

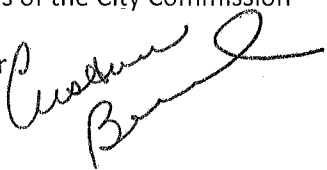
city of miami



civilian investigative panel

HORACIO S. AGUIRRE
Chairperson

CRISTINA BEAMUD
Executive Director

TO: The Honorable Mayor and Members of the City Commission
FROM: Cristina Beamud, Executive Director 
DATE: August 2, 2016
SUBJECT: City of Miami Civilian Investigative Panel Proposed Budget 2016-2017

RECOMMENDATION

It is respectfully requested that the City Commission consider and adopt the attached budget proposal in the amount of \$ 736,400. To be presented by the Civilian Investigative Panel at the September 2016 Budget Hearing(s).

CIP BACKGROUND

As a result of a November 2001 referendum that was supported by over 76 percent of the electorate, the Civilian Investigative Panel ("CIP") was created in 2002 under Chapter 11.5 of the Code of the City of Miami and Ordinance No. 12188 ("Ordinance"). The referendum was in response to the demand of the citizens of Miami for independent civilian oversight over the sworn members of the police department by an agency empowered with the authority to issue and enforce subpoenas for testimony and or documents, and for such agency to be comprised of a professional staff, including independent counsel. The Ordinance requires a thirteen member voluntary panel.

Section 11.5-27 of the Ordinance sets forth the below listed purpose, powers and duties of the CIP:

- Act as independent civilian oversight of the sworn police department;
- Exercise its powers so as to not interfere with any ongoing (criminal) investigations and conduct its activities consistent with applicable law, including the Florida Government in the Sunshine Law and with applicable law and labor contracts;
- Make written recommendations related to the city police department policies and procedures concerning but not limited to training, recruitment and notification system for corrective disciplinary procedures and provide input to the chief of police before changes in police

department policy or procedure are implemented, which proposed changes shall be transmitted to the CIP 30 days prior to implementation, except if an emergency requires such change;

- Engage the services of trained investigators and secure adequate training for its members, including training in police policies and practices;
- Conduct investigations, inquiries and public hearings to make factual determinations, facilitate resolution and propose recommendations to the city manager and police chief regarding allegations of misconduct by an sworn officer of the city police department;
- Request issuance of subpoenas, after consultation with the state attorney of the Eleventh Judicial Circuit and approval of CIP independent counsel for the purpose of obtaining evidence from 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;
- Enhance understanding of the process of submitting, processing and responding to citizen complaints regarding misconduct by police officers;
- Issue reports to the mayor, city commission, city attorney, city manager, chief of police and the public;
- Make recommendations as to the disposition of alleged incidents of police misconduct, to which the police chief is required to respond in writing within 30 days;
- Forward complaints alleging criminal activity to the city police department and other relevant agencies;
- Promulgate rules and procedures for internal governance and standards for training of CIP members and staff.

In addition to the foregoing, the CIP is required to submit annually for City Commission approval a budget request pertaining to its functions to cover expenses associated with the execution of its duties.

The values and benefits of police oversight include the protection of civil rights, greater accountability, help to manage risk, support effective policing, build bridges and increase confidence in the police.

BUDGET REQUEST

The CIP respectfully submits for adoption by the City Commission, the attached FY 2016-2017 budget proposal in the amount of \$736,400.

FY 2016 Accomplishments

Public Access and Participation

During the last fiscal year, the Civilian Investigative Panel has conducted monthly meetings in order to receive and consider testimony on complaints of alleged police misconduct, to address CIP administrative issues and offer opportunities for citizen input. These meetings are well attended by members of the public and provide a forum for the community to comment on the policies and work of the CIP and police misconduct issues. The meetings also provide a forum for members of the Miami Police Department to educate and inform the Panel members on plans, policies and procedures and

new developments. The CIP Complaints Committee holds public meetings monthly. There are attended by complainants, witnesses and concerned members of the public. This committee meets to review investigations conducted by the CIP investigators, hear testimony from the complainants, witnesses, and police officers, and make adjudication recommendations to the full Panel. This is designed to ensure thoroughness of the investigation and to develop thoughtful recommendations for the Panel, the Chief of Police and the City Manager.

The CIP provides web access to general information, including applications for CIP membership, complaint forms, annual reports, public meeting schedules and agendas, meeting minutes, tri-lingual brochures and complaint forms.

The Executive Director has spent considerable time meeting with internal and external stakeholders in order to better understand the needs of the community. The internal stakeholders include Department Heads, City Commissioners and the Mayor's office. The external stakeholders include the NAACP, the ACLU, PULSE, Brothers of the Same Mind.

Case Management

The CIP opened 279 cases during calendar year 2015. As of August 1, 2016, the CIP has opened 132 cases. Of the 279 cases in FY 2015, 26 complaints or 9% were filed directly with the CIP. Internal Affairs forwarded the remainder of the cases for CIP Review or Investigation. The following is a distribution of the location of the incidents that were the subject of the complaints.

District 1	26	9%
District 2	66	23%
District 3	26	9%
District 4	16	6%
District 5	115	41%
No Address Provided	1	0%
Out of Jurisdiction	31	11%

Panel Membership

The Panel currently has twelve of thirteen appointments filled. We have recently submitted nominations to the City Commission and are awaiting one appointment from District 5. There has been a quorum for all but one meeting in the last year.

Training

The ordinance requires that new members of the CIP complete training in ethics, conflict of interest, and the Florida Sunshine Law, and shall commit to complete the Citizens Police Academy or approved training through NACOLE (National Association of Citizens' Oversight of Law Enforcement) or equivalent programs. The ethics training was provided by Miami Dade Ethics Commission this year and the new

members continue to receive this training. The CIP has sent four panel members to the Annual Conference of the National Organization for Civilian Oversight of Law Enforcement during 2015 and will be sending four additional members to the conference in September of 2016.

Additionally, staff members have attended the City's mandatory trainings, Diversity Training, Ethics Training and IAPro training. This investment ensures that staff complies with City requirements and has the necessary skills to use the programs that make the office more efficient.

Improve the Quality of Public Safety Services

The ordinance authorizes the use of tools in order to improve the quality of services provided by both the CIP and the Police Department. The Panel may review policies, may investigate complaints, and may make recommendations to the Chief of Police and the City Manager. Formal subcommittee meetings are held periodically in order to review Police Department policies. This provides an excellent mechanism for the public to be heard regarding this important aspect of public safety. In order for police to carry out their responsibilities, their policies must reflect community values. This provides a forum for this type of collaboration.

Questions or concerns regarding information contained in this report may be directed to Cristina Beamud, Executive Director of the CIP at 305-960-4952, or to Horacio Stuart Aguirre, CIP Chair at 305-613-5880.