



Miami Police Department
Independent Reviewer
Fifth Report
February 2018 - May 2018

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Introduction

This is the fifth assessment report, covering four months of activity, completed as a component of the Agreement entered into by the Department of Justice and the City of Miami in April of 2016. The Agreement is the result of a request, by the Miami Police Department and others, to have the Department of Justice review a series of police shootings that occurred between the years of 2008 and 2011. Not only were the uses of force examined, the associated investigations and relationships with the community were considered as well. The investigation resulted in the Agreement referenced above that mandates the Miami Police Department to satisfy clear and measurable requirements in a number of delineated areas within the organization and out in the community. While the obligations are clear, the Miami Police Department retained the flexibility to design, develop and implement solutions appropriate for the community they serve. The Miami Police Department took advantage of the time span between investigation and finalization of the agreement to implement a number of changes that would begin to satisfy some of the requirements. The overarching goal of this Agreement is to ensure “that police services continue to be delivered to the people of the City in a manner that fully complies with the Constitution and laws of the United States, effectively ensuring public and officer safety, and promotes public confidence in the MPD”.¹

As the Independent Reviewer, I am tasked with overseeing the successful implementation of the Agreement. As stipulated in the Agreement, compliance with a material requirement mandates that the City has: (a) incorporated the requirement into policy; (b) trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; (c) verified that the requirement is being carried out in actual practice. In the final analysis, MPD bears the burden of demonstrating compliance with the Agreement.

The Agreement also required the City to assemble a Community Advisory Board (CAB), consisting of a cross section of Miami residents, to “provide oversight and feedback on policies and practices pertaining to use of deadly force to the MPD and to the Independent Reviewer”.² The CAB was created shortly after the Agreement was instituted and holds public meetings in a different area of the city each month, in addition to regular committee meetings. The CAB continues to develop and evolve in its stated role. An attorney from the Civilian Investigative Panel performs in the role of liaison and administrative support for the board. The CAB has expanded their role beyond the use of deadly force, taking an active part in learning about the varied roles and responsibilities of the MPD. This information is in turn communicated with the public through the aforementioned regularly scheduled and publicized meetings, as well as through their daily interactions with citizens.

¹ City of Miami Legislation; Resolution R-16-0206 Agreement Between DOJ/City of Miami

² Agreement United States Department of Justice and City of Miami

This report contains progress made between February 2018 and May 2018 in the areas of Policy Review and Implementation, Supervision, Specialized Units, Training, and Community Oversight.

Compliance Ratings

As indicated, the Agreement mandates that the Independent Monitor provide a report every four months outlining MPD’s compliance with Agreement requirements. The ratings below represent the current assessment of compliance and are included to provide MPD and the citizens of Miami with a clear and accurate summary of the progress to date, as well as areas that remain in need of attention and action.

The definition of each rating is as follows:

- Substantial Compliance – indicates that most or all components of a specific category or requirement have been satisfied.³
- Compliance Rating Pending – indicates that significant progress has been made, but additional time may be needed for assessment in the specific area.⁴
- Partial Compliance – indicates that compliance has been achieved on some components of the requirements or category, but significant work remains, or extended time is needed for audits.
- Non-Compliance – indicates that most components of a requirement or category have not been met.

| <u>Settlement Agreement Area</u> | <u>Status of Compliance</u> |
|----------------------------------|-----------------------------|
| II. POLICY REVIEW/IMPLEMENTATION | Compliance Rating Pending |
| a. Revision and Development | Substantial Compliance |
| b. Action Plan | Substantial Compliance |
| c. Training | Compliance Rating Pending |

³ The MPD/DOJ Agreement states that the Independent Reviewer shall exclude assessments of the sections that have been determined to be in Substantial Compliance. This does not preclude re-visiting those areas if, after discussion with MPD/DOJ, the Independent Reviewer deems it necessary. Audits will continue as needed.

⁴ This compliance rating was added in the Fourth Report. The sequence of ratings has been changed to more accurately reflect progressive achievement.

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| III. OFFICER INVOLVED SHOOTINGS | Partial Compliance |
| a. Firearm Discharge Review | Substantial Compliance |
| b. Administrative Investigations | Partial Compliance |
| c. Incident Tracking System | Partial Compliance |
| d. High Liability Board | Substantial Compliance |
| IV. SUPERVISION | Compliance Rating Pending |
| a. Accountability | Compliance Rating Pending |
| b. Tactical Operations Section | Substantial Compliance |
| c. Span of Control | Substantial Compliance |
| V. SPECIALIZED UNITS | Substantial Compliance |
| a. Assignment Criteria | Substantial Compliance |
| b. Documentation | Substantial Compliance |
| c. Oversight | Substantial Compliance |
| VI. TRAINING | Substantial Compliance |
| a. DOJ Training | Substantial Compliance |
| b. Firearms Training | Substantial Compliance |
| c. In Service Training | Substantial Compliance |
| VII. COMMUNITY OVERSIGHT | Partial Compliance |
| a. Create Community Advisory Board | Substantial Compliance |
| b. Facilitate Activities and Communication | Partial Compliance |

Work Completed During Fifth Reporting Period

February 2018 - May 2018

Work completed by the Independent Reviewer includes the following:

- a. Participated in conference calls with DOJ, allowing for updates on progress and issues concerning Agreement.
- b. Began working with Major Mike Gonzalez, who has taken over the position of Compliance Coordinator from Major Richard Perez. As did his predecessor, Major Gonzalez has gone above and beyond to provide information, reports, contact with appropriate personnel, meeting access and a myriad of other requests to move this endeavor forward.
- c. Completed site visits.
- d. Continued to review updated policies and procedures.
- e. Met with command staff and others as necessary.
- f. Attended a monthly High Liability Board.
- g. Received updates from TOS – SWAT & K9.
- h. Met with Lt. Delgado and Sergeant Mallon for update on Tactical Robbery Unit.
- i. Met with Cris Beamud, Executive Director of the Civilian Investigative Panel (CIP) and Rodney Jacobs, Assistant Director of the Civilian Investigative Panel, who have oversight responsibility for the Civilian Advisory Board (CAB).
- j. Received update on body worn camera program.
- k. Met with supervisors and officers in the Central Division.
- l. Examined four Officer Involved Shooting packages that had been presented to the Firearms Review Board.

The following site visits were completed during this review period;

February 13-14, 2018

May 21-23, 2018

Activity completed during the listed visits included a series of updates on previously assessed areas of the agreement, in addition to interviewing various members of the Field Operations Division (Patrol). As has been the case during previous site visits, MPD as a whole has remained open and transparent, striving to satisfy all aspects of the Agreement. Major Gonzalez, who heads the Professional Compliance Section (PCS), maintains the role of Compliance Coordinator for the MPD/DOJ Agreement. He provides all requested information, updates on significant MPD activities that pertain to the Agreement, delivers compulsory Agreement reports, schedules required meetings for site visits, and remains readily available.

The DOJ continues to provide Agreement oversight through frequent emails and phone

conversations. Patrick Kent and Cynthia Coe remain consistent members of the DOJ team, with Mr. Kent partaking in the site visit on May 21-23, 2018.

Personnel from the Miami Police Department continue to openly communicate and provide requested information in a timely manner. Again, Major Mike Gonzalez and Assistant City Attorney George Wysong are in regular contact. Chief Colina has made himself available on each site visit and is clearly focused on ensuring that the Miami Police Department successfully implements all requirements outlined in the Agreement.

A High Liability Review (HLB) was held on May 23, 2018 and was attended by Mr. Kent and myself. The review covered an incident involving Extra Duty Officers working in the Miami Entertainment District (MED). Two officers became involved in a physical altercation with a subject inside a club. The details of this review will be discussed further in the report, as will other incidents discussed in HLB reviews held during this evaluation period. The Firearms Review Board (FRB) examined four officer involved shooting incidents, one each from 2013, 2015, 2017 and 2018. These cases will be discussed in detail within the Officer Involved Shooting section.

After much preparation and a grueling on-site assessment, as indicated in the last (Fourth) report, MPD had been recommended for re-accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA). They have since received the final report which stated they performed very well in the assessment process and have been re-accredited at a rating of A++++, the highest rating possible. Successful CALEA accreditation is a momentous accomplishment for a law enforcement organization. As indicated previously, the accreditation process offers an opportunity to voluntarily demonstrate an agency's ability to comply with an established set of professional standards. These standards are designed to improve the delivery of law enforcement services through self-regulation.

Following this achievement, Chief Colina expressed a desire to attain additional levels of accreditation for the Training and Personnel Development Section, as well as Communications, which is housed within the Support Services Section. The Professional Compliance Section is currently working on these endeavors.

An update was received from Major Ibalmea and Lieutenant Salas-Jacobson on the Internal Affairs Section. Several advances and changes have been made since the last report. The department has developed an early warning dashboard that will allow supervisors real time awareness of their subordinate's performance based on identified indicators. The intent is to identify potential issues early on, allowing for timely and appropriate corrective action. The premise is that early identification and corrective action will prevent minor issues from escalating. In addition, the MPD is in the process of acquiring a consultant, with expertise in the area of Internal Affairs and with the IA Pro software system, to complete an assessment of the Internal Affairs Section.

Body Worn Camera Project Manager Orlando Aguilera provided an overview on the progress

to date. The original BWC pilot project assigned 90 cameras to officers working the Neighborhood Enhancement Teams. MPD had a very aggressive plan to assign approximately 220 additional officers cameras in February 2018, June 2018 and October 2018 for a total of 600 cameras. Issues with bandwidth, specifically permitting to allow necessary cabling, are causing delays. Upgrades have been made in the Patrol Central District and officers there have been assigned cameras. The BWC policy continues to be a work in progress as they factor in extra duty and travel requirements. The plan remains to assign two cameras per officer, allowing one to be used while the other is charging, in addition to allowing for malfunction and breakage. Policy calls for supervisors to review one video per officer each month for quality control purposes. MPD has taken the position of disciplining officers in cases where a camera should have been activated and was not. There were nine reprimands issued for non-activation of a body worn camera in 2017, there were no reprimands for the same offense as of May of 2018.

The 2017/2018 Miami Agreement Training (MAT) and Miami Agreement Supervisor Training (MAST) have been successfully completed and, as has been the case in the past, MPD continues to do an exceptional job of creating and presenting this training. All personnel interviewed spoke positively of the training they had received, especially of the practical exercises in de-escalation and high-risk incidents. Major Ramos continues to provide training that incorporates best practices, as well as relevant and innovative procedures in a format that interests and engages the officers.

A number of supervisors and officers were interviewed during this evaluation period in order to gauge the effectiveness of Agreement training and the level at which it is being practically applied in the community, in addition to assessing supervisory oversight in patrol and on specialty teams.

While not as significant an issue, there continues to be a large number of retirements and associated promotions to fill the voids created. The MPD continues to handle these changes professionally-from recruitment, training, and promotions, to succession planning.

Remaining issues include continued assessment of supervisory compliance as it pertains to the Agreement and additional officer interviews to measure effectiveness of training and supervision. Audits of training, specialty teams and departmental compliance will also continue. The Internal Affairs Section assessment will be tracked, as will the early warning dashboard and complaint investigations. Progress in the BWC program will be monitored and policy updates and changes will be followed and reviewed.

Agreement Progress to Date

In this section the progression, setbacks and observations will be discussed for six of the areas covered in the agreement:

II. POLICY REVIEW AND IMPLEMENTATION:

MPD continues to develop, update and implement policies based on constitutional policing principles and best practices. In preparation for the Commission on Accreditation of Law Enforcement Agencies (CALEA) re-accreditation process, all policies and procedures were reviewed and updated or changed as needed. Policies that are considered 'high liability', such as Use of Force and Body Worn Camera, continue to be reviewed and modified. Discussions concerning these policies are ongoing between MPD, DOJ and myself.

Quarterly Training Committee Meetings regularly discuss policy and procedures, including needed changes, applicable delivery and practical application by department personnel. This committee includes representation from throughout the department and will be discussed in further detail under the Training section.

Patrol supervisors and officers were interviewed concerning policy training, review and application. All spoken to agreed that roll call training is conducted, policy and procedural updates and changes are presented in formats that are easily understood, and that there is accountability for implementation and adherence on the street.

The overall Policy Review/Implementation section is deemed compliance rating pending only because there has not been enough substantiation in the area of training to ensure that policy changes and updates are in practical application in all areas of the department. The only area evaluated to date has been the Patrol Central District. It is expected that this area will be identified as being in substantial compliance during the next evaluation period.

III. OFFICER INVOLVED SHOOTINGS:

Firearm Review Boards (FRB) are attended by MPD staff members who review officer involved shooting incidents for violations, officer safety issues, equipment or training needs, investigative breakdowns and supervisory oversight. In addition, personnel from training attend to observe for any future training needs, as well as breakdowns between past training and officer practice. Following the review, MPD staff members including the Assistant Chiefs, Deputy Chief and Legal Advisor, answer 'yes' or 'no' to each of four questions:

1. Was the discharge of the firearm accidental?
2. At the time of the discharge, was the discharge of firearm in compliance with departmental policy?

3. Were the officer's actions leading up to the shooting in compliance with departmental policy and training?
4. Is the discharge of firearm in compliance with Florida State Statute?

A summation of staff findings is then stated in 'comments' section, followed by 'findings' which includes any violation, discipline and/or training.

During this evaluation period, a Firearms Review Board was held on May 1, 2018 during which four police involved shootings or accidental discharges were assessed. Each incident will be briefly reviewed below, including highlights, department findings, and discipline if applicable.

One FRB, Internal Affairs DOF 13-005, involved an incident that occurred on December 10, 2013, at approximately 0600 hours, and ultimately involved officers from three law enforcement agencies (Miami Dade Police Department, Hialeah Police Department and MPD). This incident began when an individual fired shots at a residence, committed an armed robbery, kidnapped a store employee and exchanged gunshots with a security guard. He then returned to the original scene and shot an MDPD officer who had responded to the initial call of shots fired, stole his marked unit and his firearm before fleeing the scene again. The MDPD marked unit was eventually abandoned and the suspect forcibly stole a car from a relative. A number of officers became involved in a pursuit of the suspect and he eventually crashed the car. With the knowledge that the suspect was considered armed and dangerous, officers surrounded the car, giving the suspect and passenger orders to show their hands and exit the car. When they refused orders and continued to move within the car and shift their hands out of sight, a number of officers fired into the car. Ultimately, both subjects died from the gunshot wounds. Although there were several MPD officers at the scene only two fired their weapons. One officer was no longer a member of the MPD at the time of the shooting investigation. The second officer's use of deadly force was found to be justifiable by the State Attorney. The Firearms Review Board found the use of deadly force to be within policy, however the officer's actions leading up to the shooting were determined not to be within policy – specifically, the officer unnecessarily placed himself and other officers in a position of danger at the scene. The officer was issued a Reprimand and 40 Hours Forfeiture of Time.

Another FRB reviewed an officer involved shooting that occurred on September 6, 2015 at 1410 hours and involved an individual who had been involved in a domestic violence incident with his girlfriend, Internal Affairs DOF 15-004. The responding officer became involved in an altercation with the armed suspect, during which the suspect fired his weapon. A second officer on scene thought the original officer had been shot, so he fired at the suspect and missed. The suspect fled the scene with an officer in pursuit, suddenly stopping his vehicle, exiting with a gun in his hand, alternately pointing it at his head and the officer, imploring the officer to shoot him. When the officer refused to shoot, the suspect again fled in his vehicle to a residence and tried to push through the front door. Again, the suspect yelled to the officers to kill him as he pointed his firearm alternately at his head and the officers. As the suspect neared the officers, one officer shot him once, the second officer shot once and missed. As the suspect lay on the ground he shot himself in the head and died. After a thorough review, FRB members found that the actions taken

by the two officers complied with departmental policy and training. The final conclusion found that officers took reasonable action to stop a dangerous armed individual. Their efforts were prudent and they used deadly force as a last resort.

Internal Affairs case DOF 17-005 evaluated an accidental discharge that occurred on December 2, 2017. An officer who was working an extra duty assignment got his holster caught between the seat and center console as he attempted to exit his car. In an attempt to free his holster, he pulled his firearm and accidentally discharged it once. Following an FRB review, it was found that the officer demonstrated unsound judgement and failed to use due care when he attempted to unholster his weapon and in the process discharged a round through the passenger door of his police vehicle. The FRB recommended that the officer receive a Reprimand, 80 hour Suspension and Remedial Training.

The last incident also involved an accidental discharge, Internal Affairs 18-001, which occurred on February 13, 2018. Officers responded to the report of an individual who had been robbed. Officers saw an individual, matching the suspect description, get into a car and drive away. A traffic stop was initiated and the suspect fled the scene, crashing into a building a short distance away. The driver and one of the passengers fled on foot, while a second passenger surrendered to police. As an officer was taking the passenger into custody, he accidentally discharged his firearm. No one was injured and there was no property damage. The FRB found that the actions taken by the officer were not in compliance with departmental policy. His actions were reasonable, but careless as he attempted to take a suspect into custody while still holding his firearm. The board recommended a Reprimand, 40 Hour Forfeiture of Time and Remedial Training.

Although the officer involved shootings cannot be presented to the FRB prior to completion of the criminal and administrative investigations, Chief Colina and his staff are to be commended for their timely review of these cases. A small number of officer involved shooting cases remain open, awaiting action from either the MPD Internal Affairs Section and the State Attorney's Office. Each of these open cases have been discussed in my previous reports.

The High Liability Board is also a function of the Policy Compliance Unit (PCU) and is tasked with reviewing, investigating and addressing potential department deficiencies in a number of areas using MPD case studies. A random incident is reviewed each month for potential training, tactics, policy or procedural implications and concerns. Issues identified during the HLB are addressed through the appropriate avenue (training, equipment, policy, tactics, etc). HLB members consist of commanders from the Professional Compliance Section, Training and Personnel Development Section, the Legal Advisor, and a rotational supervisor. Personnel associated with the incident are also in attendance, most often with the exception of the actual officers involved.

Available newer officers attend these reviews so that they understand the significance of policies and procedures and the importance of compliance. These reviews also underscore the importance

of officer safety and attention to detail for these new officers, as well as the other employees involved.

As indicated, a High Liability Review was held on May 23, 2018 covering Extra Duty Officers working in the Miami Entertainment District (MED). When two officers approached an individual who was reported as causing problems inside one of the clubs, the subject became violent. He elbowed one officer in the face and struck the second officer in the midsection before being taken into custody. A sergeant who was supervising the MED Extra Duty Officers responded to the scene and notified the on-duty lieutenant, who also responded to the scene. All reports – injury, offense, response to resistance, arrest form, and affidavit were appropriately completed. The only concern voiced about the way the incident was handled was that of the Extra Duty Supervisor’s completion of the Response to Resistance package, as she was a witness to the incident. Although it had no apparent effect, by completing the package she removed the necessary objectivity from the investigation. There was a significant delay in final approval of the report package, as it went back and forth between divisions and supervisors for corrections and additions.

A main focus of the Agreement was the past delay in completion of investigations of officer involved shootings. As has been outlined in previous reports, the Florida Department of Law Enforcement now heads all of the Miami Police Department investigations of their officer involved shootings. This process and partnership, including the State Attorney’s Office, has proven to be successful in not only substantially reducing the length of the investigations, but also in lending a level of objectivity to the practice. The only hindrance to regarding this process a complete success is the lack of police involved shootings that have occurred since the Agreement was entered into. This reduction is an obvious overarching goal of the Agreement and of the Miami Police Department.

As discussed in a previous report, MPD’s Internal Affairs Section employs the Early Intervention – Incident Tracking System (EI-ITS), which is designed to identify, assist and monitor officers who meet the required threshold of performance indicators during a specified time period and bring corrective action through supervisory review. As a refresher, the threshold of performance indicators includes two or more complaints within twelve months, two or more Response to Resistance Reports in twelve months, two or more reprimands in twelve months, two or more firearm discharges within twenty-four months, etc. In an effort to provide supervisors with the ability to maintain real time awareness of officer performance, the Internal Affairs Section has developed a dashboard, which is maintained in IA Pro’s Blue Team software program. This dashboard provides information on officers, under their command, who receive complaints, complete Response to Resistance Reports, discharge their firearms, or (for K9) track dog bites. The information is available and readily accessible to supervisors in a spreadsheet format, with color coded guides of yellow for any EI-ITS indicator and red for officers meeting a threshold for Early Warning.

This system will afford supervisors the opportunity to remain informed of their officer’s performance on a daily basis and provide the ability to offer assistance, if needed, at a much

earlier juncture. The Early Warning dashboard is in a test phase at this time.

Members of the Internal Affairs Section are providing training during MAST (Miami Agreement Supervisor Training) on the system and on appropriate completion of Early Warning Reports, intervention and service provision for officers in need.

The Internal Affairs Section continues to evaluate other agency's Early Warning Systems that have more performance indicators and shorter timeframe for alerts. In addition, the MPD has received approval to fund an independent assessment of the Internal Affairs Section and is in contract negotiation with an assessor. The agency is to be commended for this endeavor.

In addition, the Internal Affairs Section has secured the assignment of additional personnel and will assume responsibility for investigating complaints that were previously assigned to the subject officer's supervisor. This was done to add consistency, streamline the process, reduce the time to completion, and as a response to department wide assignment of the Body Worn Cameras.

The Officer Involved Shootings section remains in partial compliance based upon open administrative investigations from years past and work in progress on the department's complaint tracking system.

IV. SUPERVISION:

A roll call was attended and interviews were conducted with several first line supervisors where various issues were discussed, including supervisory oversight, training, and body worn cameras. In reference to Use of Force reports, all supervisors described the same consistent process – when an officer reports a Response to Resistance (triggered by a number of actions including an officer striking, hitting or kicking a subject; officer causing injury to subject; complaint and visible signs of injury to a subject) the Sergeant and Lieutenant are notified and are required to respond to the scene. In most instances, the Lieutenant will interview the subject (if they are agreeable) and look for injury if indicated. They then speak with the Officer to obtain details from their perspective and finally to the Sergeant, making a determination if all accounts of the incident correspond. The Lieutenant also ensures that witnesses are sought out and interviewed. On scene officers, other than subject officers, complete narrative reports and the Sergeant puts the information into the IA Pro Blue Team software program. The Sergeant also completes any applicable assault, injury and exposure reports and creates the Response to Resistance package. The Lieutenant reviews the package when completed and approves or returns for corrections/additions. MPD requires that all Response to Resistance reports are completed by the end of the involved officers shift. The Response to Resistance process is designed well, consistent and agreeably adhered to by department personnel.

As discussed in previous reports, the MPD employs a Staff Duty Officer program that assigns a staff member to that position 24/7 for a week at a time. Sergeants and officers interviewed

indicated that Staff Duty Officers attend roll calls, show up on scenes and are readily accessible. Sergeants also indicated that lieutenants are hands-on and take an active part in incidents each shift.

District and Section Commanders are required to have monthly meetings with their lieutenants and sergeants. The results of these meetings – issues, needs, training, etc – are communicated with the MPD Staff at their regular gatherings when appropriate. This process is required by policy, enhances the bottom-up and top-down communication within the organization, and has been confirmed to be in regular practice.

Sergeants are required to review one video per officer under their command each month. They agree that the BWC training has been thorough, including the use and administration of the program. According to those interviewed, any changes or updates in high liability policies are trained and reviewed in roll calls.

All supervisors and officers agreed that the MAST/MAT is well organized, informative and presented in a format that is engaging and easy to absorb. All personnel interviewed concurred that the practical training exercises were the most beneficial. Those officers assigned BWC's, mostly in the Central District, indicated that the process of categorizing and downloading videos is onerous and time consuming.

Span of control audits continue to indicate an appropriate ratio of officers to supervisor. There have been no issues of excessive supervisory absence.

Observations to date indicate that the level and quality of supervision provided in the patrol districts is in keeping with the requirements of the Agreement. Additional interviews and audits will be completed in the near future, which should lead to a rating of substantial compliance in the area of Supervision.

V. SPECIALIZED UNITS

Time was spent in the Specialized Operations Section (SOS) during this evaluation period. Major Richard Perez is in charge of the unit, having transferred from the Professional Compliance Section. We met with the SWAT Supervisor Lt. Abreau and K9 Supervisors Lt. Sodre and Lt. Freire. The SWAT Team continues to execute high risk search warrants. This process includes a meeting with the search warrant affiant(s) to determine the need for the SWAT Team. Operational plans are completed, confirmation surveillance is conducted, briefings are held, and debriefs and after-action reports are completed. While there are four SWAT Lieutenants, there is only one assigned full time. The others have a primary assignment other than SWAT. The design behind the practice of additional supervision is succession planning, ensuring consistent seasoned leadership of this significant function.

A change in the Specialized Operations Section (SOS) has been the transfer of the Tactical Robbery Detail (TRD) to the Investigative Support Section (ISS). They are now part of the

Tactical Investigations Unit which also oversees the Felony Apprehension Team. The TRD consists of a lieutenant, sergeant, four officers and an analyst. They are tasked with investigating any robberies involving violence, carjackings, pattern robberies or any other significant incidents. In addition to required incident reports, TRD members complete daily activity sheets, supervisors complete monthly unit reports, and training logs are maintained for all personnel. TRD personnel wear uniforms while on duty, although a modified BDU style.

Valid arguments can be made for the assignment of this unit in both SOS and ISS. In meeting with the TRD supervisors, they felt the move to investigations was a positive one, as the close proximity to other investigators has enhanced communication and improved the unit's performance.

Qualification for assignment on the Tactical Robbery Detail is stringent. Openings are announced department wide and interested officers submit applications. Background checks are completed on applicants to ensure they do not have discipline issues or have abused leave time in the past. Applicants must pass a physical agility test and then be interviewed by a panel. Once on the team they must pass bi-annual physicals, agility testing and firearm qualifications. They are provided one hour each day to train physically and these sessions are conducted by a supervisor. There is no limit on the longevity of assignment, however two officers were recently transferred when they failed to pass the required agility testing.

It is the opinion of the Independent Monitor that MPD has met the threshold for substantial compliance in the area of Specialized Units. This area will continue to be audited to ensure sustained compliance moving forward.

VI. TRAINING:

Major Um Set Ramos continues to command the Training and Personnel Department and by all accounts is doing an excellent job. As indicated by an unannounced visit this evaluation period, the unit continues to provide training that is relevant and necessary, in addition to assigning instructors that are subject matter experts, motivated to train, and engaging in their presentations.

The 2017-2018 Miami Agreement Supervisor Training (MAST) and Miami Agreement Training (MAT) has been fulfilled, with all available personnel having successfully completed the required instruction. As a reminder, 2017-2018 MAST consisted of 40 hours of education provided over a five-day period. The training included; Review of Deadly Force Policy, Leadership training, Care and Custody of Video, Evaluation and Career Development, Response to Critical Incidents/Case Studies (2 days), Managing Critical Firearms Incidents, and Communication and De-escalation. The 2017-2018 MAT was delivered over three 10 hour days and consisted of; Autism & Special Needs Awareness, Excited Delirium & LEO Response, ADA Issues, Defensive Tactics Review, Combat Trauma, MEGGIT System, CPR, Firearms Qualification, Shoot/Don't

Shoot Course, De-escalation, Use of Force/Deadly Force Review, and Reality Based Scenarios; Contaminated Thought EDP, Narcotic Induced EDP, Suicidal Person w/Weapon, Willful Defiance/Deadly Force, In Progress Property Crime, and High Risk Felony Stops. These reality scenarios were held in a closed park and are intended to put officers into critical real-life situations that they may encounter on the street. The goal is to engage the officers in high stress and potentially dangerous situations in a teaching environment, where they are expected to utilize their training, experience and skill to determine the best course of action.

Documentation for required agreement training was reviewed for the dates of January 31-February 2 and May 9-11. These files included course outlines, schedules, sign-in sheets and completed tests. All personnel scheduled for the training had successfully completed the course work and associated testing to ensure understanding and absorption.

The Training and Personnel Department is responsible for providing training on any updated or newly created policies and procedures. Official training bulletins are sent out twice a week, via email, that highlight any policy updates, changes or creations. These bulletins must remain on roll call board for ten days. All high liability policies are sent out with training and legal comments attached. Supervisors are required to provide policy training during roll calls and provide sign in sheets or attendance rosters to confirm that officers received the training.

There is an MPD Training Committee Meeting held on a quarterly basis. Notes from the meeting held on May 24, 2018 show that Major Ramos, Training Center Director (chair); Lieutenant Mitchell, In-Service Training Commander; George Wysong, Legal Advisor; Lieutenant Herminia Salas-Jacobson, Internal Affairs Section; Sergeant Nodal, Field Operations Division; Lieutenant De Los Santos, Criminal Investigations Division; and Officer Rios, FOP Representative were all in attendance, indicating a broad departmental representation. Under Meeting Objective, it states “As required by Departmental Order 15 Chapter 1, the Training and Personnel Development Section will convene a training committee to improve the development and evaluation of the Department’s training needs and serve as a focal point for input from those representing other sections within the department. The committee is tasked with providing training and direction to meet the training needs of the department and to guide through the implementation of programs valuable to the development of our officers”.⁵ Each participant is expected to discuss specific training issues and needs from their area of assignment, in addition to developing training solutions as a group.

Issues discussed during the Training Committee Meeting included; recommendations for the 2018-2019 MAST/MAT involved a review of MPD’s Homeless Policy, BWC use during all

⁵ Notes from Training Committee Meeting May 24, 2018.

training scenarios, felony stops, additional use of force training, and proper use of ballistic shields. There was also a suggestion of providing consistent roll call training by the Training Center and covering relevant national and local law enforcement issues, as well as topics impacting MPD. This training would be developed by the Training Center, delivered by supervisors and tracked to ensure comprehensive distribution. In addition, there was discussion of providing supervisory and officer training covering some of the minor violations often appearing in the Internal Affairs Section, in an attempt to assist in preventing or handling them before they become major issues.

An innovative tactic developed and implemented by the MPD Training Center addresses active shooter or other major incidents. As a result of the mass shooting in Las Vegas, all MPD officers have been provided with maps of area schools, athletic and entertainment venues, as well as other significant locations. 'Go bags' for each of these locations are kept at the security desks of strategic buildings or high value targets and include building information, master and elevator keys, points of contact, building drawings, etc. The MPD received a grant to fund two supervisors and fifteen officers to conduct active shooter training with private businesses and citizens, maintain building schematics, information and contacts, in addition to maintaining the 'go bags'. This appears to be an initiative that could be viewed as a best practice nationwide.

On the topic of best practices, the MPD is one of two law enforcement agencies that is testing a new Meggitt Training System FATS 300 LE. This system uses a virtual world of multiple screens, high definition video, surround sound, realistic weapon simulators and simulated hostile encounters to assist officers in honing de-escalation tactics, decision making skills and officer safety techniques.

In meeting with supervisors and officers during this evaluation period, I found continued agreement that the MAST courses provided are relevant, informative and delivered in a way that is very engaging.

In an effort to increase officer's activation of BWC's, all recruits are given 'dummy' cameras to be worn throughout their academy training phase in an effort to develop familiarity and consistent activation through repetition.

The Training section has been rated as being in substantial compliance. Audits will continue moving forward to confirm sustainment in this area.

VII. COMMUNITY OVERSIGHT:

In compliance with the Agreement and as one of the first deliverables, MPD formed a Community Advisory Board (CAB), whose mission is to provide oversight and feedback to MPD and the Independent Reviewer, in addition to providing a conduit between the community and MPD.

Justin Pinn remains the chair of the CAB and continues to perform very well in this position. As one of the board members who attended the MPD Citizen's Academy, he has a working

knowledge of how the police department operates and is able to effectively balance that with the needs, expectations and perceptions of the citizens they serve. He is a strong leader with a sincere interest in improving the MPD, the community and the relationship between the two. The MPD plays an active role in the CAB, with MPD Legal Advisor George Wysong attending and actively participating in each meeting along with various other members of the organization. MPD also assigns a liaison to each of the CAB subcommittee groups to assist in their efforts. Rodney Jacobs J.D. continues to perform administrative and organizational duties for the CAB as the City Liaison.

As indicated in the past, CAB meetings are held in a different section of the city each month, are well publicized in advance, and have some sort of educational or informational presentation by members of the MPD or connected agencies or associations. The meeting held on March 1, 2018 at Jose Marti Park included a presentation from MPD Chief Colina. The chief shared his vision for the MPD, outlined some organizational changes he intended to make, and assured the CAB that he expected all members of his department to be professional and work closely with the community to make Miami a safer city. Members of the board asked the chief a variety of questions. The April CAB meeting involved a presentation on the MPD's Incident Tracking System, which is maintained and monitored by the Internal Affairs Section. This system uses a variety of data, including complaints and use of force reports to identify officers who may need interventive assistance. The meeting in May had the board reviewing and discussing the elements of procedural justice.

The Miami Police Department has linked the Community Advisor Board's website to the department's website. When visiting the CAB website a link to the CAB report and the Independent Reviewer's Agreement reports can be found, as well as meeting information and committee updates. The page is easy to navigate and informative.

The Community Oversight section will remain in partial compliance pending additional assessment. MPD Training Major Ramos has offered the opportunity for CAB members to attend the MAT/MAST, however extra time will be needed for members to take advantage based on scheduling and course availability. As indicated in the previous Independent Reviewer report, CAB City Liaison Rodney Jacobs referenced on going communication difficulties with MPD. A request was made to copy me on correspondence between MPD and CAB moving forward, but none has been received to date. Additional time will be needed to ensure seamless and open communication exists between the two entities.

Conclusion

MPD continues to be open, transparent and accommodating, fully understanding the significance and obligations of the Agreement. All staff members that I have encountered are committed to improvements that will allow them to better serve their community. In addition, the MPD appears fully engaged and pledged to the successful implementation of the Agreement.

Moving forward the focus will be on supervision in patrol, ensuring that policies are in practice on the street, span of control is adhered to and supervisors are providing appropriate oversight. Time will be spent in patrol to confirm that the MAT/MAST has translated from the classroom to practical application out in the community. The Body Worn Camera Program implementation and Internal Affairs Section assessment will continue to be followed closely. I will attend a Community Advisory Board and speak with board members, as well as citizens, to gauge relationship and communication progress between the community and the MPD. Various audits, report reviews, policy assessments and interviews will continue to be completed.