

MAY 2022

EXECUTIVE DIRECTOR'S MONTHLY REPORT



civilian investigative panel

(Statistics for April 2022)



EXECUTIVE SUMMARY

The Civilian Investigative Panel (“CIP”) is an independent municipal department that investigates complaints of Miami Police Department (“MPD”) misconduct. Every month, the CIP prepares an Executive Director report for its public meeting. Data for April 2022 included the following highlights:

1. The CIP has a total open docket of 130 cases. 67 (51%) have been forwarded to the panel for review; 44 (34%) are being actively investigated; and 19 (15%) have been suspended pending a criminal/IA Investigation closure.

2. In April 2022, the CIP received 13 new cases. Of the cases received in April 2022, 77% of those cases were filed directly to the CIP office.

3. The CIP closed five cases containing 24 allegations in April 2022.

4. The CIP sustained 20% of the fully investigated allegations. The sustained findings are sorted into four main allegation types of Untruthfulness, Misconduct, Improper Procedure and Harassment.

5. The CIP fully investigated 42% of the allegations it closed in April 2022, and resolved (fully investigated, mediated or attempted mediation) 30% of the allegations it closed. The Department was unable to investigate (case was withdrawn/closed as a no finding) 58% of the cases received.

6. For April, investigations arising out of District 5 in the City of Miami represented most of the cases, totaling 42%. Next was District 2, and District 1, both totaling 17% of the cases received. Cases arising out of District 5 were comprised of Biased Based Profiling, Missing or Damaged Property and Discourtesy allegations. Discourtesy allegations arising out of District 5 represented 40% of the cases.

7. This monthly report includes a breakdown of complaints by City of Miami Districts of occurrence.

8. In April, the CIP considered 3 Cases for Mediation. None of these cases passed the suitability criteria for process into the Mediation program.

Finally, the Monthly Report contains a Glossary and Appendix (if necessary) meant to assist readers in navigating this report. The CIP is committed to producing monthly reports that are valuable to the public and welcomes feedback on how to make its data more accessible.



GLOSSARY

Active Case: The investigation is on-going.

Allegation: A specific act of misconduct. The same “complaint” can have multiple allegations – excessive force and discourteous language, for example. Each allegation is reviewed separately during an investigation.

Case/Complaint: For the purposes of CIP data, a “case” or “complaint” is defined as any Incident submitted to the CIP and brought to resolution by the CIP.

Disposition: The Panel’s finding as to the outcome of a case.

Exonerated: Where the acts that provide the basis for the complaint occurred, but the review or investigation shows such acts were proper.

Forwarded Case: The CIP Investigator has concluded the investigation and has submitted their findings to the CIP for review and a vote.

Investigation: CIP investigators gather evidence and interview witnesses to prepare reports on misconduct allegations. An investigation ends when a closing report is prepared detailing the evidence and legal analysis, and the case is forwarded to the Panel for disposition.

Mediation: A complainant may mediate his or her case with the subject officer, in lieu of an investigation, with the CIP providing a neutral, third-party mediator.

No Finding / Withdrawn: 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.

Not Sustained: The review or investigation fails to disclose sufficient facts to prove or disprove the allegations) made in the complaint.

Panel: The “Panel” of the CIP has 13 members. Following a completed investigation by the CIP staff, five Panel members, sitting as a Subcommittee, will make a finding on whether misconduct occurred and will make a recommendation to the full 13-member Panel.

Suspended Case: The investigation is on hold pending the completion of a criminal or IA Investigation.

Sustained: where the review or investigation discloses sufficient facts to prove the allegations) made in the complaint.

Unfounded: where the review or investigation shows that the act or acts complained of did not occur or were misconstrued.

I. COMPLAINTS RECEIVED

The CIP processes misconduct complaints from the public and Internal Affairs referrals from the MPD. Under the City of Miami Charter, the CIP jurisdiction is limited to allegations of misconduct related to sworn City of Miami Police Officers. All other complaints are referred to the appropriate agency. Figure 1 refers to all complaints received by Districts and Figure 2 refers to all complaints received by Type of allegation in the District it arose. In April 2022, the CIP received 13 new complaints.

CIP Cases Received by City of Miami District: of the five City of Miami Districts, the largest number of misconduct complaints stemmed from incidents occurring in District 5, followed by Districts 1 and 2.



Figure 1: Complaints Received by District April 2022

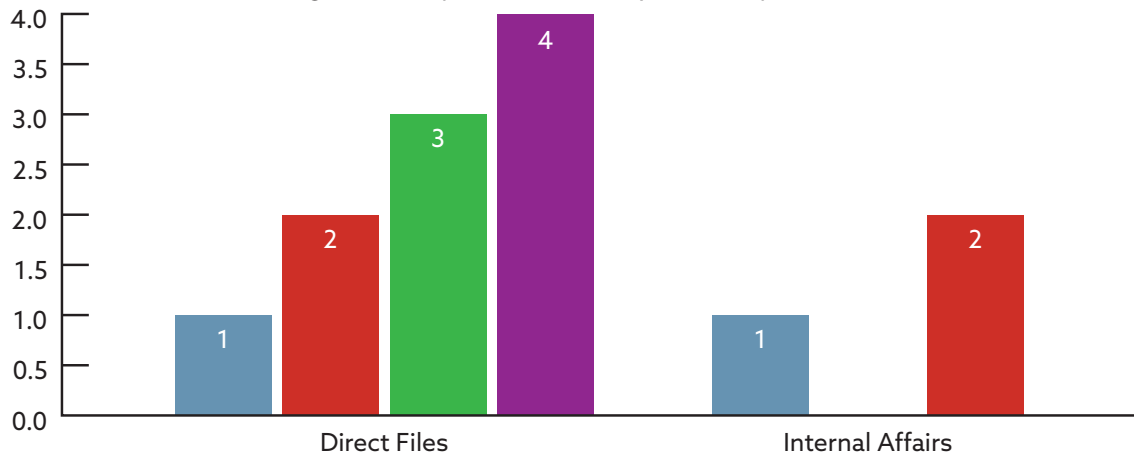


Figure 2: Complaints Received by Type April 2022

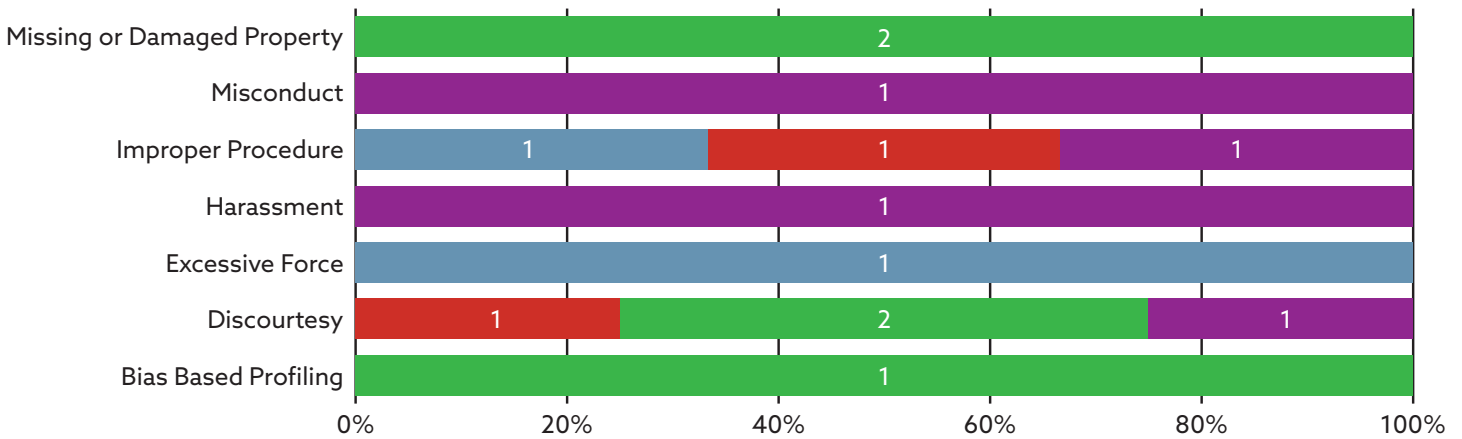
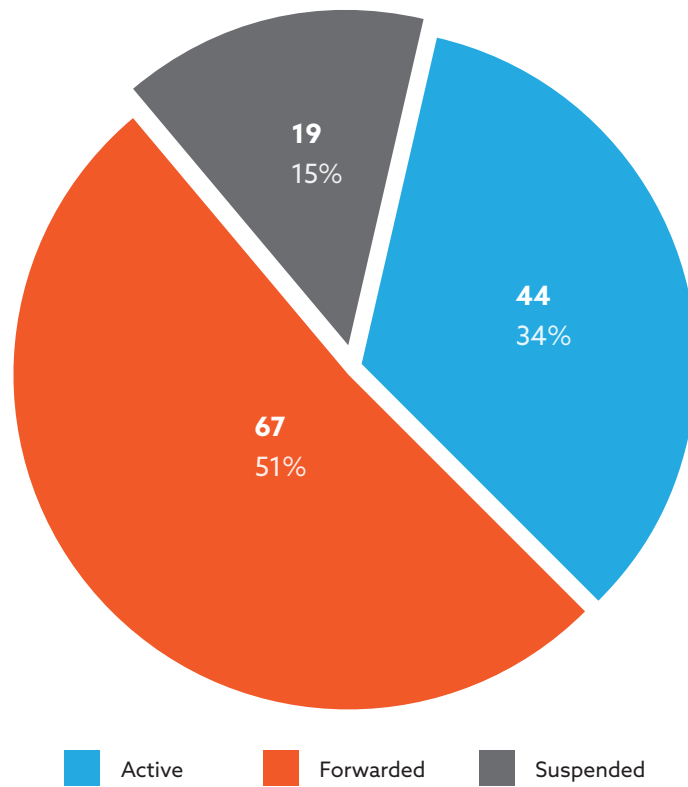


Figure 3: Total Number of Open Cases (130)



II. CLOSED CASES

Cases fully investigated by the CIP receives one of five findings:

- **No Finding / Withdrawn:** 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.

- **Unfounded:** where the review or investigation shows that the act or acts complained of did not occur or were misconstrued.

- **Exonerated:** where the acts that provide the basis for the complaint occurred, but the review or investigation shows such acts were proper.

- **Not Sustained:** where the review or investigation fails to disclose sufficient facts to prove or disprove the allegations) made in the complaint.

- **Sustained:** where the review or investigation discloses sufficient facts to prove the allegations) made in the complaint.

Additionally, a case might be mediated, with the subject officer and complainant discussing the incident in the presence of a neutral third-party moderator, or closed as mediation attempted, the designation for a case in which both the officer and the civilian agree to mediate.

Figure 4. Findings by District April 2022¹

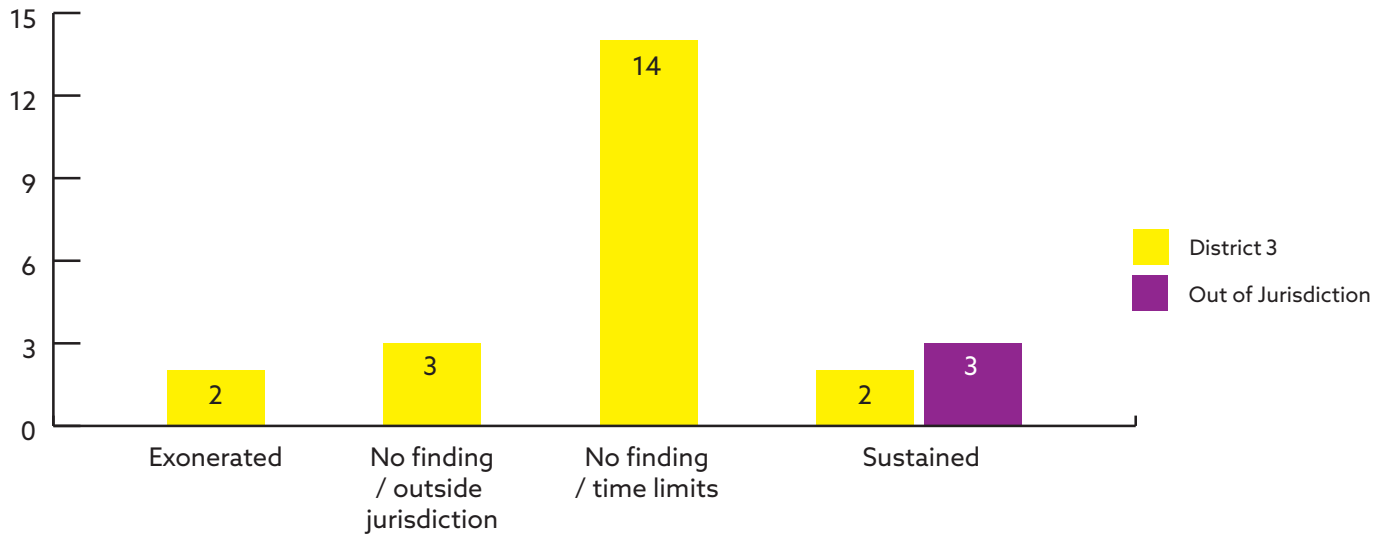
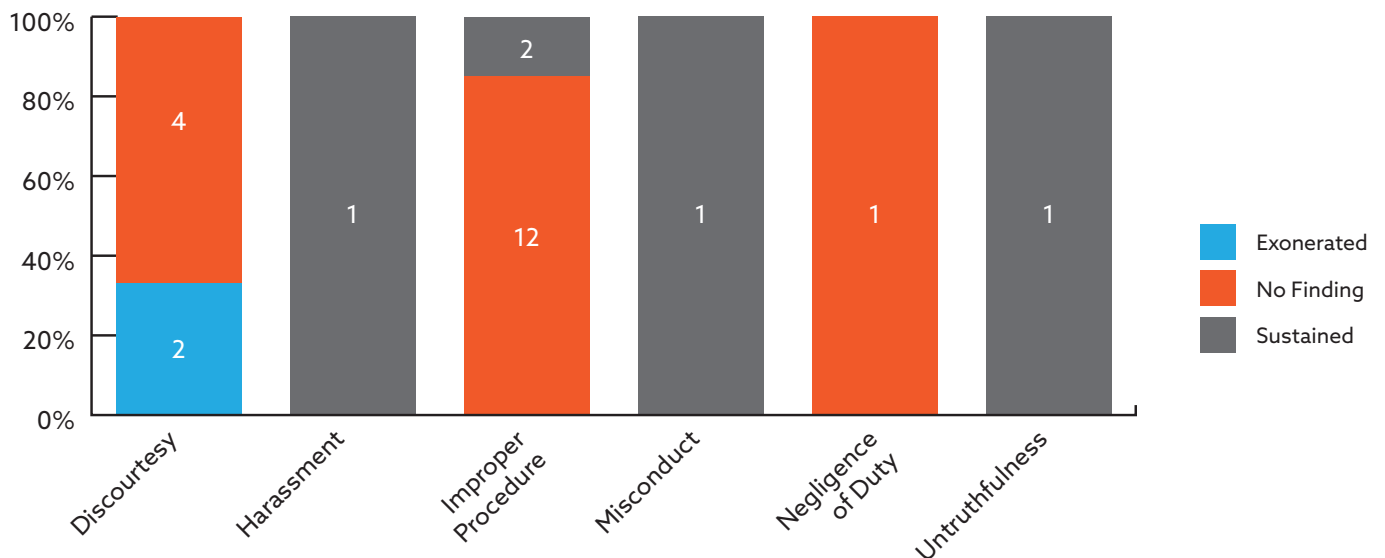


Figure 5: Findings by Allegation April 2022



¹ Majority of the cases on the CIP docket were not heard due to quorum issues that arose early in the meeting. Therefore, the CIP was only able to hear and rule on three out of the total 18 cases on the docket. This discrepancy will be cured in the upcoming May monthly report.



III. CASE ABSTRACTS

The following case abstracts are taken from complaints closed this month and serve as examples of what the different CIP dispositions mean in practice:

1. Sustained Harassment: The complainant alleged the officer has been stalking her, harassing her, and posting untrue information about her on social media. Upon reviewing the social media post of the officer, it was determined by actual and inference evidence that the officer was harassing the complainant online. This infraction is directly against MPD departmental order 1, Chapter 11, Rules and Regulations 11.6.13.8 Conduct Unbecoming an Officer or Employee: No member or civilian employee of the Department shall conduct him/herself in a disorderly manner at any time, "on" or "off" duty, or so conduct him/herself in a manner unbecoming the conduct of a member or civilian employee of the City of Miami Police Department.

2. Sustained Improper Procedure: The complainant alleged that she called the police to report an attack by her roommate. The Officers responded and were extremely rude, did not obtain the surveillance footage from the building, or write a police report. When the Officers arrived on scene, they were informed by all witnesses and the individuals involved that there was a physical altercation between the complainant and the roommate. Both individuals showed the officers injuries that were incurred during the altercation, resulting in the incident meeting the criteria for a Simple Battery. However, the signal remained a Disturbance and no report was authored by either officer in violation of Departmental Order 8.1, 8.4.10.2 Calls for Service which states: It is the policy of the Miami Police Department that when a Police unit is dispatched on a call for police service, a field report shall normally be completed. Exceptions to the general policy of making field reports are traffic complaints, administrative calls and "Information Only" calls.

8.4.10.2 Calls for Service:

SIGNAL

32M

REPORT

Simple Assault/Battery

EXPLANATION

Unlawful use of force to the body of another person, Misdemeanor which results in an unwanted touching: person slapped or punched, threats of bodily harm with no weapons, etc.

SIGNAL

34

REPORT

None

EXPLANATION

Disturbance (No Incident Number). A minimum of two officers shall be dispatched on all signals involving domestic situations. If available, information on type of disturbance will be given over radio. If an assault is involved, unit will change signal to a 32. If any other offense is involved, unit will change signal to appropriate signal.

3. Exonerated: The complainant alleged that she called the police to report an attack by her roommate. The Officers responded and were extremely rude, did not obtain the surveillance footage from the building, or write a police report. After reviewing BWC footage, it was determined that Officers were calm throughout the incident and took the time to speak to all parties involved equally. They did not use any foul or threatening language when addressing the individuals.

4. No Finding Time Limits: Case expired after extinguishment of 180 day time requirement by state statute.

5. No Finding Out of Jurisdiction: Case did not involve a City of Miami sworn officer.



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