

CITY OF MIAMI, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Tony E. Crapp, Jr.
City Manager

DATE: June 3, 2011

FILE:

SUBJECT: Final Report

FROM: Paul Philip
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REFERENCES:

ENCLOSURES:

Miami Police Department Final Report

This report serves as an assessment of the Miami Police Department and the services it provides to the City's neighborhoods and residents.

A. Methodology

The Miami Police Department is accredited by the Commission on Accreditation for Law Enforcement (CALEA); as a result, documents and reports collected for review by CALEA auditors were reviewed for this report. These CALEA reports often raised issues and/or identified potential trends which required more extensive review of other police department reports as well. It should also be noted that these documents and reports are collected by different police department units for different purposes.

In addition to reviewing the CALEA data, interviews were conducted of current and former members of the Miami Police Department, other local and state law enforcement agencies located in Miami-Dade County, and individual citizens familiar with the police department and its operation. Information was also presented to and collected from the Community Relations Boards of Miami and Miami-Dade County.

B. Evaluation of Shooting Incidents

Many stake holders advised that there was a period of approximately 22 months during the tenure of the previous police chief where no shots were fired; and in the first year of Chief Exposito's tenure there appeared to be an increase in the number of police involved shootings that resulted in the deaths or wounding of several young African American men. Consequently, one of the issues raised by members of the community, press and elected officials is whether or not there were significant changes in policy, supervision, training or management which would account for the perceived rise in police involved shootings after Chief Exposito assumed command of the police department on November 24, 2009.

As a result, data from all police involved shootings which occurred during the last year of the previous police chief's tenure and the first fourteen months of Chief Exposito's tenure were reviewed and disseminated to the public.

1. Limitations of Study

Most of these shooting incidents are still under review by the Miami-Dade County State Attorneys' Office and the U.S. Department of Justice. As a result, publically releasable information was used in the preparation of this document and no attempt was made to interview any of the police officers or civilian witnesses involved.

2. Facts¹

Between 1/1/2009 and 11/14/2009 the following incidents occurred:

- a. On 5/14/2009, a Black male officer shot at and missed an armed Black male
- b. On 6/27/2009, a Latino male officer shot and killed an armed Asian male
- c. On 7/6/2009, a Latino male officer shot and killed an armed Latino male
- d. On 7/13/2009, a Latino male officer shot and killed an armed Black male
- e. On 8/13/2009, a Black male officer shot at and missed an armed Black male
- f. On 9/22/2009, a Black male officer shot at an armed Latino male
- g. On 10/2/2009, a White male officer shot at and missed an armed Black male
- h. On 11/14/2009, a Latino male officer shot and killed an armed Black male

Between 1/21/2010 and 12/16/2010 the following incidents occurred:

- a. On 2/2/2010, a Latino male officer shot at and missed an armed Latino male
- b. On 4/18/2010, a Black female officer shot and wounded a Black male
- c. On 4/19/2010, a Black male officer shot and wounded a Black male
- d. On 7/5/2010, a Latino male officer shot and killed a Black male
- e. On 8/11/2010, a Latino male officer shot and killed an armed Black male
- f. On 8/14/2010, four Latino male officers and one Black male officer shot at and killed an armed Black male
- g. On 8/20/2010, a Latino male officer shot and killed an armed Black male
- h. On 12/16/2010, three Latino male officers shot at and killed an armed Black male

Between 1/1/2011 and 5/01/2011 the following incidents occurred:

¹For complete details on these and the other shooting incidents, please refer to the document titled "Discharge of Firearms by MPD Officers 2009-2011." This document was prepared pursuant to verbal and written public record request made to the City of Miami, and captures information regarding each time a Miami Police officer discharged his or her weapon for any reason other than training, during the indicated time period.

*This occurrence is not listed on "Discharge of Firearms by MPD Officers 2009-2011."

- a. On 1/1/2011, a Latino male officer shot and killed an armed Black male
- b. On 2/10/2011, a Latino male officer shot and killed a Black male and shot at and wounded another Black male
- c. On 4/27/2011, a Latino male officer shot and wounded an armed Latino male*

3. Analysis

While the number of police involved shooting incidents where civilians were intentionally shot at during the tenures of the previous chief and Chief Exposito appear to be similar, it must be noted that four of the last five incidents involved officers assigned to the Gang Unit, Tactical Robbery Unit or Tactical Operation Section. The fact that these officers were all assigned to specialized units at the time these shootings occurred may indicate issues regarding their selection, training, supervision and/or management.

Furthermore, during interviews of past and current members of the Miami Police Department, it became clear that many perceived that some of the officers currently assigned to specialized units were not experienced enough for such a sensitive assignment. It is also a widely held belief that many senior police officers will not volunteer for these assignments due to artificial barriers such as additional physical requirements or tests. In addition, these members opined that the supervisory and management personnel in charge of these units may lack the experience and good judgment needed to successfully manage such high risk operations.

Several former police executives expressed concern that one officer was involved in a shooting on 8/11/2010 and another shooting nine days later on 8/20/2010. Some opined that the multiple shootings and the fact that he was later arrested on an unrelated federal theft charge, may call into question the adequacy of his initial pre-employment screening, his selection for this assignment and whether or not he should have been included in the department's early warning system. Many also questioned his quick return to duty after the first shooting.

Consequently, the following issues must be addressed:

1. What efforts has the department made to ensure that all officers have received the necessary firearms training to include "shoot-don't shoot training?"
2. The department is required to have a vigorous early warning system. Did the names of any of the officers involved in any of the shooting incidents appear on the watch list?
3. Several shooting incidents have involved federal agencies working with Miami Police Department officers. What has the department done to insure that the officers and federal agents are working as they have been trained?

C. Interaction with the Community/Media

During meetings of the City and County Community Relations Boards several civilian participants opined that they and their community were viewed in an unfavorable light and therefore received much harsher and more disrespectful treatment from the police than other communities. While the incidents mentioned by the speakers were largely anecdotal, the concerns raised should be addressed and not dismissed.

For example, several family members of individuals shot at or killed by the police were offended that police department did not make timely notifications to the families regarding the circumstances surrounding the injury or death of their family member.

There was also concern expressed by various stakeholder groups regarding the reluctance of the police department to release many details on shooting incidents until the investigations were concluded.

While this policy may be legally defensible, it often leads to the dissemination of erroneous information and additional mistrust of the police by some stakeholder groups.

It is acknowledged that some of these issues may have resulted from erroneously held perceptions, however they should still be addressed as follows:

1. What measures has the department taken to address the concerns of some of the families of those wounded or killed in police involved shootings regarding the lack of notification to the next of kin?
2. What measures has the department taken to insure that press inquiries are handled in an expeditious fashion?
3. What measures has the Chief of Police taken to prevent instances of ill advised departmental participation in reality television shows and social network sites such as Youtube, Facebook and other blogs and social media?

D. Recommendations concerning promotions/assignments within the Miami Police Department

Several questions/areas of concern have been identified that must be addressed by Chief Exposito and/or the next police chief. It is recommended that the City Manager instruct the Chief of Police to comment on these questions/areas of concern (which should also be required from any candidate seeking the Chief of Police position), as follows:

1. During interviews with current members of the police department it was evident that under this administration and previous chiefs, there was a lack of confidence in the manner in which persons were promoted to senior staff positions and in the testing

process for promotion to the ranks of sergeant and lieutenant. Specific complaints were made regarding the large number of high ranking officers who were promoted without ever attaining a civil service rank above sergeant, while at the same time, officers who had attained the highest civil service rank of lieutenant were passed over for promotion.

2. Are less seasoned officers and first line supervisors assigned to tactical units?
3. Are there artificial barriers such as additional physical requirements or tests which result in a diminished pool of seasoned officers volunteering for tactical unit assignment?

E. Recommendations concerning management of the Miami Police Department

As per the information provided by the Employee Relations Department, Chief Exposito, who is in the Deferred Retired Option Plan (DROP), must retire by 01/12/2012. It is therefore recommended that:

1. The City Manager considers advertising for a new chief.
2. The recruitment period should last no more than 45 days.
3. At the end of the recruitment period and review of applications by the Employee Relations Department, a thorough vetting process should take place to determine the most competitive and best qualified candidates for the Manager's consideration.
4. If Chief Exposito does not have a performance plan in his personnel file, the Employee Relations Department should address this issue with the next chief.