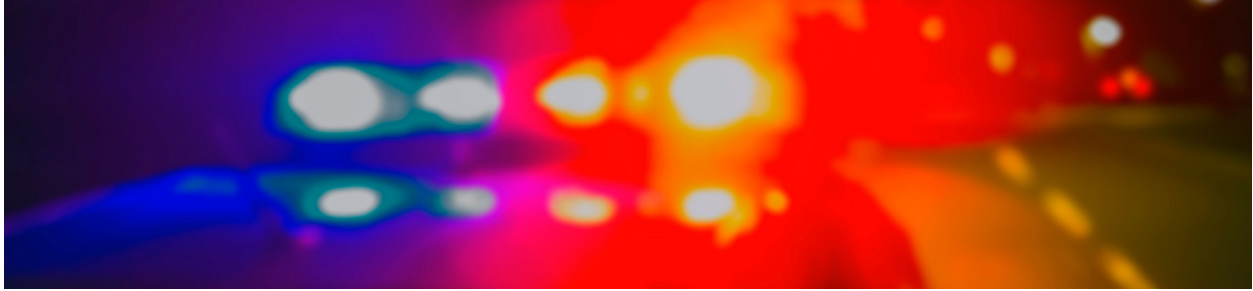


MIAMI POLICE EXTRA DUTY ASSIGNMENT REVIEW

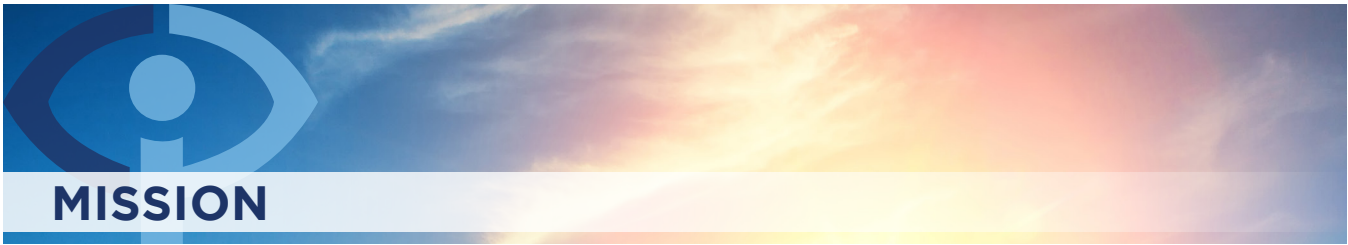




MIAMI POLICE EXTRA DUTY ASSIGNMENT REVIEW

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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.

AUTHORITY

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 percent 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 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 to clarify the authorities and organization of the Civilian Investigative Panel on June 8, 2017.

Section 11.5-31. (7) of Ord. No. 13688 authorizes the CIP to issue reports that may contain requests and recommendations concerning any matter within its authority to the city manager, elected officials, the police chief and the public.

BACKGROUND

The CIP reviews investigations already completed by the police department’s Internal Affairs Section and investigates allegations filed directly with our agency. We can also self-initiate an investigation. Officers and incident types are tracked and monitored for trends and recommendations to improve police services. When troubling conduct is observed, those observations are relayed in writing to the police chief who is required to correspond with CIP as to whether our recommendations were adopted.

For the past two years, Panel members noticed a disturbing pattern emerge and asked our staff to research incidents involving “extra duty” assignments. Extra duty assignments are those where Miami officers are privately hired for policing or security functions. Officers are expected to enforce all laws impartially and without expectation of favors, as they would when on regular duty. Extra duty secondary employment does not include officers who own businesses or have other jobs, unrelated to policing such as janitors or realtors. Staff compiled internal affairs cases and CIP investigations involving extra duty conduct and found at least forty (40) instances alleging misconduct by Miami Police officers (2017-2018). This report is a summary of our findings and recommendations focusing on extra duty assignments.



The Specialized Operations Section, Special Events Unit (SEU) of the Miami Police Department is responsible for overseeing hiring of extra duty officers, their attendance at venues, coordination with private entities requesting officers and payments from vendors that hired officers. With few exceptions such as large-scale sporting events, extra duty assignments are voluntary side jobs. Officers may decline this work. There are three police supervisors, five officers and three civilians assigned to the SEU unit overseen by a Captain and Major. The annual budget for the unit exceeds \$1.3M in salaries alone.

Officer hourly pay rates for extra duty details are established by the police chief and are in accordance with departmental orders and collective bargaining agreements. By ordinance, the City of Miami applies administrative and surcharge fees per officer, per hour. Officers are prohibited from working more than 16 hours during a 24-hour period which includes regular duty work and overtime hours combined. Thirty-six hours is the maximum number of total extra duty hours an officer may work in a single week. Regular shift work for officers is four, ten-hour shifts per week, bringing the total authorized work week to seventy-six hours (40 regular + 36 extra duty), not including court appearances. In 2017 alone, there were sixty-seven officers that worked 1,000+ hours of extra duty and one officer, over 2,000 hours. Regular duty hours and extra duty hours should not overlap and may constitute larceny and official misconduct. Despite established written policies for maximum allowable hours and overlap prohibition, there are repeated instances where officers violated both directives.

The Special Events Unit logs and tracks extra duty jobs and hours using a software program, “Trak”. Beyond its full-time staff, SEU relies on “job coordinators” to act as liaisons between the police department and temporary or permanent employers. Coordinators are responsible for a variety of tasks including:

- Submit permanent job operational plans to area commander for approval and update annually, if applicable.
- Generate monthly schedule through SEU software program by the 20th day of the previous month and submit corrections within two weeks.¹
- File scheduling, surcharge reports and track duty hours of assignments.
- Ensure other officers comply with agency policies for extra duty assignments.
- Notify SEU of any issues or changes to the job.

Extra duty assignments generally fall within four types of work: special events, temporary, permanent and special taxing districts.

SPECIAL EVENTS- Require specific planning, scheduling, logistics and coordination with outside resources and include events such as festivals, concerts and sporting venues.

TEMPORARY- Short term, non-repetitive work with short notice such as parties and traffic control.

PERMANENT- Repetitive jobs extending more than one month, involving the same employer such as supermarkets and hospitals.

SPECIAL TAXING DISTRICTS- Permanent jobs in small residential areas where property owners pay special assessments for police security.

¹ Departmental Order 12, Chapter 1, Section 1.5.6.3: 5th day of the month the work is occurring.

METHODOLOGY

Complaint case files and reports involving extra duty employment were compiled, as were police department regulations, policies and procedures in effect for the 2017-2018 study period.² While the nature of complaints varies depending on the description provided by a complainant or how the matter is ultimately investigated based on police standards and practices, common themes of allegations were discernable and are categorized herein as:

Biased- where an off-duty officer was employed and appeared to be acting in favor of the private entity.
Recordkeeping- where internal affairs and/or our staff could not fully investigate a matter due in part to poor recordkeeping by the Police Department for extra duty hires.

Use of force- an extra duty assignment where a police officer resorted to using force.

“Contempt of authority”- instances where an extra duty Miami officer was questioned or challenged by an individual and the officer took enforcement based on the challenge.



EXTRA DUTY COMPLAINT TRENDS

ALLEGED BIASES

In September 2017, a resident called Miami Police for loud music after 4:00 a.m. The bar playing music was situated in a downtown high-rise and Miami Code Enforcement was made aware of the multiple noise complaints. There were at least twenty previous occasions where the resident complained of loud music from the bar late at night during the same year. An extra duty MPD officer was stationed outside the bar and greeted on-duty personnel responding to the noise complaint and stated he didn't hear loud music. The extra duty officer later knocked on the resident's apartment door and threatened the complainant with arrest for calling 911, when in fact the caller used the non-emergency number to complain of the noise.

Another noise complaint involved a city code enforcement officer that issued a summons for loud music at an establishment in February 2018. The extra duty officer had worked at the club parking lot 14 hours per weekend for the previous four years. At the verbal request of the club owner, the officer offered a sworn affidavit to defend the establishment in the city's enforcement action against the club. The officer traveled to the club attorney's office in Coral Gables while on duty and without MPD authorization. Internal affairs sustained its allegation for the officer leaving Miami without permission.

In March 2018, a woman was handcuffed and escorted by staff at a Miami Entertainment District Association (MEDA) nightclub after 8:00 a.m. An exotic dancer/server contracted to work inside the club stated a patron assaulted her. Club security directly contacted police working for MEDA and additional officers from regular patrol areas went to the club to assist the extra duty officers sort the dispute. The woman was not charged and was given a trespass warning by the head of security. While the complainant was being released from police custody, extra duty officers were entertained as the exotic dancer was videotaped performing a handstand on the hood of a marked Miami Police vehicle. MPD extra duty officers did not document the trespass warning or the detention and handcuffing of the woman. She later filed an internal affairs complaint.

² In October 2018, the Miami Police Department changed its policy and added the requirement that officers activate their body worn cameras while working extra duty assignments

POOR RECORDKEEPING

An extra duty MPD officer working at a video production event was approached by a complainant in March 2017. The man sought a police report for an incident that just occurred with a production employee. He was rebuffed by the officer and drove towards a second extra duty officer that was sleeping in a marked police vehicle down the street. The man approached, and the second officer emerged from the police vehicle [in uniform] and brushed his teeth as the man waited for his assistance. The complainant also called 911. The officer admitted to internal affairs he rinsed with mouth wash he kept in a [hygiene] bag when the gentleman approached. Neither extra duty officer wrote a report concerning the man's complaint.



Three officers and a supervisor responded to his 911 call. One of the extra duty officers threatened to arrest him in front of a supervisor that responded as a result of his 911 call. Ultimately, one of the patrol officers wrote the incident report the two extra duty officers refused to write. Internal affairs did not sustain the complaint or inquire how one extra duty officer worked 23.5 hours in a 24-hour cycle, contrary to department regulations. This officer worked from 6:30 a.m. until 8:30 p.m. on March 25, 2017 at a production site for a Coca Cola commercial. A half hour later, he began his regular 10 hour shift.

In another example, a person was backing out of a parking space in a small strip mall lot in April 2018 when an MPD officer pulled in with his personal car, in full uniform. The off-duty officer confronted the man about his driving and recorded a portion of the interaction on his personal cellular phone as he prevented him from exiting the lot. The man later filed a complaint due to the officer's conduct and MPD could not definitively determine whether the officer was working, off duty or on an extra duty shift, before or during the incident, demonstrating poor recordkeeping.



ALLEGED EXCESSIVE FORCE INCIDENTS

A young woman attended Ultra Music Fest where more than 200 MPD extra duty officers, supervisors and internal affairs personnel worked in March 2018. An officer escorted a woman from the event when she allegedly turned around to head back inside. The officer grabbed her arm and a supervisor filed a force report for the incident because the woman sustained injury and was transported to a hospital. The woman's pending law suit states she was approached by four police officers and suffered a fractured elbow due to their actions.

In another incident in September 2018, a man visited Mercy Hospital and was involuntarily committed. He left the hospital and was restrained by staff. An MPD officer was working a 12-hour extra duty shift and assisted staff. The man later complained of mistreatment and excessive force by the police officer. He showed CIP staff photographs of injuries he claimed were from the force and the handcuffs used to restrain him. The officer did not file any MPD reports of the police action where he detained and handcuffed the man. He worked 59 hours at the hospital in the same month. Our review revealed policy violations which indicate that two officers exceeded the maximum number of hours permitted to work on extra duty assignments. Internal affairs closed the matter without investigation after reviewing hospital video footage which properly exonerated the officer regarding the alleged force used. However, internal affairs did not identify or address other violations noted by CIP.

CONTEMPT FOR AUTHORITY

A taxi driver was stationed outside a MEDA venue in May 2017 waiting for a fare when an extra duty officer waved him on to leave the area. The driver said it was not his first encounter with the officer and in the past, the officer had another MPD officer issue the driver a ticket. Internal affairs began to investigate the man’s allegations and had enough evidence to proceed but the driver withdrew his complaint and internal affairs closed its investigation without interviewing the extra duty officer.

In June 2018, a shared-ride driver was stationed outside the same MEDA venue waiting for a passenger when an extra duty officer waved him on to leave the area. The driver did not move and was issued a ticket. Potential video footage of the incident was not sought by internal affairs. This was the second complaint against the same extra duty officer at the same MEDA venue within three months. It was the fifth incident involving the same MEDA location which accounted for 50% of all extra duty investigations near alcohol-licensed establishments during the study period (January 1, 2017 through December 31, 2018).

In August 2018, a high-ranking MPD commander was working extra duty and left his assignment to perform a “go-by” and check on a fellow officer who already had assistance during a traffic stop. The motorist was being issued tickets and was about to leave when the commander approached his vehicle and saw him recording the interaction with his cellular camera. The commander said, “Everything could’ve went so smooth, but you had to start recording...” The commander claimed he smelled marijuana, detained the man and had another officer sign the arrest affidavit for marijuana residue after waiting for confirmation from a police canine. The commander was the subject of more than one dozen citizen complaints relating to his extra duty and/or off duty conduct during the study period. In his statement to internal affairs, he denied taking a photograph of a passenger’s identification, “But I did take note that she works for the University of Miami medical campus and I run police services at the University of Miami.”

In October 2018, a female security officer at American Airlines Arena was assigned to a restricted access area. MPD officers were working extra duty hours at the arena for an event and entered the restricted area without authorization. The officers were advised by security not to enter the area and one police officer threatened to arrest the security officer as he continued past her. She later withdrew her complaint. Table 1 reflects the types and percentages of cases presented in the study period (2017-2018).

TYPES OF CASE	NUMBER OF CASES	PERCENTAGE
Recordkeeping	12	30%
Contempt	11	27.5%
Bias	5	12.5%
No Finding ³	4	10%
Force	4	10%
Multiple Findings ⁴	3	7.5%
Administrative	1	2.5%
TOTAL:	40	100%
Complaint Withdrawn	6	15%
Alcohol-Licensed incidents	12	30%
CLUB E11even & Heart vicinity	6	15% (OR 50% of Alcohol-Licensed)

³ Investigation not completed or complainant withdrew the matter.

⁴ Matters where bias was demonstrated and recordkeeping poor.

FINDINGS

COMPLAINT LOCATIONS:

Thirty percent (30%) of extra duty investigations reviewed involved incidents at or near liquor-licensed establishments. MPD officers are prohibited from working at bars and nightclubs but may work at premises which are primarily restaurants and serve alcohol. Establishments skirt the regulation by hiring officers to work at adjacent parking lots. In 2000, the City of Miami permitted zoning for Entertainment Specialty Districts in order to promote nightlife business development. The ordinance allowed some 24-hour nightclubs. The clubs brought revenue and other benefits, and increased calls for police services and quality of life complaints from local residents. To cope with the increase in police calls for services and the need for increased police services, MPD and local business owners worked collaboratively to seek solutions⁵. In 2010, the Miami Entertainment District Association (MEDA) was created. MEDA members pool resources and hire extra duty officers for “zone policing” in the immediate and neighborhood areas around their establishments.

In August 2016, the President of MEDA estimated MPD officers worked more than 4,300 six-hour shifts, or more than 25,000 hours⁶. These hours were in addition to officers’ regular schedules and billed to this non-profit entity, not taxpayers. Despite the increased high-visibility zone patrols and benefits of non-taxpayer funded augmented policing, our analysis found there are direct and ancillary taxpayer-funded police functions associated with private extra duty assignments and other potential financial pitfalls. Increased civil liability to the City of Miami for officer conduct at their secondary and/or extra duty employment is a significant concern for the Panel.

HOURS WORKED:

There were repeated instances where officers worked extra duty assignments that reached or exceeded authorized maximum hours which creates officer and public safety hazards. Our research indicates no officers were investigated for exceeding the departmental order that limits officers to working no more than 16 hours during a 24-hour period and/or 36 hours of weekly extra duty. In the only incident involving excessive work hours, the officer was investigated for leaving work without permission after 22 consecutive hours, and not staying an additional hour to complete his shift. The officer had been “drafted” and held over at 6:00 a.m. due to a personnel shortage in patrol for six additional hours. He explained to the supervisor that was drafting officers that s/he had already worked a combined 17 hours and later stated in his administrative interview he was “exhausted”.



⁵ See: “Operation Safe Clubs: Enforcement and Situational Problem-Oriented Policing,” (undated).

⁶ See: MEDA letter to CIP dated 8/22/16.

MPD officers are assigned take-home police vehicles that are often used during extra duty details. Investigations conducted by the CIP include officers sleeping in police vehicles in public which poses safety issues for the officers and diminishes the public's trust and image of police. Moreover, officers install window tinting on their assigned vehicles without agency authorization, creating night-time visibility issues and potential liability. Vehicle collisions remain the leading cause of on-duty deaths of police officers⁷. Rates of accidents increase with lack of sleep. After twelve hours on duty and, depending on the time of day, the risk of accidents increases 110%⁸. It is widely known that fatigue may impair judgment, cognitive skills and has health consequences⁹. Staying awake for 20-25 hours and trying to perform tasks is similar to having a blood alcohol content (BAC) of approximately .10 percent, past the legal driving while under the influence (DUI) limit¹⁰.

The U.S. Department of Justice (DOJ) investigation of the New Orleans Police Department found its secondary employment program problematic and corrupt. DOJ described the "generous cap" of 28 extra duty weekly hours officers were authorized to work and suggested that the number of hours be reduced. MPD policy allows for 36 hours weekly of extra duty work. The report also noted the lack of oversight to ensure officers adhered to this cap. This DOJ report may be instructive to the Miami Police Department¹¹.



JOB COORDINATORS:

Officers may not solicit extra duty work from private employers but can bring such work to the department's attention and thus become the contact person or "job coordinator" for that site and enlist other officers to work for the same employer. Job coordinators are prohibited from organizing and assigning extra duty hours while on the clock fulfilling their regular duties and cannot be paid for their supervision and scheduling of extra duty work. All officers are paid directly by employers and payment may be in the form of check or cash, mailed or on-site. MPD officers are individually responsible for claiming the additional income for federal tax purposes. Job coordinators operate

autonomously and may schedule whoever they choose in contrast to the department's official rotational roster for Special Events Unit jobs awarded through a "points" (hours) system. The program may lead to divisiveness or discrimination claims from officers equally qualified and available but excluded from economic opportunities. Additionally, the notion that an officer can be paid in cash at the time of the work undermines the City's ability to ensure appropriate oversight and collect its administrative surcharge.

The New Orleans Police Department (NOPD) overhauled its secondary employment program after DOJ's investigation and the assignments are now administered outside of the police department by the Office of Police Secondary Employment¹². In the case of NOPD, the findings stated the secondary employment system's corrupting effect was a contributing factor to the perception that the NOPD was a dysfunctional police department and the fact that higher ranking officers were answerable to subordinate ranks, if they sought to work specific jobs¹⁴. MPD policy prohibits supervisors from accepting work from subordinate ranks, except when a replacement is needed for a scheduled officer¹⁵. This exception may create the same problem.

⁷ <https://www.usatoday.com/story/news/2018/12/27/police-deaths-144-killed-line-duty-2018/2423797002/>

⁸ Vila, Bryan (2009) citing Folkard, S., and D.A. Lombardi, "Modeling the Impact of the Components of Long Work Hours on Injuries and 'Accidents'" American Journal of Industrial Medicine 49 (11) (November 2006): 953-963.

⁹ <https://www.policechiefmagazine.org/human-fatigue-in-247-operations/?ref=4e63e5c423ffc023857a2f5868da1a29>

¹⁰ Lamond, Nicole and Dawson, Drew, "Quantifying the performance impairment associated with fatigue" Journal of Sleep Research, 1999.

¹¹ https://www.justice.gov/sites/default/files/crt/legacy/2011/03/17/nopd_report.pdf at p. 72

¹² Departmental Order 12, Chapter 1

¹³ <https://hirenopd.com/home/>

¹⁴ <https://tinyurl.com/y5cghwng>

¹⁵ Department Order 12, Chapter 1; 1.5.4.5.

Given the number of private hours, job sites, the inevitability of last-minute cancellations from officers that volunteer for these assignments, mandatory monthly reporting and other logistics, it is more than likely that job coordinators are conducting their private business on MPD time, regardless of the prohibition. The MPD coordinator role may have the potential for discrimination and favoritism. MPD officers with the same or lower rank than those working extra duty, essentially are the de facto supervisors for hundreds of temporary and permanent extra duty jobs and thus, become powerful. Under some exceptional circumstances, supervisors may depend upon subordinates for job opportunities doled out by subordinates. Having lower ranked officers acting as coordinators puts supervisory officers who want to make extra income in a situation where they answer to a lower ranked officer. This naturally affects the ability or willingness of the supervisor to question the performance of, or to discipline, an officer who is responsible for the supervisor's additional income. This also leads to the appearance of, if not the reality of, favoritism.

EXTRA DUTY ATTENDANCE & PAYMENTS:

Since employers pay officers directly and not through the City of Miami, it is conceivable officers can run their own jobs and crews of officers at sites, completely out of view of MPD. Coordinators may accept cash or gifts from fellow officers in exchange for favorable job sites and shifts. They may avoid the city's surcharge by not reporting the work or the income. MPD policies are geared towards department-coordinated jobs, not ones circulated among officers through job coordinators and private employers. Furthermore, there are no protocols requiring [peer] job coordinators to report officer tardiness and no-shows to jobs¹⁶. If an officer is late or does not attend an event, it is the responsibility of the job coordinator to fill the gap and it is incumbent upon suspended officers to notify SEU of their inability to attend extra duty assignments. Since the payroll department is notified when an officer is suspended, there should also be notifications to SEU to bar the officer from working extra duty while on suspension.

The CIP reviewed a sample of accounts from the SEU and found that a private employer hired MPD officers on a 24-hour basis. Twelve officers split a month's worth of extra duty time (720 hours) amongst themselves, averaging 58.50 hours per officer and 49 hours for the job coordinator. The same time keeping record indicated two officers violated department policy for working more than 16 hours extra duty consecutively within a 24-hour period. One violated policy on three occasions by working 17 or more hours per day.

For employers that routinely hire MPD officers, the benefits are added police services, quick access to police services, while on or off duty, and having the security that officers are present. Critics argue the program privatizes police services in favor of those who can pay. Decisions concerning the proper deployment of public safety services should be made by the police chief and the city administration who are in the best position to make equitable decisions to promote safety, accountability and trust in the city and its police department.

CONFLICT OF INTEREST:

Internal Affairs (IA) personnel are tasked with investigating peer conduct for policy violations or crimes within all divisions of the Miami Police Department. The unit reports exclusively to the police chief. Currently, IA investigators can work side-by-side with officers assigned to other divisions at extra duty details. Given their investigative roles, this practice has potential for conflicts of interest, and we recommend this practice cease.

¹⁶ Departmental Order 12, Chapter 1.

CONCLUSIONS

Officers should be allowed to supplement their income in a responsible, safe and accountable manner. However, they should be prohibited from subjecting themselves to working long hours that impact their health and the safety of the community. Extra duty officers who observe criminal conduct should enforce the law and effectuate arrests themselves, personally filing arrest affidavits, instead of relying upon and removing other officers from patrolling the city. Fatigue remains a major concern for us throughout the extra duty discussion as does the reliance of regular patrol officers to assist private policing efforts.

Where a resident is dissatisfied with the conduct of an officer at an extra duty assignment, MPD should have the ability to easily identify the officer using a centralized scheduling and tracking system. Currently the on duty, extra duty and overtime accounting of employee time is not unified. Officers routinely exceed authorized daily hours, make their secondary employment their first priority and are answerable to peers that assign them extra hours while at MPD. There has been little effort or evidence that this departmental order has been enforced.

We noted fifteen percent (15%) of extra duty investigations were closed without an investigation when complainants declined further cooperation. The withdrawal of the complaint or the lack of cooperation does not mean the underlying conduct did not occur or should go unchecked. All internal investigations should include review of officer scheduling prior to and subsequent to the incident in question to consider fatigue and identify patterns of attendance, including sick time, behaviors, motor vehicle crashes, and supervision.

For officer safety considerations, the Police Department must be able to locate officers in uniform in real-time, irrespective of whether the employee is on regular duty or working extra duty. Some investigations were thwarted because of the inability to demonstrate where, or for whom the officer was working. Centralized staff scheduling and tracking of personnel would eliminate cross referencing several payroll sources and contribute to overall safety because of the ability to identify where an officer is working. A unified system also would help to identify officers reporting to be at different venues simultaneously and prevent officers from working more than the thresholds currently set at 16 hours per day and 76 hours per week. We suggest an audit to identify and verify scheduling overlaps where officers received payments from more than one employer for the same day/time. Similarly, the audit may help to assess a more appropriate number of weekly hours officers may work without compromising their health and safety.

There are two ways the city may improve administration of off-duty employment. The city can purchase a software system that tracks off duty employment and establish an office that administers this function. There are also many third-party administrators for extra duty hiring that ensure officers are paid timely, assume the risk themselves and forward annual 1099 income statements for tax filings on a single statement. The city would receive its surcharge fees timely as well. If the city prefers to keep this function within its own structure, they should establish an office outside of the police department, as was done in New Orleans. This will minimize influence and favoritism when it comes to the assignment of jobs. There are programs that will integrate with the police department's current attendance programs to minimize operation disruption.

MPD should consult with stakeholders, including private businesses using extra duty officers to determine staffing needs, rate satisfaction and identify problematic issues such as officer attendance or conduct. A comprehensive audit of calls for service at extra duty locations will assist MPD in identifying geographic areas for enhanced police deployment, problem solving and nuisance abatement. It is important to examine the use of MEDA and Special Districts assignments. Our research revealed nearly 800 calls for police service at a single MEDA venue during the study period. Calls also required additional police resources and potentially compromised police officer objectivity as violations occurred in their presence. The nightclub safety plan that sparked interest and justification for extra duty assignments at these districts is more than a decade old and needs to be revised. The needs and demands for police services have evolved since the private zone patrolling began and land use has subsequently changed to include residential towers in once blighted areas.

Any extra duty location that hires between one and three officers is not required to hire a supervisor, as per MPD regulation today. Officers work autonomously, even at problematic locations or businesses with high service calls. Dispatchers are notified by radio of extra duty attendance at sites and officers go unsupervised for their entire shift. Known as a “Signal 46” over the radio, dispatchers enter the officer at whatever extra duty assignment they claim to be present and this remains the sole record MPD relies upon for attendance. Records in investigative files uncovered that officers did not always radio “Signal 46” and at least one officer was disciplined for this violation. He forgot to call after too much radio chatter prevented him from doing so promptly.

The Civilian Investigative Panel will continue to monitor police conduct and study MPD policies and practices. We present the following recommendations to the police chief and City Commissioners in view of our analysis of extra duty complaint trends.



RECOMMENDATIONS

1
MPD should audit calls for service at extra duty venues to determine actual costs of services to the city and residents.

2
MPD and the City of Miami should handle all aspects of extra duty billing and payments to officers. Vendor communications and transactions should be handled through the city, not individual police officers.

3
MPD should eliminate the role of job coordinators and administer all off duty employment or outsource the entire extra duty hiring operation to a third-party vendor. A fair and equitable distribution of extra duty hours should be created for permanent extra duty sites to prevent the same officers from repeatedly working for an entity.

4
MPD should create a policy for periodic supervision by field operations for “single” officer extra duty shifts defined as having three or less officers present. Currently there are no provisions in place to supervise these officers which comprise the bulk of extra duty hires.

5
MPD should establish a combined robust computer-based personnel management system to ensure officers do not exceed authorized extra duty hours, work excessive overtime, regular duty hours and court time. The management system should factor secondary employment time such as owning a business or part-time work, into a fatigue awareness program.

6
MPD should incorporate officer work sheets and Extra Duty Trak records in its supervisor review and Accident Review Board (ARB) crash policy to determine if fatigue was a potential impairment factor to reduce officer injuries and liability.

7
MPD should audit its fleet to ensure officers are adhering to departmental orders relating to safe window tinting.

8
MPD should monitor officers’ regular work schedules for patterns where officers take days off to work extra duty details and burden the department with overtime costs to cover regular shifts.

9
MPD should reduce the number of extra duty hours an officer may work to 30 hours per week. An analysis should be undertaken to determine the safe consecutive number of days without a day off an officer may work.

10

A fair and equitable distribution system for extra duty assignments should be instituted to rotate opportunities and prevent favoritism and compromise of objectivity.

11

Officers under internal investigation for extra duty conduct should be prohibited from working at the location that generated a complaint until the investigation is complete.

12

Internal mechanisms should be established to prohibit suspended police officers from volunteering for extra duty assignments.

13

In cases where a complainant withdrew an allegation, internal affairs should continue its investigations without the complainant's participation, where possible. There were numerous instances where investigations were prematurely closed and subject officers escaped accountability for their actions. MPD also misses the opportunity to identify policy deficiencies such as those we captured using the same records.

14

MPD should update its "Operation Safe Clubs" needs assessment to determine the effectiveness of current policing strategies and the relations between MPD officers and Miami Entertainment Specialty Districts.

15

MPD should institute incident-specific case tracking for extra duty locations, especially those serving alcoholic beverages and flag establishments for police and other city enforcement agencies to monitor. MPD should require extra duty officers to properly document all citizen encounters that occur during their assignment reported through the centralized reporting system.

16

Any assistance to regular or extra duty officers as backup units or "go-by" should be documented by all officers present at an incident or traffic stop.

17

All trespass warnings and arrests should be entered into a centralized computer system to aid officers in the field.

18

Internal Affairs personnel should not work extra duty assignments where there is a working relationship or reliance upon officers in other units whom the personnel may have to investigate.



MIAMI POLICE
EXTRA DUTY
ASSIGNMENT
R E V I E W

