

# **MARCH 2022**

## **EXECUTIVE DIRECTOR'S MONTHLY REPORT**



**civilian investigative panel**

(Statistics for February 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 February 2022 included the following highlights:

1. In February 2022, the CIP received 39 new cases. Of the cases received in February 2022, 31% of those cases were filed directly to the CIP office.
2. For February, investigations arising out of District 5 in the City of Miami represented most of the cases, totaling 36%. Next was District 2, totaling 26% of the cases received. Cases arising out of District 5 were comprised of Misconduct, Improper Procedure, Excessive Force and Discourtesy allegations.
3. The CIP closed 41 cases containing 86 allegations in February 2022.
4. The CIP resolved (fully investigated, mediated or attempted mediation) 70% of the allegations it closed in February 2022. The Department was unable to investigate (case was withdrawn/closed as a no finding) 30% of the cases received.
5. The CIP sustained 35% of the fully investigated allegations. The sustained findings are sorted into four main allegation types of Discourtesy, Excessive Force, Misconduct, and Improper Procedure.

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

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 February 2022, the CIP received 38 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 District 2.



Figure 1: Complaints Received by District February 2022

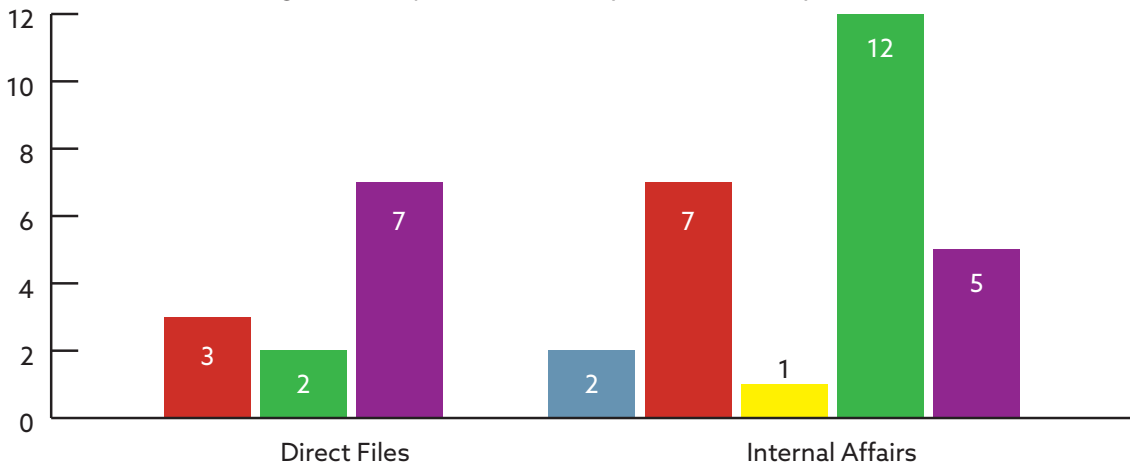
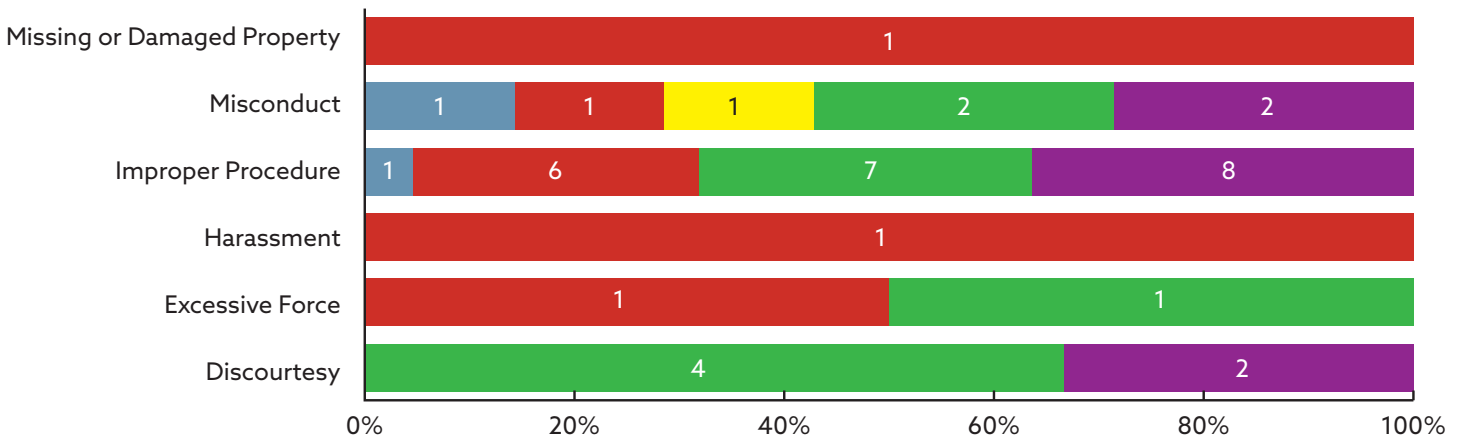


Figure 2: Complaints Received by Type February 2022





## 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 3. Findings by District February 2022

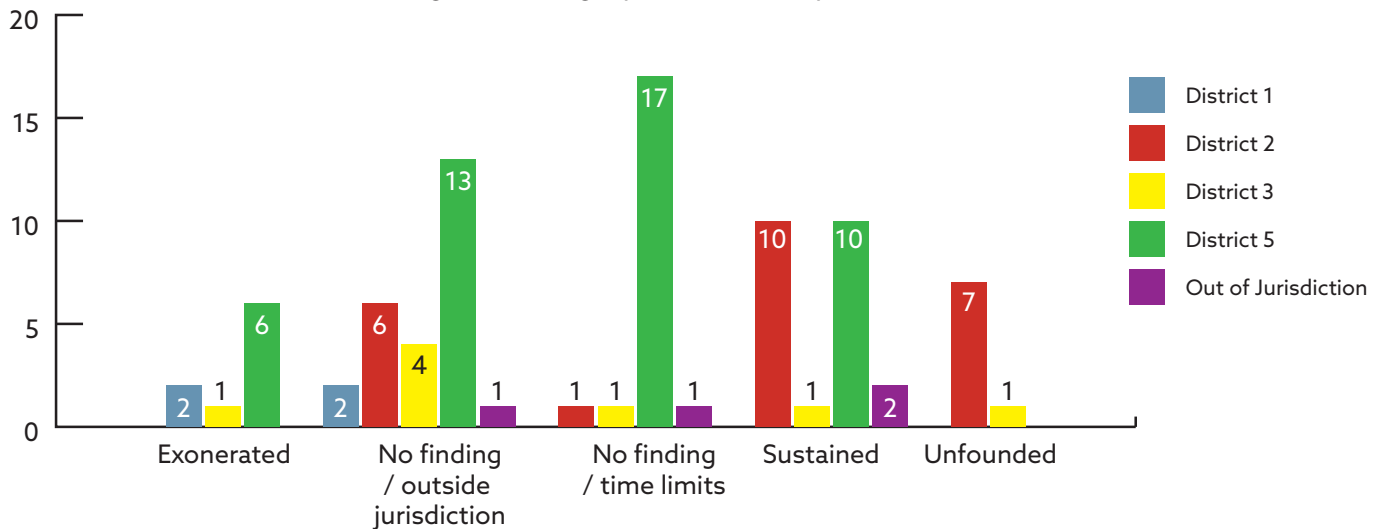
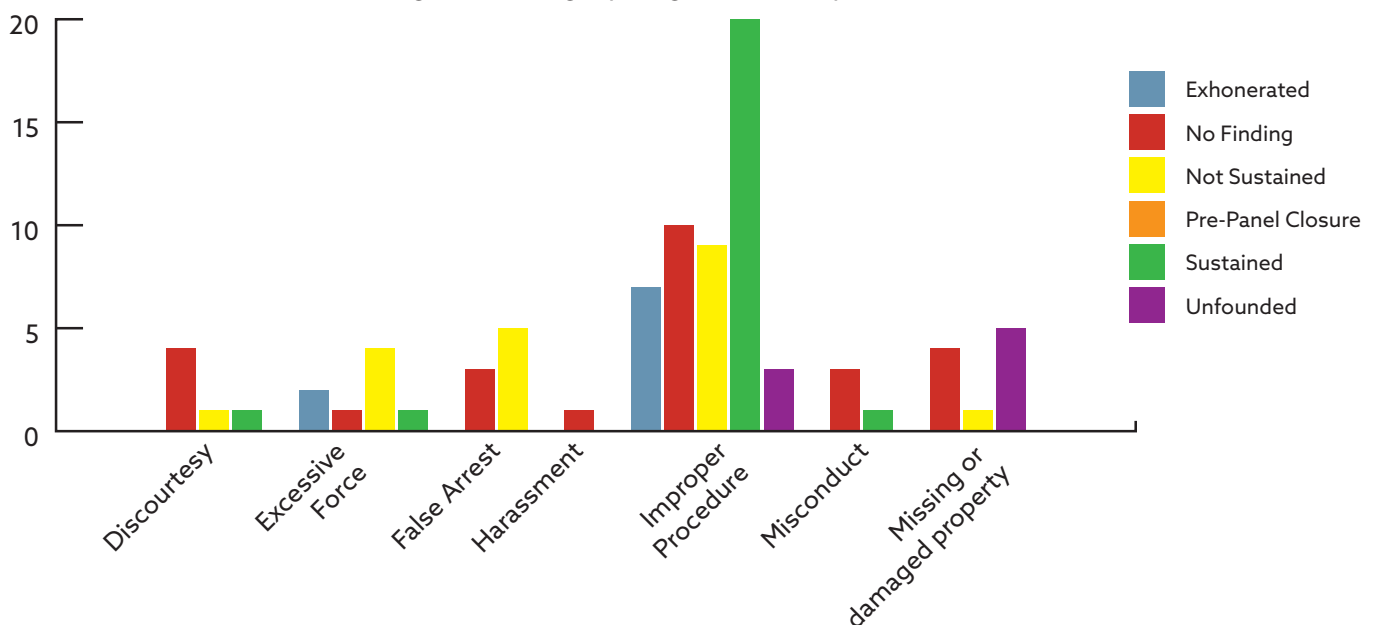


Figure 4: Findings by Allegation February 2022





### 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 Misconduct: The complainant was issued a verbal trespass warning by two officers. He alleged that one officer cursed at him and threatened to fistfight him, and that neither officer provided him with their name and/or badge numbers when requested. The one officer repeatedly used profane language and called the complainant inappropriate names, and despite the other officer's best efforts to de-escalate, the one officer continuously engaged and escalated the situation. The panel found his actions rose above discourtesy. This other officer clearly provided her name and badge number to the complainant twice. The panel Exonerated the second officer of the allegation of Improper Procedure.

2. Sustained Excessive Force and Improper Procedure: The complainant alleged that the officer grabbed him, spun him around, detained him, and verbally assaulted him for no reason when he made a comment as he walked past officers taking another individual into custody. BWC footage shows the officer confronted the complainant because he did not like the comment the complainant made as he walked past officers. The officer did not have any suspicion that the complainant was committing a crime, had committed a crime, or was about to commit a crime. In his statement, the officer admitted the complainant was not involved in any criminal activity. Therefore, the stop of the complainant was improper. The officer confronted the complainant and the complainant attempted to walk away. The panel found that the officer used unnecessary force when he grabbed the complainant by the arm and spun him around to speak to him face to face.

3. Exonerated: The complainant alleged excessive force when officers pulled her out of her vehicle at gunpoint

and handcuffed her during a felony traffic stop. Body Worn Camera showed several officers conducting a felony traffic stop on the complainant's vehicle. The complainant was handcuffed as part of the felony stop. She complained that the handcuffs were hurting due to a pre-existing condition and the officer adjusted them immediately. Once the felony stop was over, she was un-handcuffed, explained the reason for the felony stop and was sent on her way. The total time that she was in handcuffs was 41 seconds.

4. No Finding (time limits): The complainant alleged that an officer falsified his race and ethnicity on his 2015 Lieutenant and 2017 Captain Exam to gain an advantage over other candidates. This complaint was received more than a year after the incident occurred, therefore a No Finding was determined.



civilian **investigative** panel