

APRIL 2022

EXECUTIVE DIRECTOR'S MONTHLY REPORT



civilian investigative panel

(Statistics for March 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 March 2022 included the following highlights:

1. In March 2022, the CIP received 29 new cases. Of the cases received in March 2022, 41% of those cases were filed directly to the CIP office.

2. For March, investigations arising out of District 5 in the City of Miami represented most of the cases, totaling 28%. Next was District 2, and District 1, both totaling 21% of the cases received. Cases arising out of District 5 were comprised of Negligence of Duty, Harassment, Misconduct, and Discourtesy allegations.

3. The CIP closed 24 cases containing 68 allegations in March 2022.

4. The CIP resolved (fully investigated, mediated or attempted mediation) 56% of the allegations it closed in March 2022. The Department was unable to investigate (case was withdrawn/closed as a no finding) 44% of the cases received.

5. The CIP sustained 68% of the fully investigated allegations. The sustained findings are sorted into five main allegation types of Discourtesy, False Arrest, Improper Procedure, Missing Property, and Negligence of Duty.

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

7. In March, the CIP considered 2 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 March 2022, the CIP received 29 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 March 2022

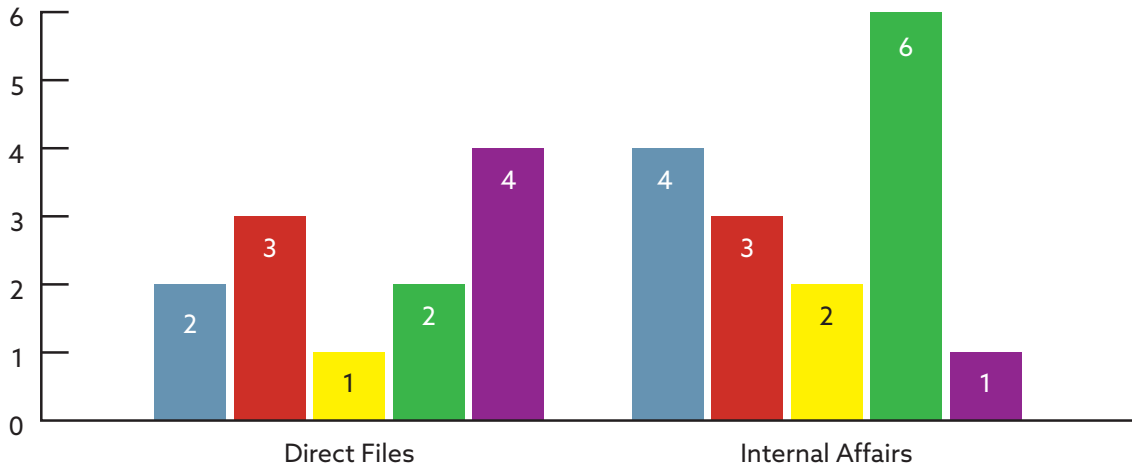
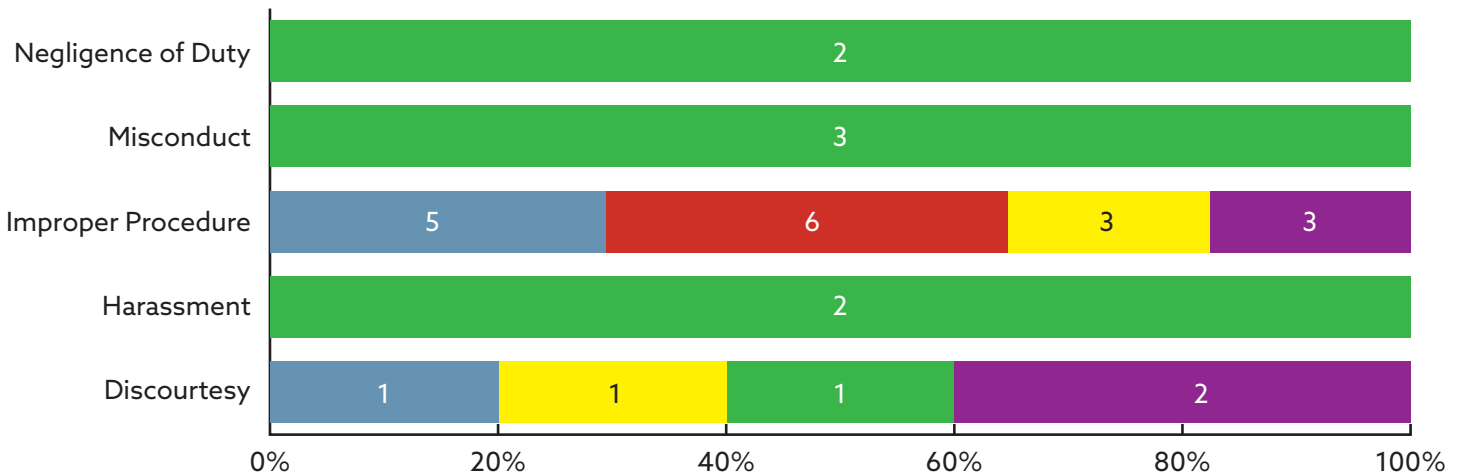
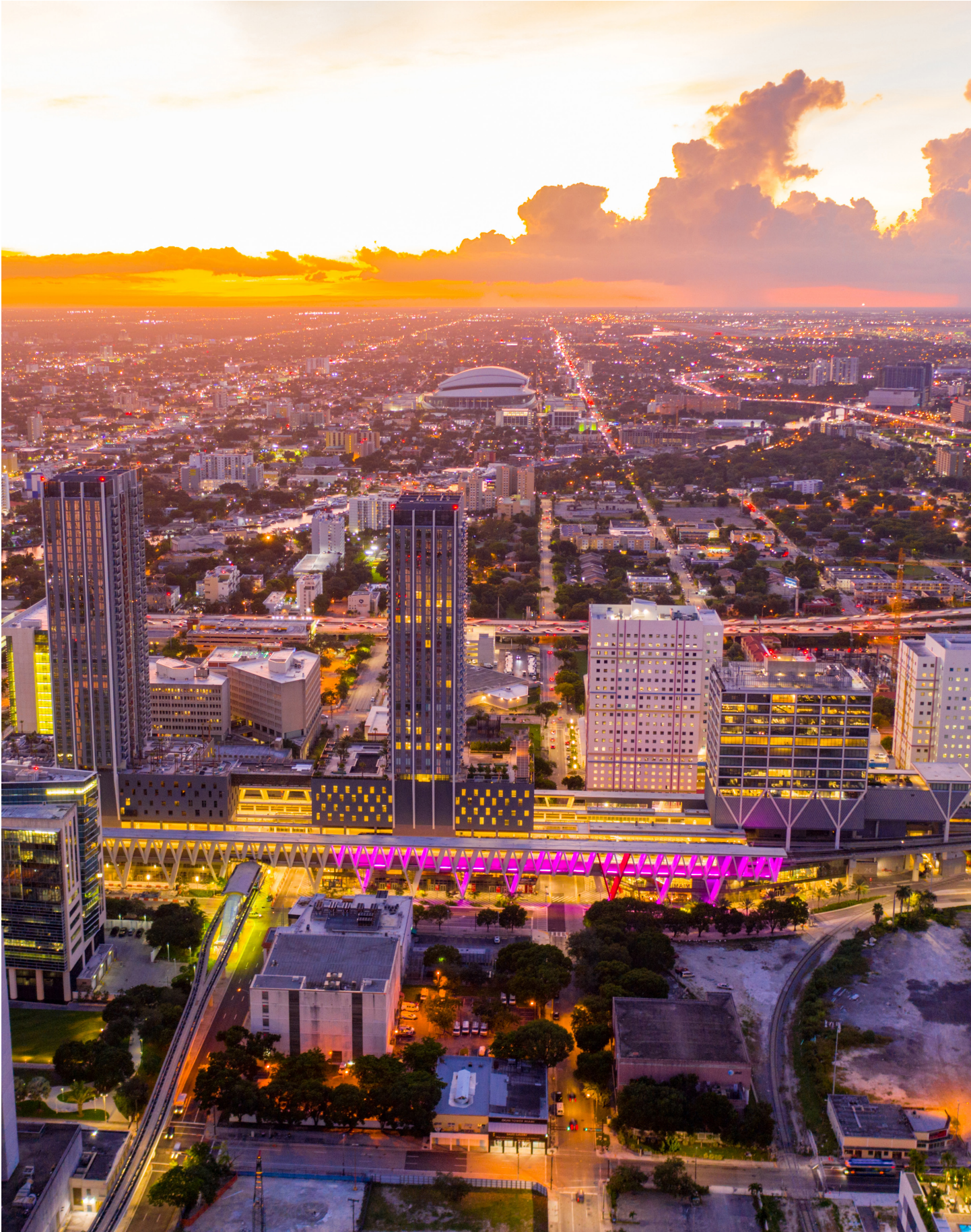


Figure 2: Complaints Received by Type March 2022





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 March 2022

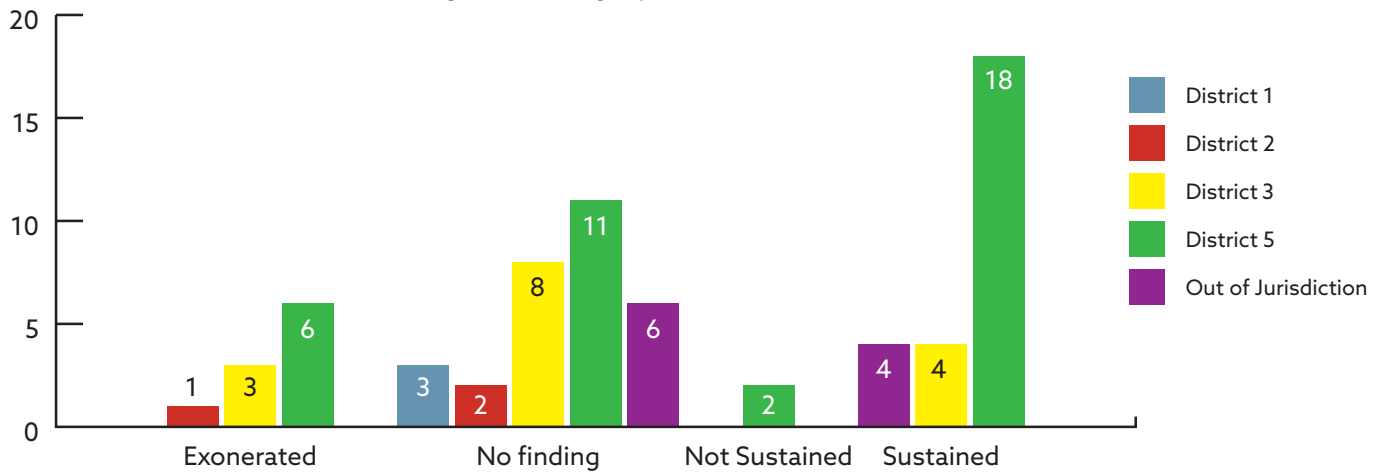
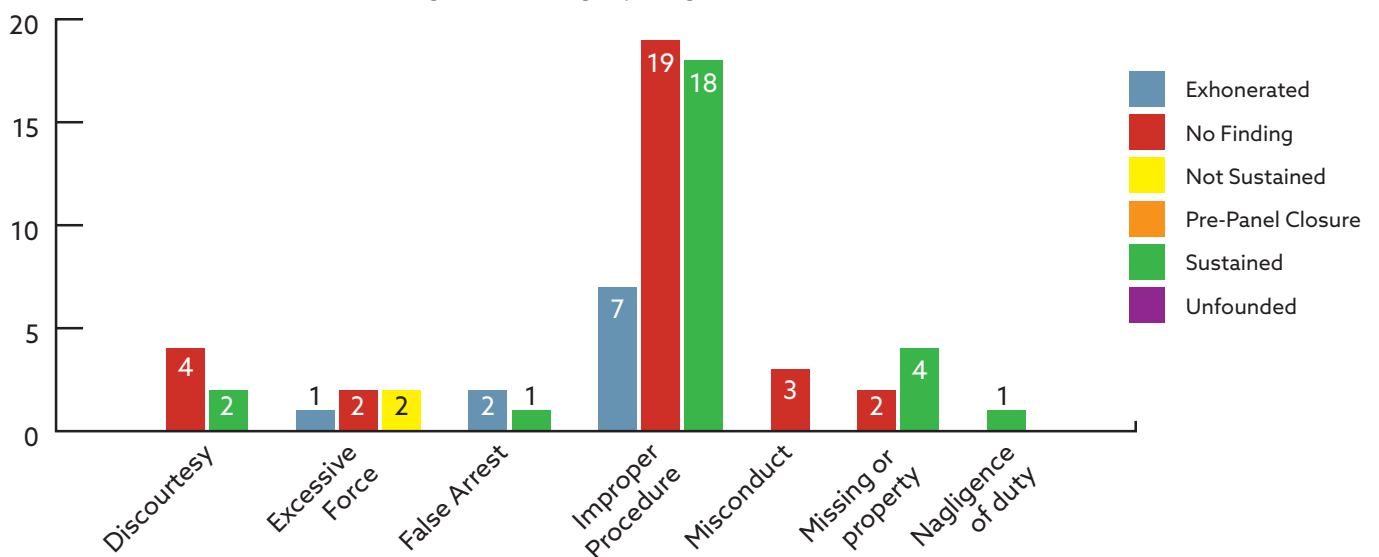


Figure 4: Findings by Allegation March 2022





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 Negligence of Duty: The complainant observed an unresponsive male laying underneath a tree and told a nearby officer who advised she was not on duty but would make notification of the information and call it in. Approximately five (5) hours later, the complainant observed the same unresponsive male still laying in the same spot, dead. The officer admitted she was told the male was sick or injured, yet she did not notify the dispatcher or her supervisor, and only spent approximately 3 minutes (according to vehicle's GPS) driving around the area before heading home. The officer admitted to IA she speaks Spanish "to an extent" but made no efforts to request a Spanish speaking officer to assist her. The panel found the officer's actions rose above an Improper Procedure, as found by IA.

2. Exonerated Excessive Force: An anonymous complainant alleged that a Sergeant at Arms pushed a reporter as she attempted to obtain a statement from Mayor Suarez. The news footage was reviewed, and the panel determined that excessive force was not used.

3. Sustained Missing Property and Improper Procedure: The complainant alleged that when she was arrested, officers threw away some of her belongings instead of impounding them. The complainant further alleged that the arresting officer put "homeless" on the arrest form even though she had the complainant's Drivers License, causing the complainant to spend extra days in jail. Body Worn Camera footage shows a Field Training Officer (FTO) telling a trainee what items to impound and what items to throw away. The FTO walked away and left the trainee alone to figure it out for himself. The FTO returned and told the trainee to throw everything else away without checking the items. Body Worn Camera also shows

that the officer had the complainants Drivers License but chose to put homeless on the arrest form anyway because the complainant told the officer to "figure it out" when the officer asked the complainant for her address instead of looking on the drivers license.

4. No Finding (Out of Jurisdiction): An Anonymous complainant alleged that an officer was rude to him. The complainant posted a video of the incident on YouTube. A review of the video determined that the officer was a Miami Dade Police Officer and the complaint was forwarded to the Miami Dade Police Department's Professional Compliance Bureau.



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