




TO: City Manager Emilio T. Gonzalez

FROM: Eileen Damaso, Chair, Civilian Investigative Panel 

RE: Annual Report Fiscal Year 2018-2019

DATE: December 17, 2019

CC: Mayor Francis Suarez, Commissioner Alex Diaz de la Portilla, Commissioner Ken Russell, Commissioner Joe Carollo, Commissioner Manolo Reyes, Commissioner Keon Hardemon

### FISCAL YEAR 2018-2019 ANNUAL REPORT

#### INTRODUCTION

The City of Miami Civilian Investigative Panel ("CIP") is required, pursuant to Section 2-890 and 11.5-37 of the Code of the City of Miami to submit an annual report to the Mayor, City Commission, City Manager, and Chief of Police, regarding whether the CIP is serving the purpose for which it was created; whether the CIP is serving current community needs; the CIP's major accomplishments; whether any other public or private board would better serve the function of the CIP; whether the ordinance creating the board should be amended to better enable the board to serve the purpose for which it was created; whether the board's membership requirements should be modified; and the cost, both direct and indirect, of maintaining the board.

#### BACKGROUND

In November 2001, a referendum was held to determine whether the City Charter should be amended to establish the legal framework for creating independent civilian oversight over the sworn members of the City of Miami Police Department. The referendum was supported by 73% of the electorate, thus giving rise to Section 51 of the City of Miami Charter. The CIP was subsequently created in February 2001 by the City Commission, enacting City of Miami Code, Art II, § 11.5 (2002) (hereinafter, the "enabling Ordinance"). The CIP's primary mission is to exercise "independent civilian oversight of the sworn police department."

Again, in November 2016, a voter referendum approved the Civilian Investigative Panel's right to hire and fire an executive director and independent counsel, as well as confirming its ability to investigate and

review policies and practices of the Miami Police Department. The referendum was supported by 78% of the voters. Ordinance revisions were enacted by the City Commission in order to clarify the authorities and organization of the Civilian Investigative Panel on June 8, 2017.

The enabling ordinance empowers and obligates the CIP to do the following:

- (1) Act as independent civilian oversight of the sworn officers of the City police department;
- (2) Exercise its powers so as to not interfere with any pending or potential criminal investigations or prosecutions and conduct its activities consistent with applicable law, including but not limited to the Florida Government in the Sunshine Law and with applicable labor contracts;
- (3) Engage the services of trained investigators and secure adequate training for its panel members, including training in police policies and practices;
- (4) Conduct investigations, inquiries, audits, and public hearings to make factual determinations, facilitate resolutions, and propose recommendations as to disposition of other outcome to the police chief, City Manager, or, where appropriate, other City officials regarding
  - (a) Allegations of misconduct by officers of the City Police Department;
  - (b) Incidents of uses of force by officers of the City Police Department resulting in death or great bodily harm to a person, with the mandatory duty to automatically investigate police shootings or other uses of force resulting in the death of a person;
  - (c) Incidents, events, or systemic problems involving officers of the City Police Department that affect the community.
- (5) Promote community understanding and utilization of the process by which complaints are submitted and reviewed or investigated by the CIP and/or the City Police Department;
- (6) Forward complaints alleging criminal activity to the City police department;
- (7) Request issuance of subpoenas after consultation with the State Attorney of the Eleventh Judicial Circuit in and for Miami-Dade County for the purpose of obtaining evidence with witnesses and production of books, papers, and other evidence, which subpoenas shall be signed, served, and enforced pursuant to applicable law, provided that no immunity be conferred by the CIP, and further, that no actions of the CIP may interfere with any pending or potential criminal investigation or prosecution;
- (8) Make written recommendations to the Police Chief as to current and proposed City Police Department policies, procedures, and practices concerning but not limited to training, recruitment, and disciplinary procedures;
- (9) Issue reports, requests, and recommendations to the Mayor, City Commission, City Attorney, City Manager, Police Chief, and the public concerning any matter within the CIP's authority;
- (10) Establish, in collaboration with the Executive Director, written rules and standard operating procedures for internal governance and standards for training for CIP members and staff; and
- (11) Evaluate the performance of the Executive Director and of the Independent Counsel annually pursuant to written criteria established by the CIP.

#### **IS THE CIP SERVING THE PURPOSE FOR WHICH IT WAS CREATED?**

The CIP was created to provide oversight of the police and to improve accountability and transparency concerning the provision of public safety services. The CIP promotes procedural justice through a process in which complainants are treated with respect and dignity and recommendations are made

based on facts and neutral principles, by fellow members of the community who, unlike police who police themselves, do not have a stake in the outcome. The CIP also benefits the police by increasing the prospects that incidents of misconduct will be effectively investigated by encouraging thoroughness in internal investigations.

A major function of the CIP is the receipt, review and investigation of citizen complaints of alleged police misconduct. During fiscal year 2018-2019, the CIP received 203 complaints. Of these 203 cases, the CIP conducted a full investigation of 49 complaints. The citizens who made the original complaints were given an opportunity to have their allegations addressed by a panel of independent community members.

Thus, the CIP served the purpose for which it was created.

#### **IS THE CIP SERVING CURRENT COMMUNITY NEEDS?**

During Fiscal Year 2018-2019, the CIP provided services to 203 members of the community. Each of these individuals had their grievances reviewed by members of the Panel. The work of the Panel serves to increase transparency and accountability of the police department. This is essential to public safety and trust. This serves an important community need.

#### **Board's Major Accomplishments.**

The Civilian Investigative Panel received 203 complaints during FY 2018-2019

The Panel investigated, reviewed and adjudicated 49 complaints

The Panel reported on these 49 cases to the Chief of Police and the City Manager

The Panel participated in community outreach by attending Neighborhood Association Meetings, partnering with the Community Advisory Board, participating in a locally televised panel discussion on NBC6, as well as creating and issuing a PSA that is used on channel 77. The Panel took additional strides this year in assisting the city with the Open cities website campaign. Lastly, the Panel worked closely with the police department to draft policy on a community mediation program.

#### **Whether there is any other board, either public or private, which would better serve the function of the board.**

There is no other board which would better serve the function of the board. The CIP is authorized by Charter and City Ordinance to provide oversight for the City of Miami Police Department. No other citizen board has this authority.

#### **Whether the ordinance creating the board should be amended to better enable the board to serve the purpose for which it was created.**

The ordinance creating the CIP was amended on June 8, 2017. These amendments addressed issues that had emerged since its inception in 2001. There is no current need to amend the ordinance.

#### **Whether the board's membership requirements should be modified.**

Membership on the CIP requires a nomination from the CIP and the approval of the City Commission. There are two members from each of the five districts, two members from the Mayor and one appointment from the Chief of Police. The CIP is acutely aware of the need for diversity and that diversity serves to improve the quality of the judgements made by the Panel. There is no current need to modify the membership qualifications.

**The cost, both direct and indirect, of maintaining the board.**

In 2017, the City Commission enacted legislation which was designed to insure that the CIP was adequately funded. The new ordinance provided that the CIP would have a minimum funding of \$1,174,000. This has enabled the CIP to hire an additional person to perform policy analysis. This has also allowed all members of the Panel to attend the NACOLE Conference which provides training which is required by the enabling ordinance.

**CASE MANAGEMENT.**

The location and the nature of complaints may be helpful in order to evaluate the work of the CIP.

**Location of Incident Where Complaints Originated FY 2018-2019**

| District            | Count      | % of Total  |
|---------------------|------------|-------------|
| District 1          | 25         | 12%         |
| District 2          | 47         | 23%         |
| District 3          | 15         | 7%          |
| District 4          | 13         | 6%          |
| District 5          | 65         | 33%         |
| No Address Provided | 10         | 5%          |
| Out of Jurisdiction | 28         | 14%         |
| <b>TOTAL</b>        | <b>203</b> | <b>100%</b> |

**Classification of Complaints for FY 2018-2019**

| Classification              | Count      | % of Total  |
|-----------------------------|------------|-------------|
| Abusive Treatment           | 1          | 1%          |
| Bias Based Policing         | 2          | 1%          |
| Discourtesy                 | 36         | 18%         |
| Excessive Force             | 18         | 9%          |
| Harassment                  | 6          | 3%          |
| Improper Procedure          | 84         | 42%         |
| Misconduct                  | 25         | 12%         |
| Missing or Damaged Property | 9          | 4%          |
| Negligence of Duty          | 22         | 10%         |
| <b>TOTAL</b>                | <b>203</b> | <b>100%</b> |