

# **FEBRUARY 2022**

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



**civilian investigative panel**

(Statistics for January 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 January 2022 included the following highlights:

11. In January 2022, the CIP received 26 new cases. Of the cases received in January 2022, 35% of those cases were filed directly to the CIP office.

2. For January, investigations arising out of Districts 1, 2, and 5 in the City of Miami represented an equal amount of cases, with 27% each. Cases arising out of all Districts were comprised of Misconduct, Improper Procedure, Harassment and Discourtesy allegations. Improper Procedure allegations arising out of all Districts represented 69% of the cases.

3. The CIP closed 54 cases containing 112 allegations in January 2022.

4. The CIP resolved (fully investigated, mediated, or attempted mediation) 34% of the allegations it closed in January 2022. The Department was unable to investigate (case was withdrawn/closed as a no finding) 66% of the cases received.

5. The CIP sustained 45% of the fully investigated allegations. The sustained findings are sorted into three main allegation types of Missing Property, Discourtesy, 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 January 2022, the CIP received 26 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 Districts 1, 2, and 5.



Figure 1: Complaints Received by District January 2022

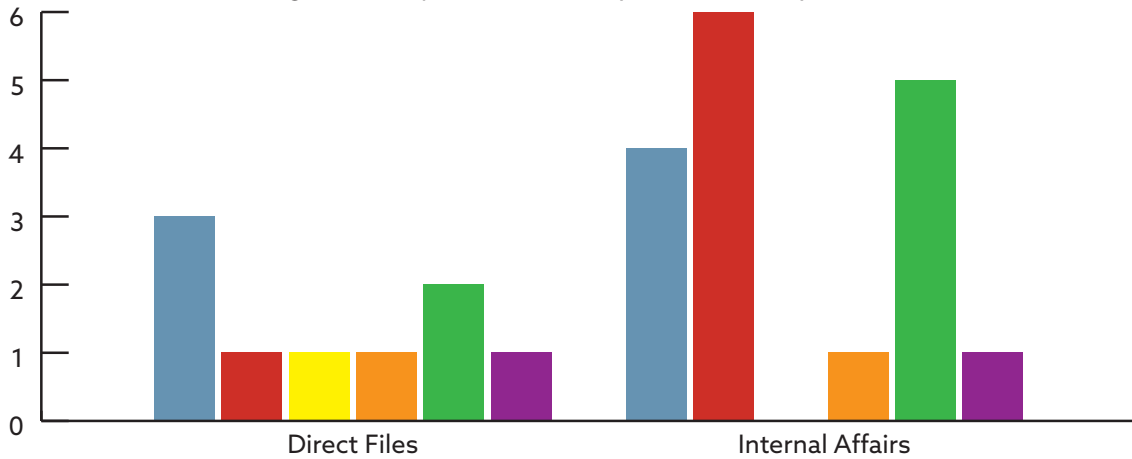
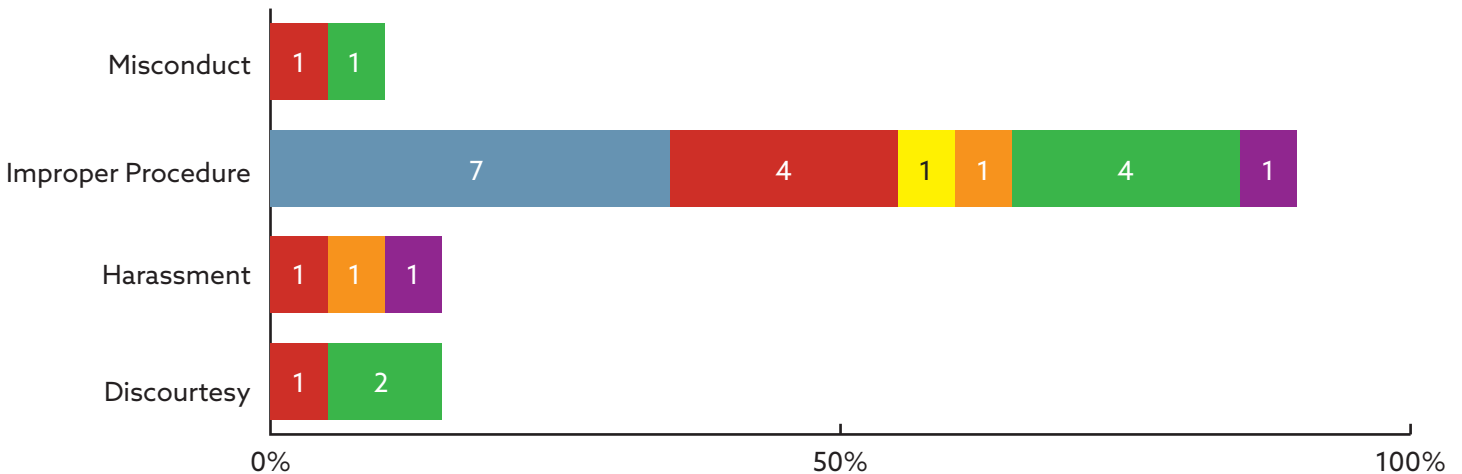


Figure 2: Complaints Received by Type January 2022





## 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.

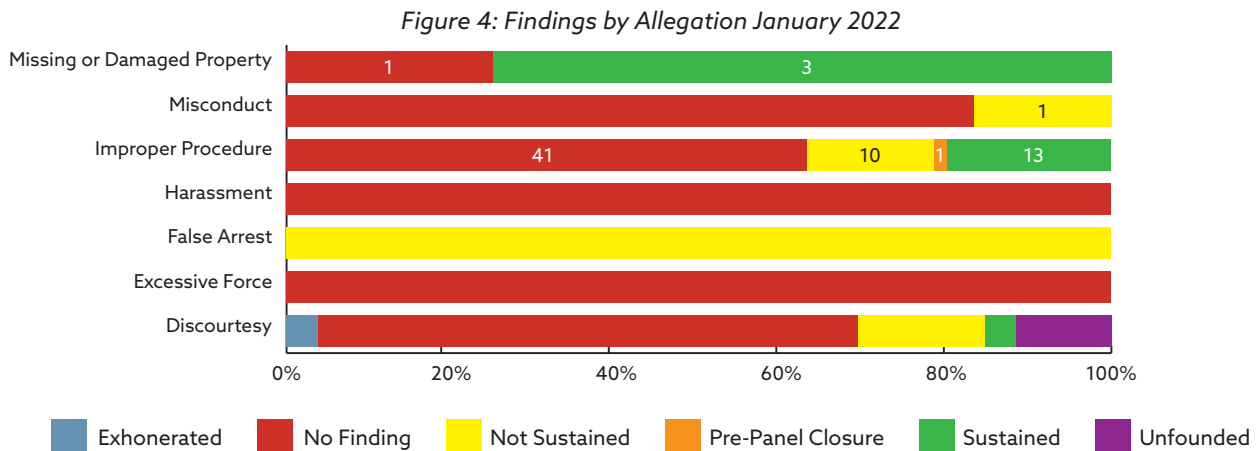
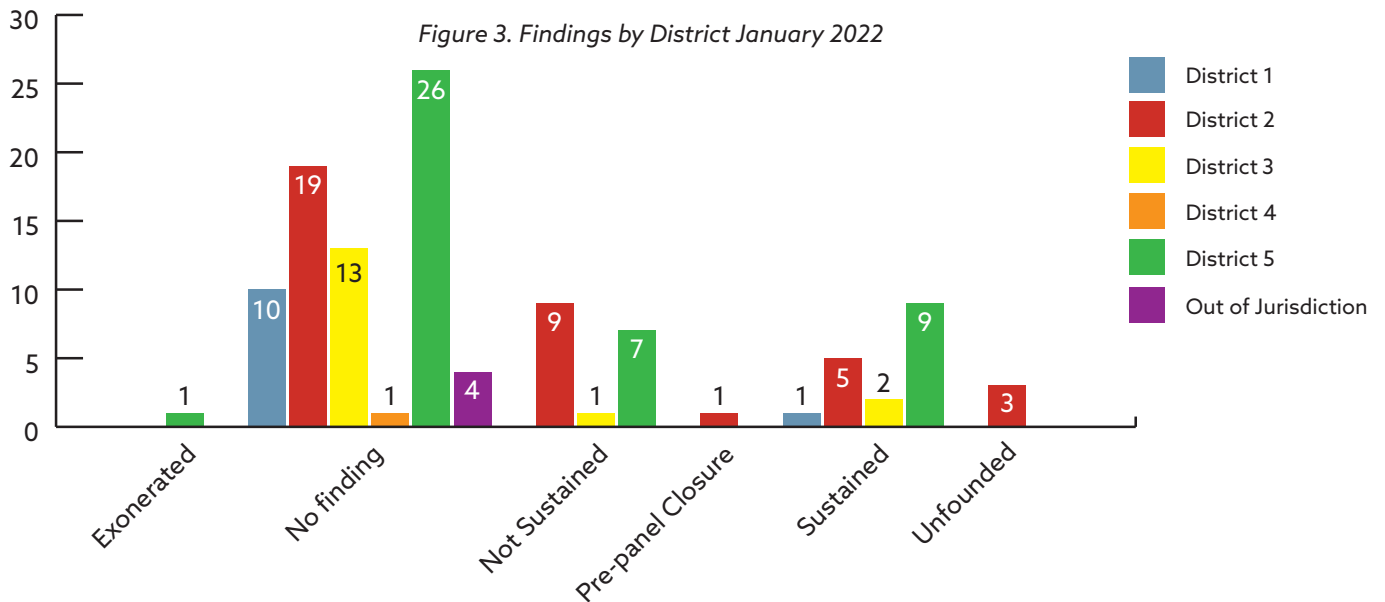
- **Unfounded:** where the review or investigation shows that the act or acts complained of did not occur or were misconstrued.

- **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.





### 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. Exonerated: Officers were called to the incident location because a man was in traffic and in danger of being struck by passing vehicles. BWC footage shows the man was clearly having a medical or mental issue. Officers tried to convince the man to drop the knife he was holding. Officers had fire rescue respond prior to approaching the man. The man was tasered once and still refused to drop the knife. The man was tasered a second time and threw the knife. The man struggled with officers before being handcuffed. After being handcuffed the man was unresponsive and treated by Miami Fire rescue. The man would later expire at the hospital. Based on the BWC footage, the FDLE and State Attorney's Office reports, and the Medical Examiner's finding, the CIP found the actions of all officers be deemed justified.

2. Sustained Improper Procedure, False Arrest Not Sustained: A series of three office thefts occurred in the City of Miami which all had video of a black male entering the office (or office building) and looking around. None of the videos showed any crime occurring. One of the videos showed the black male entering a vehicle. That video was enhanced, and the vehicle license plate was captured by a still-shot photo which was given to Miami police. Based on that license plate, the complainant was charged with the three thefts because he was the registered owner of that vehicle, and he looked like the black male in the three videos. He was on probation during this time. He was ultimately convicted based on evidence found during a search warrant of his residence. A MPD Burglary detective authored the search warrant and used the videos and license plate as the basis for the search warrant. The complainant claimed that he was unlawfully arrested and stated the detective fabricated evidence

and falsely provided information on a search warrant application to establish probable cause. He stated other detectives falsely arrested him without probable cause and did not read him his Miranda Rights before asking him questions then used his answers to their questions to bolster the affidavit for a search warrant. He further stated their Sergeant knowingly authorized the false information to be written on the arrest form and affidavit for a search warrant. The CIP staff investigation revealed that the information contained in the search warrant affidavit was inaccurate, and that the complainant's 4th and 5th Amendment protections were violated. The panel Sustained Improper Procedure allegations against the Burglary detective for No Probable Cause to Arrest, 4th Amendment Violation, 5th Amendment Violation, and Inaccurate Reporting. The panel Not Sustained all False Arrest allegations based on the "Fellow Officer Rule".

3. No Finding/Officer Separated: The CIP received a direct file complaint alleging police brutality. The officer resigned from the department while under investigation for violation of moral character standards and while this case was still open.



civilian **investigative** panel