Districts for 2017:¹⁶

FIGURE 2.1: Three Year Analysis of the most utilized Findings from 2015-2017



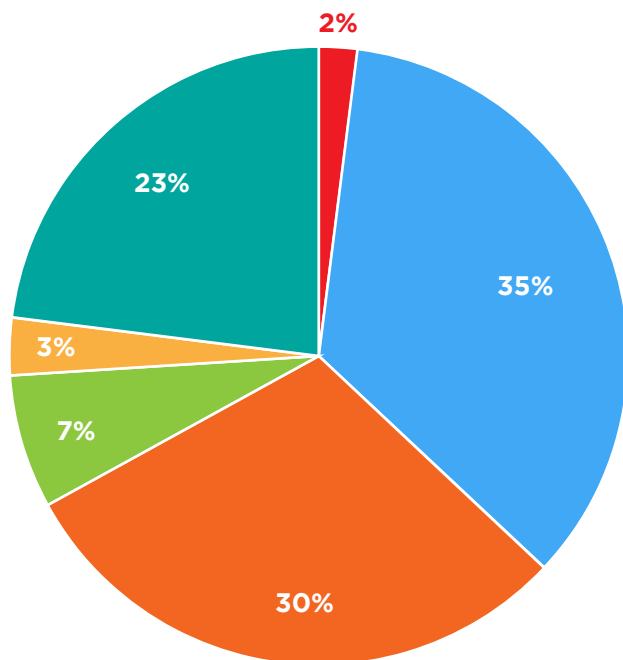
¹⁶ Note: The findings listed only show the most reoccurring and are not a full list of findings per district.

FIGURE 2.2: Abusive Treatment Findings in 2017



- Exonerated
- No Finding/Compt. Unavailable
- Not Sustained
- Sustained
- Unfounded
- No Finding/Withdrawn

FIGURE 2.3: Discourtesy Findings in 2017



- Exonerated
- No Finding/Compt. Unavailable
- Not Sustained
- Sustained
- Unfounded
- No Finding/Withdrawn

FIGURE 2.4: Improper Procedure Findings in 2017

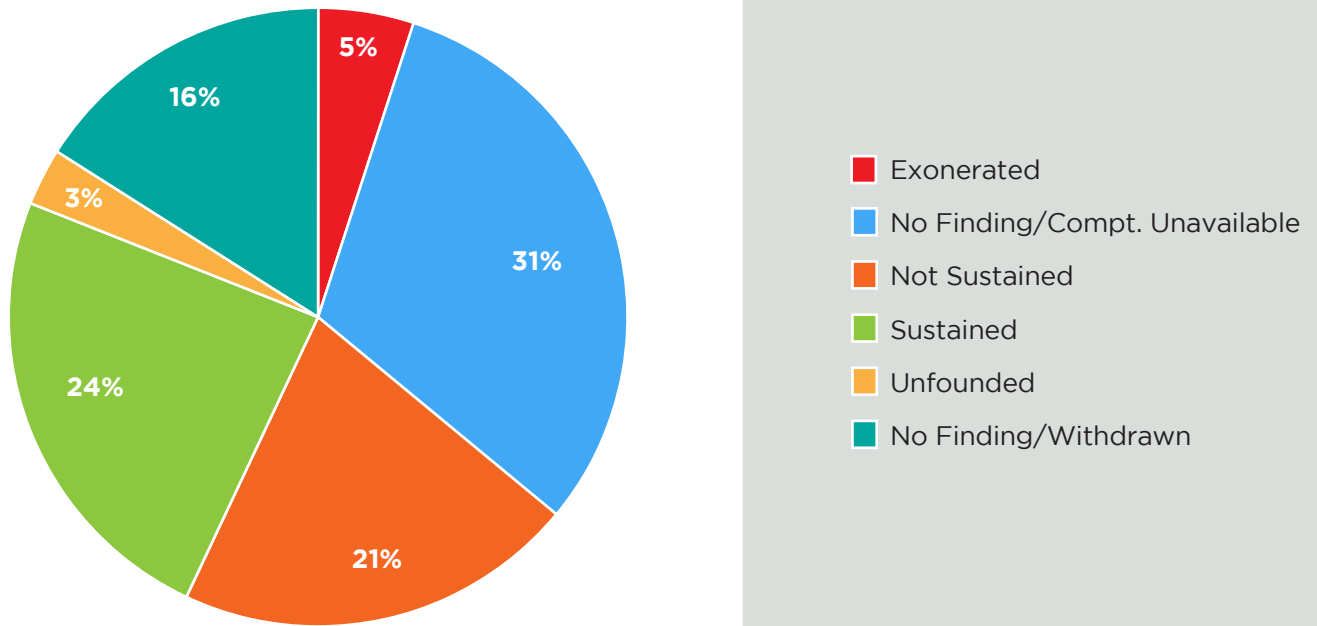


FIGURE 2.5: Negligence of Duty Findings in 2017

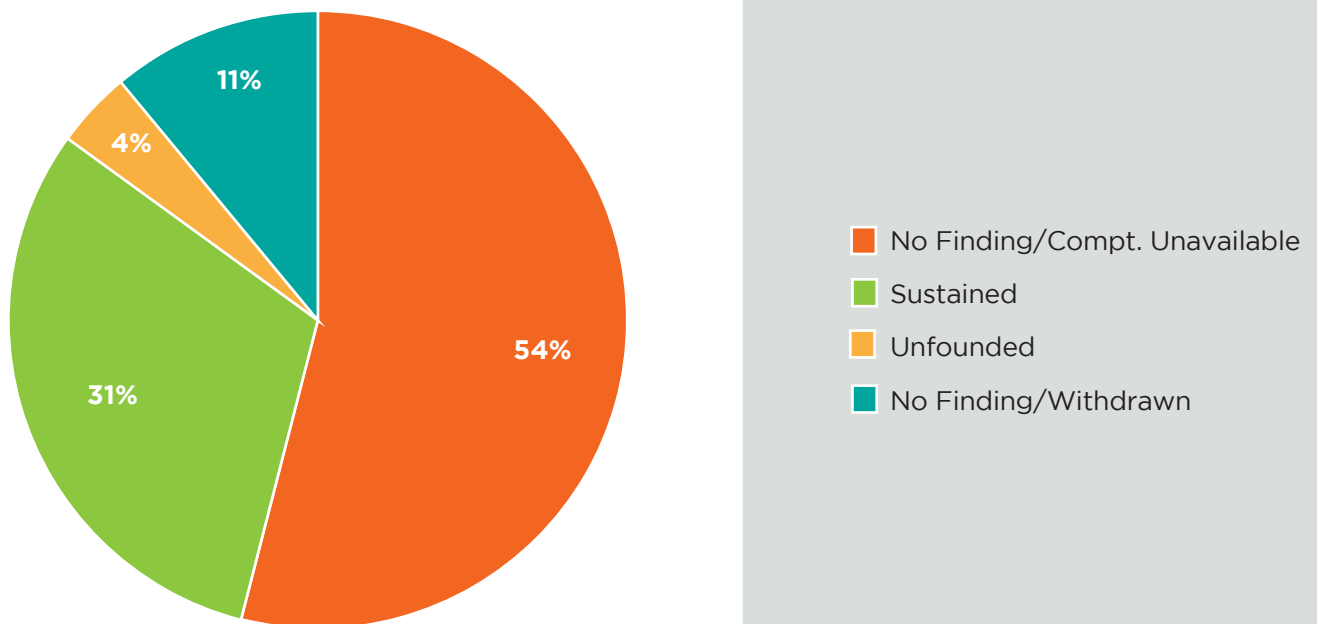
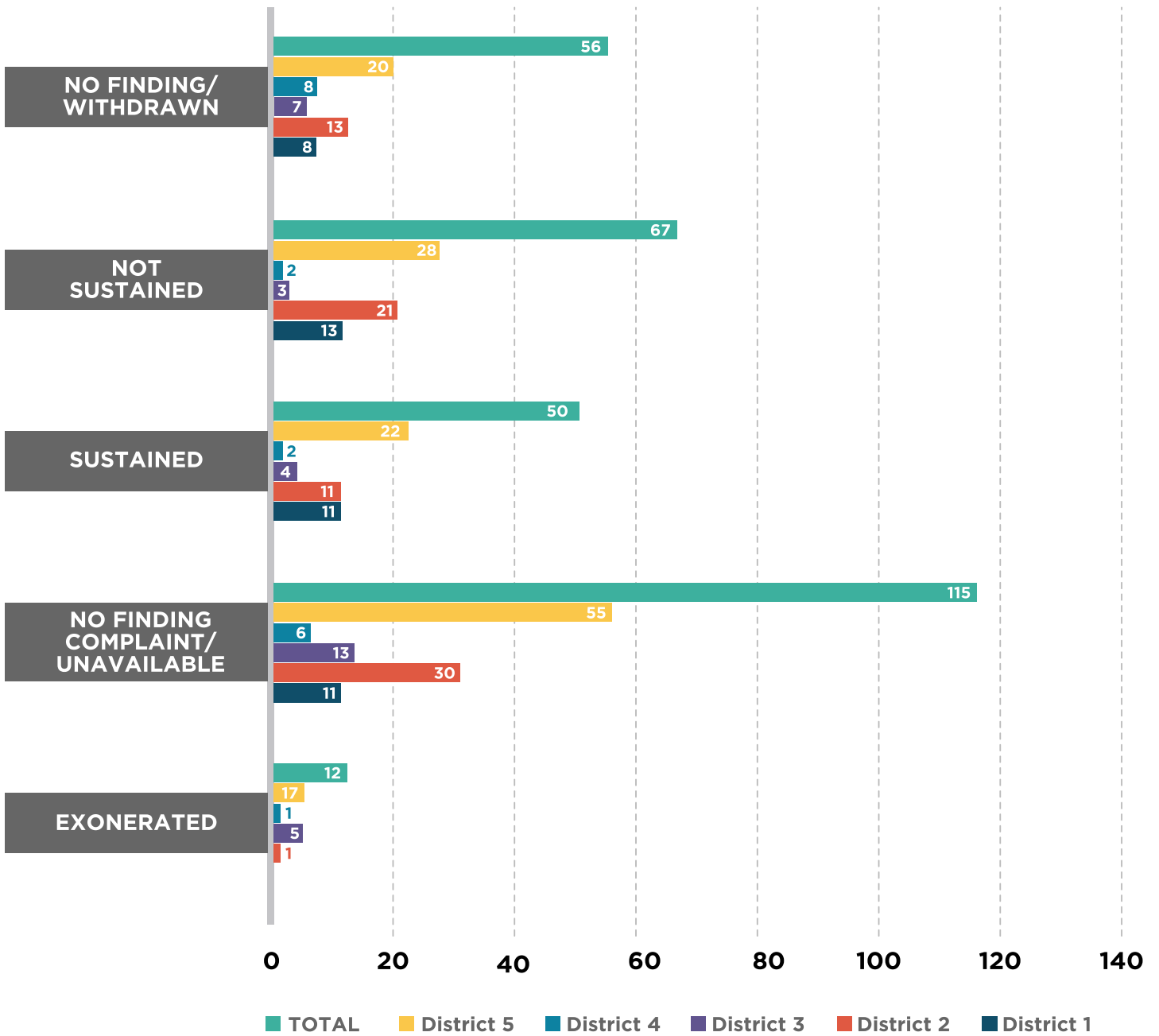


FIGURE 2.6: Findings Total by District in 2017



VII. SUBPOENA POWER

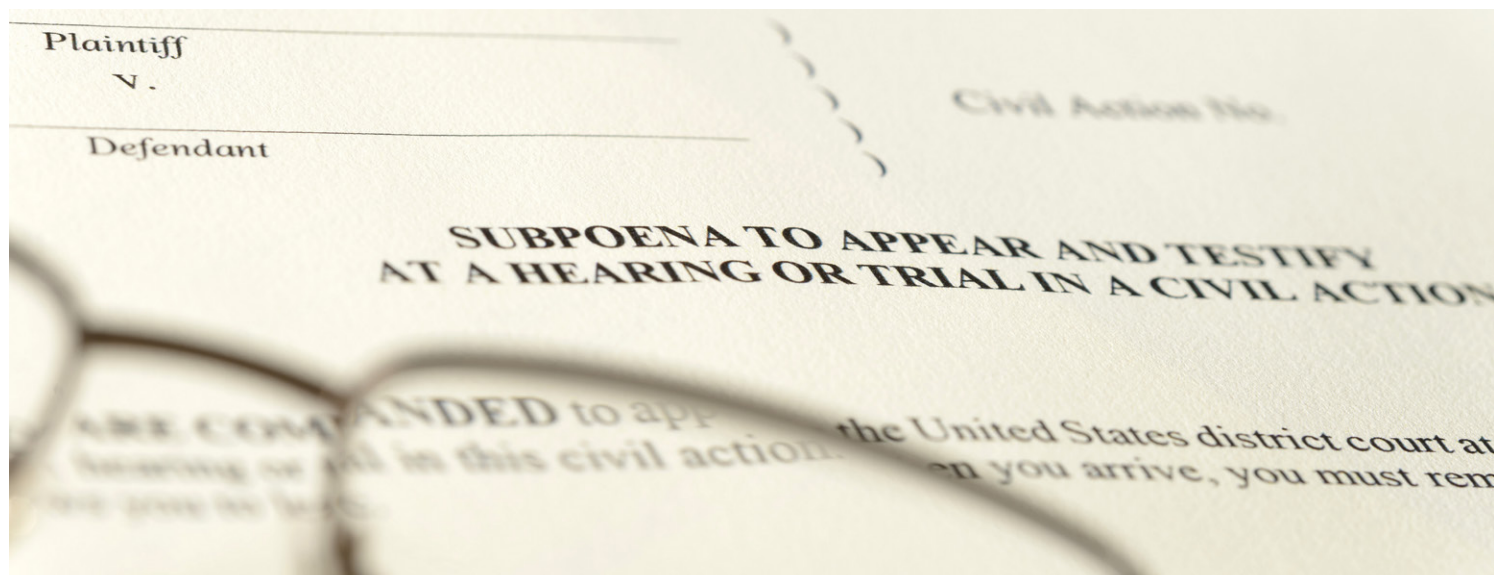
During the past seven years, the CIP was engaged in ongoing litigation in relation to its abilities to subpoena sworn City of Miami Police Officers. The Florida Supreme Court issued its decision on June 22, 2017. Two police unions, the Fraternal Order of Police, which serves as the collective bargaining unit for City of Miami police officers, and the Police Benevolent Association, which represents police in scores of other departments throughout the state, attempted to undermine civilian oversight of police in Florida. The Florida Supreme Court rejected the unions' challenge to the very existence of the CIP.¹⁷

The Supreme Court allowed the CIP to retain its legitimacy and its specific powers and authority to investigate complaints of police misconduct by Miami police officers, to review investigations conducted by the department's Internal Affairs divisions, to critique the department's policies, and to make recommendations to which the police chief must respond.

The court ruled that the CIP may not use its subpoena power to summon and interrogate an "officer under investigation" by the CIP. Such use of subpoena power, the court said, would be inconsistent with the special rights conferred on police officers by the Police Bill of Rights ("PBR").¹⁸ This narrow ruling does not cripple the CIP. Not only does the decision recognize that the CIP's subpoena power "may continue to exist undisturbed" as long as it is applied to subjects other than the officer under investigation;¹⁹ it also leaves intact all other methods of investigation the CIP may employ — such as conducting voluntary interviews, visiting the scene, studying videos and photos, obtaining medical records, listening to 911 calls, and reviewing records as they become public including, as the court noted, "All of the investigatory materials arising from the investigation conducted by Internal Affairs."²⁰

The CIP knows that conducting factual investigations to hold police accountable does not rest solely on subpoena powers. Many investigative bodies — including police departments investigating crime — conduct comprehensive, reliable investigations without the issuance of subpoenas. The court's ruling has not affected the effectiveness or legitimacy of civilian oversight by the CIP — or by any other civilian oversight body of policing in Florida. As the court itself noted, "Law enforcement officers remain very much exposed to public scrutiny."²¹

The narrow ruling relating to subpoenas in D'Agostino will not deter the CIP from continuing to diligently perform its work on behalf of the community — thereby fulfilling its mission of promoting transparency and trust vis-à-vis the police.



¹⁷Baker, Jeanne; Beamud, Cristina. "Police Unions Fail to Kill Civilian Oversight." Miami Herald, www.miamiherald.com/opinion/op-ed/article159656404.html.

¹⁸A state statute that gives affirmative interrogation protections to police suspects that go far beyond the Fifth and 14th amendment protections the rest of us receive.

¹⁹D'Agostino v. City of Miami, 220 So. 3d 410, 426-427, 2017 Fla. LEXIS 1364, *35-38, 42 Fla. L. Weekly S 682, 2017 WL 2687694

²⁰City of Miami, 220 So. 3d 410 at *39, 42

²¹220 So. 3d 410 at 38

VIII. DEMOGRAPHIC TRENDS AND ANALYSIS

A. District Locations of Complaints Contrasted with Population

In 2017, 38% of the complaints received within the CIP jurisdiction stemmed from alleged incidents that occurred in the areas of District 5 (“D5”),²² which is home to approximately 20% of the City’s population.²³ District 2 (“D2”) had a similar proportion. Another 20% of the City’s population resides in D2 and accounted for 30% of the of CIP’s complaints.²⁴ Both D2 and D5 have complaint numbers that were disproportionately higher than their respective populations, while the complaints in District 1 (“D1”), District 3 (“D3”), and District 4 (“D4”) were disproportionately lower. Districts 1, 3, and 4 makes up approximately 19% of the City’s population, but only 6%, 11% and 10%, respectively, of CIP complaints.^{25 26}

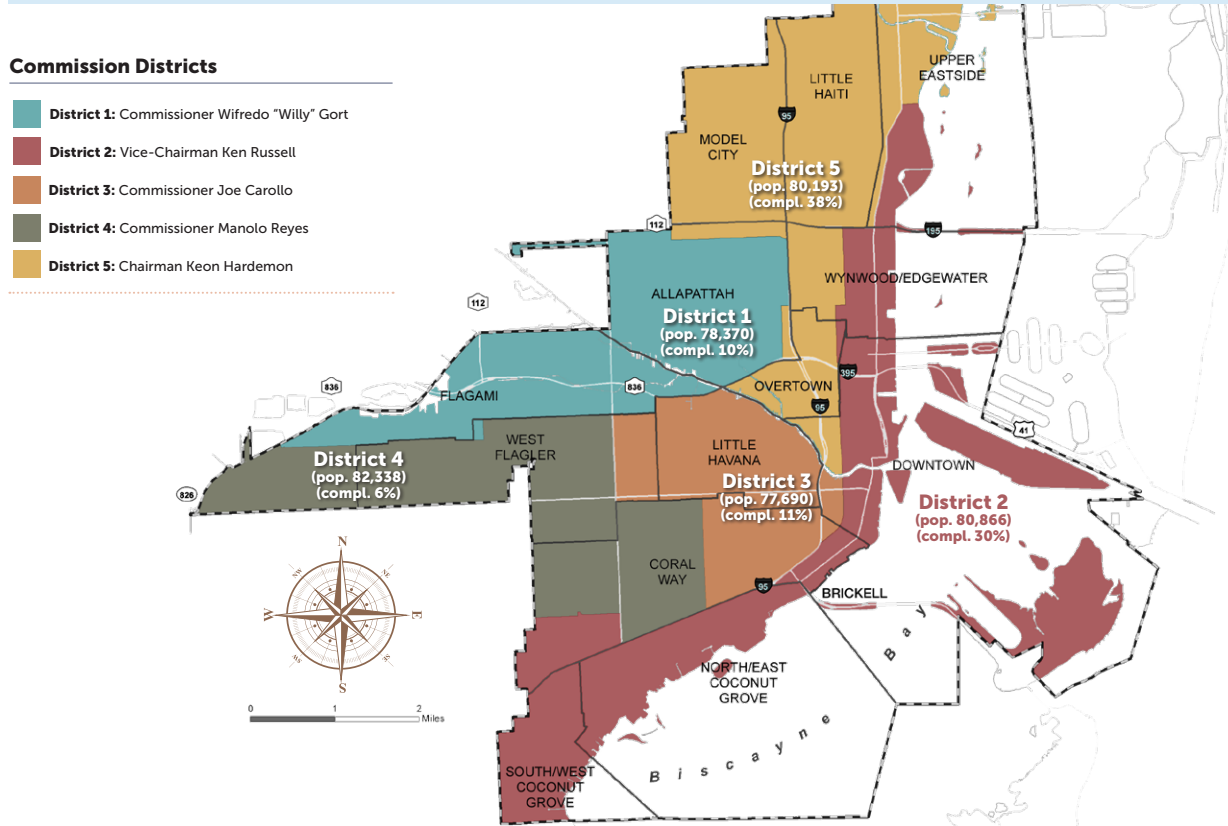
B. Characteristics of Alleged Victims

The CIP compared the demographic profiles of the complainants to that of the city as a whole, without factoring such considerations as the proportion of encounters with the police; crime statistics or officer demographics. The race and gender of complainants are disproportionate to the racial makeup of the City of Miami population.²⁷ Relying on census data, 16% of the city’s population self-identified as “Black,” yet made up half (50%) of all CIP complainants. Overall, male complainants outnumbered females and over-represented in relation to the city-wide population.

C. Types of Allegations Submitted

When a complaint is filed, the claims against the subject officer are considered “allegations.” An individual complaint may contain multiple allegations against one or more officers, and as the CIP investigation continues, different or additional allegations may arise. The most common type of allegation was Improper Procedure. 40% of complaint allegations closed involved improper procedure, up from 32% in 2016. Discourtesy allegations ranked second at 22%, down from 27% in 2016.

FIGURE 3.1: Complaints Received within CIP Jurisdiction by District and Population in 2017



²²District 5 encompasses Overtown, Wynwood, Edgewater, Little Haiti, Model City and the Upper Eastside; See also city map in Figure 3.1

²³See figure 3.2

²⁴District 2 encompasses the areas of Downtown, North/East Coconut Grove, South/West Coconut Grove and Virginia Key

²⁵See figures 3.2, See also city map in figure 3.1

²⁶City Demographic data was drawn from the United States Census, and the City of Miami Zoning Department estimates for the five districts that make up the City of Miami. Census data is available at (<http://factfinder.census.gov/>.) City data is available at (<http://www.miamigov.com/planning/census2010.html>)

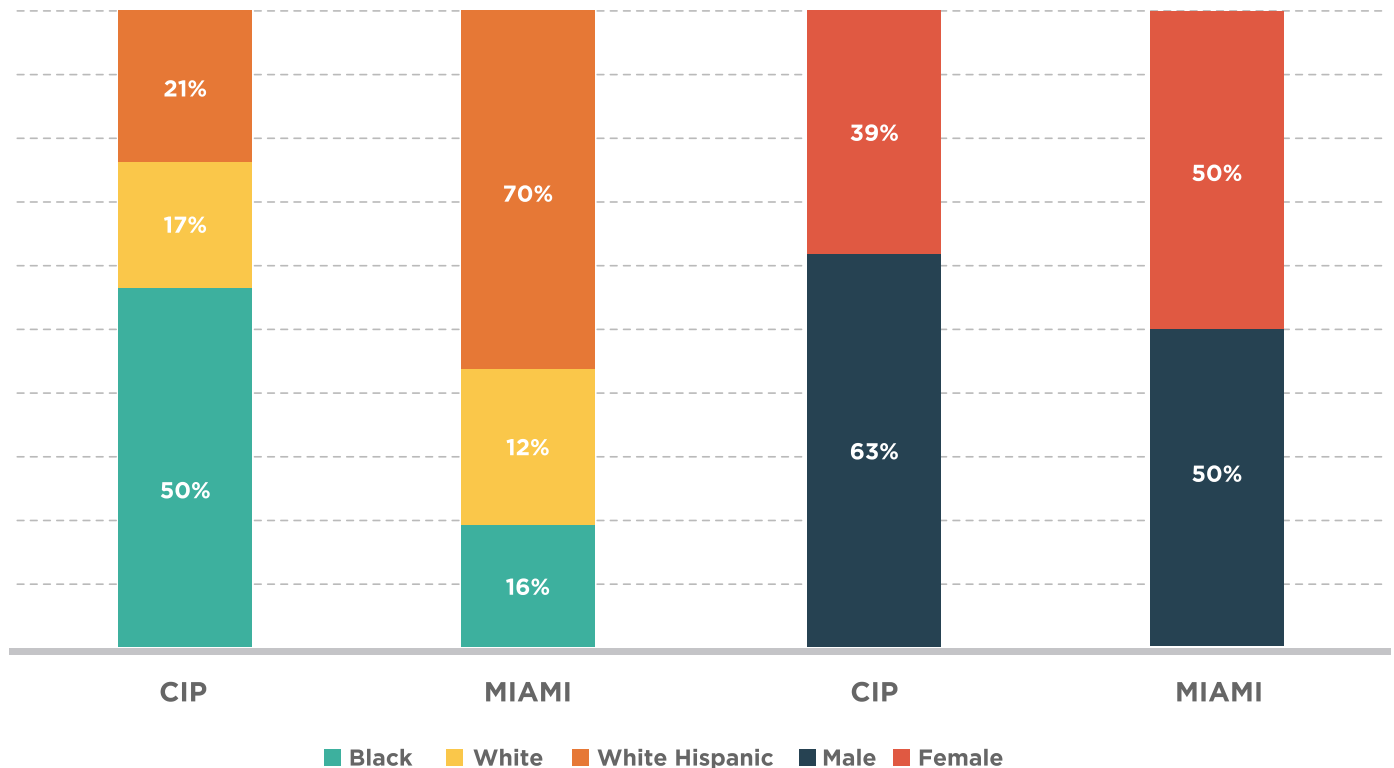
²⁷See figure 3.3

VIII. DEMOGRAPHIC TRENDS AND ANALYSIS

FIGURE 3.2: Population and Demographics by District in 2017

District	Population	PERCENT Black/ Non-Hispanic	PERCENT White/ Non-Hispanic	PERCENT Other/ Non-Hispanic	PERCENT Hispanic
1	78,370	6.18%	4.55%	0.86%	88.41%
2	80,866	8.54%	34.31%	4.85%	52.30%
3	77,690	1.27%	7.21%	1.02%	90.50%
4	82,338	0.44%	6.68%	0.91%	91.97%
5	80,193	64.71%	6.48%	2.28%	26.53%
TOTAL	399,457	16.27%	11.92%	1.85%	69.96%

FIGURE 3.3: Complainant Demographics Compared to City of Miami Population in 2017^{30 31}



³⁰City demographic information is drawn from the 2010 United States Census—the most recent year for which such data is available. Census data is available at <http://factfinder.census.gov/>; or on the City of Miami Zoning website.

³¹This data set does not include 11% of those whose race was unidentified, due to being anonymous, third party, or the race was unspecified.

FIGURE 3.4: complaints Received by the CIP by Race and Type in 2017

Type of Complaint	BLACK	HISPANIC UNKNOWN	UNKNOWN	WHITE	WHITE HISPANIC	BLACK HISPANIC	TOTAL
Abusive Treatment	13	1	3	4	8		29
Bias-Based Profiling	6						6
Damaged Property			1				1
Discourtesy	32		6	8	15		61
Driving Complaint	1		1	8			10
False Arrest	3				2		5
Firearm Discharge	1						1
Harassment	3			1	1		5
Improper Procedure	54	1	6	18	25	5	109
Misconduct	6		7	3	2		18
Missing Property	5			1	1		7
Negligence of Duty	8		5	6	4		23
Police Involved Shooting	1						1
Policy Failure					1		1
TOTAL	133	2	29	49	59	5	277

FIGURE 3.5: Complaints Received by the CIP by Gender and Type in 2017

Type of Complaint	CIP	FEMALE	MALE	ANONYMUS	CITY	TOTAL
Abusive Treatment		6	23			29
Bias-Based Profiling		3	3			6
Damaged Property		1				1
Discourtesy		23	37	1		61
Driving Complaint			10			10
False Arrest			5			5
Firearm Discharge	1					1
Harassment			5			5
Improper Procedure	1	37	68	3		109
Misconduct		9	6	2	1	18
Missing Property		1	6			7
Negligence of Duty		11	11		1	23
Police Involved Shooting	1					1
Policy Failure			1			1
TOTAL	3	91	175	6	2	277

IX. BODY WORN CAMERA USE

In October 2016, the United States Department of Justice Community Oriented Policing Service (“USDOJ COPS”) awarded the City of Miami Police Department a grant valued at \$960,000 for the purchase of Body Worn Cameras (“BWC”) that record audio and video when officers activate the unit. In 2017, a pilot program started testing the BWCs with some patrol officers, as well as Problem Solving Teams. To date, approximately 329 BWC users, and 556 cameras (two cameras per officer) are being deployed by the department. Compliance with MPD policy has not been achieved as of this writing and there are no published studies by the Police Department on BWC implementation or community feedback.

The CIP is concerned about the non-use of the devices, the lack of policy compliance and the police department’s inability to publicly report its experiences with the cameras. During the initial phase of BWC implementation, the CIP received significant number of cases which revealed that officers had not used their cameras correctly. The CIP conducted a survey of similar cases and found that at least 50% of related cases resulted in violations of the body worn camera policy. The CIP recognizes the financial investments made by both the City and the federal government in providing cameras to officers and recommended the following:

- (1) The Miami Police Department should develop progressive disciplinary procedures for officers who violate the BWC policy;
- (2) Officers should be required to activate their body worn cameras before they arrive at a call for service;
- (3) Random, quarterly quality assurance audits should be established by policy to ensure BWC policy and usage compliance;
- (4) The Miami Police Department should publish quarterly reports on officer compliance and agency enforcement of the BWC program. The reports should be linked on the MPD webpage.

Chief Colina has addressed many of the suggestions made by the CIP.



X. OUTREACH, COMMUNICATION PLAN, AND COMMUNITY RELATIONS

The CIP developed a plan to describe goals, activities, and methodology that will be used to improve the CIP's outreach throughout the City of Miami and assess the success of those efforts. This plan also describes specific elements and strategies to identify and prioritize the CIP's outreach needs. The plan is merely the first step to achieving the overarching goals of collaborative policing with community emphasis and input.

In conjunction with our plan and goals, we established an aggressive community engagement campaign to educate the public and police of our role. While community feedback has demonstrated more interest, many Miamians are unaware that CIP is an option for their grievances against police.

Miami is a world-class multicultural urban environment and the CIP is sensitive to the needs of all communities. Our principles are outlined briefly in this annual report and in substantive detail in the communication plan. The following principles are pillars in our communication strategy:

(1) To be mindful of the communities we serve: In many respects, the CIP's main constituency comes from an underserved community. It is our duty to listen to their concerns, ask relevant questions; and provide solutions/remedies, where appropriate. In conducting our work it is important to sincerely listen to all concerns.

(2) To be accessible and responsive: By doing this we build a reputation within the community that we are approachable and reliable public servants.

(3) Champion messages of diversity and inclusion: The five Miami City districts are made up of people with various backgrounds, ideologies, cultural norms, orientations and languages. Therefore, it is vital that we are conscience of these differences and embrace the values that join us in the pursuit of fairness and justice.

(4) Be consistent and deliberate: The community is truly our eyes and ears to identify issues with police conduct. The CIP will use its data in order to understand reoccurring trends and offer recommendations to prevent future misconduct and misunderstandings.





civilian **investigative** panel

ANNUAL REPORT
2017