

**MARCH
2023**

**EXECUTIVE DIRECTOR'S
MONTHLY REPORT**



civilian investigative panel

(Statistics for February 2023)



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 2023 included the following highlights:

1. The CIP has a total open docket of 150 cases. 65 (45%) have been forwarded to the panel for review; 49 (34%) are being actively investigated; and 31 (21%) have been suspended pending a criminal/IA Investigation closure.
2. In February 2023, the CIP received 22 new cases. Of the cases received in February 2023, 55% of those cases were filed directly to the CIP office.
3. For February, investigations arising out of District 5 in the City of Miami represented most of the cases, totaling 36%. Next were incidents that occurred outside of the City of Miami, totaling 18% of the cases received. Cases arising out of District 5 were comprised of Improper Procedure, Biased-Based Profiling, and Discourtesy allegations. Improper Procedure allegations arising out of District 5 represented 18% of all cases.
4. The CIP closed 26 cases containing 67 allegations in February 2023.
5. The CIP resolved (fully investigated, mediated, or attempted mediation) 66% of the allegations it closed in February 2023. The Department was unable to

investigate (case was withdrawn/closed as a no finding) 34% of the cases received.

6. The CIP sustained 34% of the fully investigated allegations. The sustained findings are sorted into four main allegation types of Discourtesy, Excessive Force, Improper Procedure and Misconduct.
7. In February 2023, the CIP considered one case for mediation.
8. 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 2023, the CIP received 22 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 3.



Figure 1: Complaints Received by District February 2023

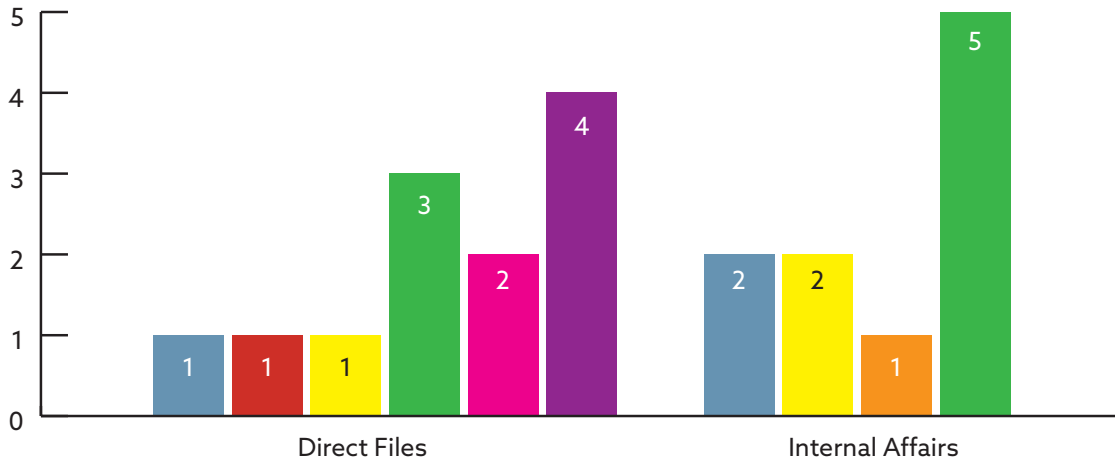


Figure 2: Complaints Received by Type February 2023

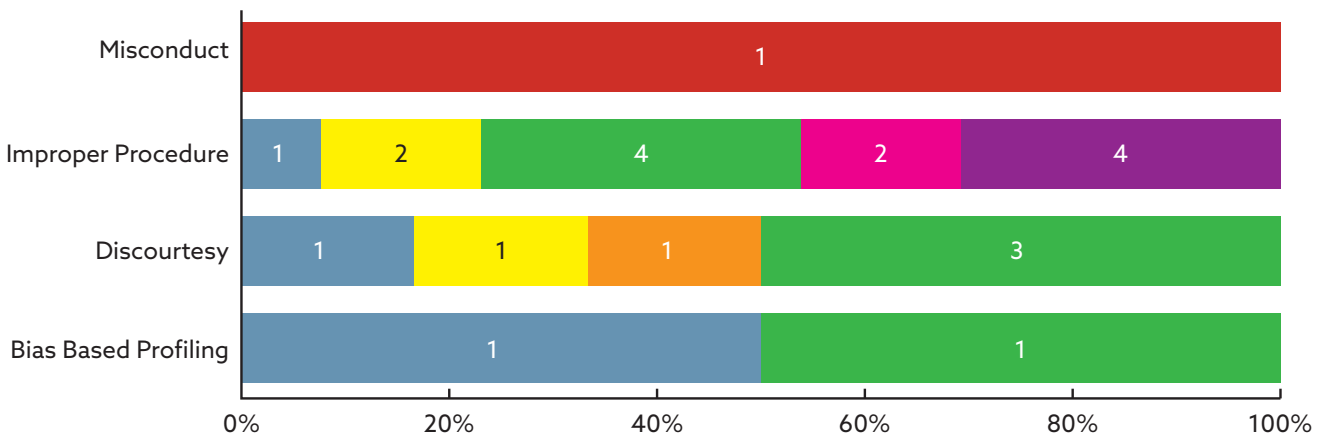
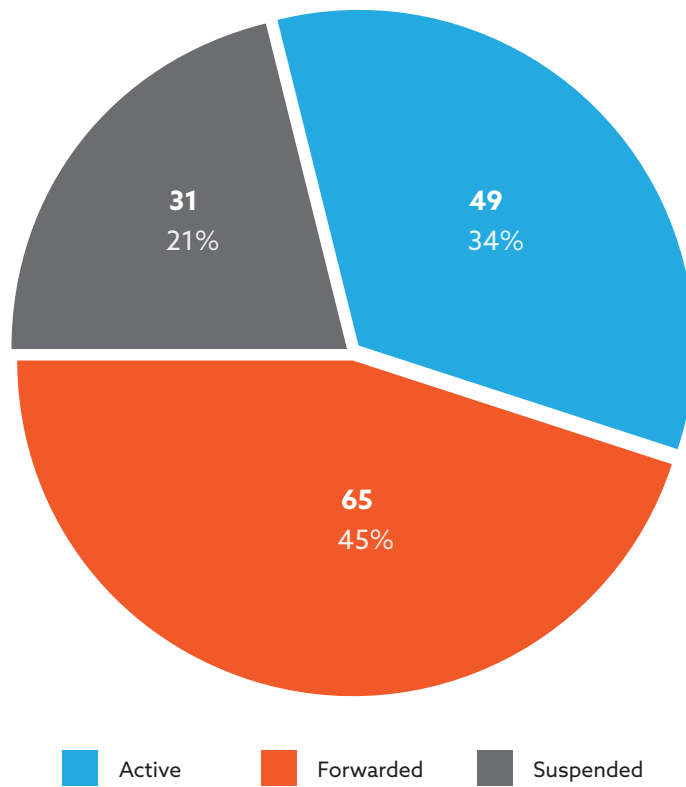


Figure 3: Total Number of Open Cases (150)



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.

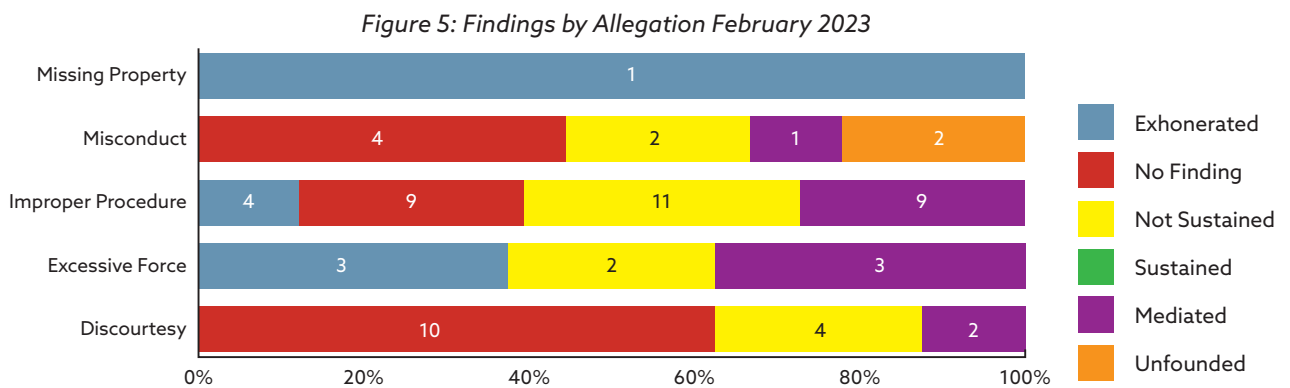
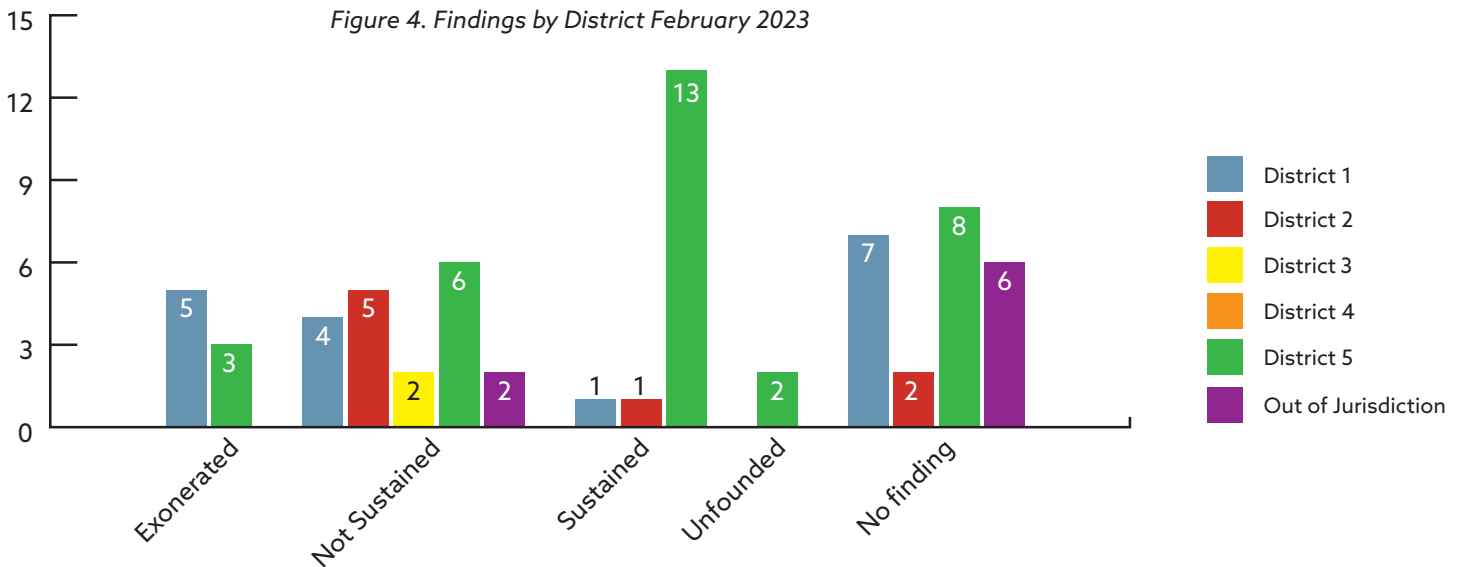
- **Unfounded:** where the review or investigation shows that the act or acts complained of did not occur or were misconstrued.

- **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. Sustained Discourtesy: Body Worn Camera footage shows that officers made disparaging remarks to the complainant who was disabled.
2. Exonerated Improper Procedure: The complainant alleged that she was a victim of an assault, but officers refused to make an arrest. Body Worn Camera footage showed that the officers investigated the allegation but did not have enough probable cause to make an arrest.
3. Not Sustained Misconduct: The complainant stated that an officer was drinking on duty and appeared to be intoxicated while on duty at Virginia Key Beach Park. The officer advised he was drinking iced tea and witnesses corroborated that they gave the officer iced tea. The panel could not prove or disprove the allegation.



civilian **investigative** panel