



Miami Police Department  
First Quarterly Report  
Independent Reviewer  
December 2016

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## **Preface**

The Agreement between the United States Department of Justice and the City of Miami regarding the Miami Police Department was approved by all parties on March 10, 2016. The Agreement sets forth specific actions and timelines to be followed by the Independent Reviewer, to include quarterly written reports outlining the work conducted, a listing of each Agreement requirement and the level of compliance attained, methodology and findings for audits and reviews, any recommendations for gaining compliance in specific areas, and a projection of work to be completed in the upcoming reporting period.

Although a great deal of work was completed following the final settlement of this Agreement - background research, document reviews, site visits, meeting attendance, interviews, developing avenues of communication, in addition to crafting of a plan and methodology for the review - the initial Monitoring Report was not completed within the four- month timeframe as stipulated. Several factors played part in this delay, not the least of which was a substantial lag in developing an approved contract between the City of Miami and myself concerning the work to be completed in reference to the Agreement.

This initial Monitoring Report covers the work completed and progress made during the timeframe from March to November of 2016. Future reports will be developed and delivered according to the schedule set forth in the Agreement.

Lastly, readers will note that there are no initial compliance findings listed in the Independent Reviewers Action Plan. This is not to be interpreted as a lack of progress on the part of the Miami Police Department, as a great deal of headway has been made. Rather the absence of ratings are a result of my initial actions being focused on familiarization with the Miami Police Department's mission, structure, policies/procedures, and functionality, as well as their relationships with the citizens they serve and other government entities. In other words, this initial report is grounded in fact finding and gaining awareness.

Jane Castor

## **Glossary of Acronyms**

- “City” – City of Miami, including its agents, officers and employees.
- “DOJ” – Department of Justice.
- “MPD” – Miami Police Department, its agents and its employees.
- “Parties” – United States, the City of Miami and the Miami Police Department.
- “Deadly force” – for purposes of this Agreement, means any critical firearm discharge.
- “FDLE” – Florida Department of Law Enforcement.
- “SAO” – State Attorney’s Office.
- “FOP” – Fraternal Order of Police, union representation for the MPD.
- “PERF” – Police Executive Research Forum.
- “IACP” – International Association of Chiefs of Police.
- “CALEA” – Commission on Accreditation for Law Enforcement Agencies.
- “TOS” – Tactical Operations Section, consists of squads and officers whose focus is beyond patrol and investigative duties, including SWAT Team, Tactical Robbery Unit, and Fugitive Apprehension Team.
- “Supervisor” – A sworn MPD employee at the rank of sergeant or above.
- “SAC” – Special Agent in Charge.
- “MOU” – Memorandum of Understanding.
- “PCS” – Professional Compliance Section.
- “FRB” – Firearms Review Board.
- “HLB” – High Liability Board.
- “PRB” – Policy Review Board.
- “MCT” – Major Case Team.
- “PRC” – Policy Review Committee.
- “CIP” – Citizens Investigative Panel.
- “CAB” – Community Advisory Board.
- “CRS” – Community Relations Section.
- “MDT” – Mobile Digital Terminal, in-car computer used by officers.

## **Introduction to Quarterly Report**

The City of Miami is located in the southeastern edge of the State of Florida. It is home to 441,000 residents, with over one million people estimated to be in the City on a daily basis. The city's population is broken down into 70% Hispanic or Latino, 19% black and 11% identified as strictly Caucasian.<sup>1</sup> There are 14.5 million visitors to Miami each year and approximately 22,000 New Yorkers move there annually. It is estimated that 57% of Miami's residents are foreign born.<sup>2</sup> The median household income is \$30,858 and 29.9% of residents live in poverty.<sup>3</sup>

The Miami Police Department covers a jurisdiction of 35.87 miles, which are broken down into three districts; North District, Central District and South District. The annual budget is \$206,511,335, with the majority spent on personnel. MPD has an allotted strength of 1,275 officers, with a breakdown of 82% male, 18% female, 54% Hispanic/Latino, 27% black and 19% white.<sup>4</sup> Actual strength fluctuates based on hiring and retirements.

Clearly the City of Miami is a unique and diverse community with varied needs and issues. In response, the Miami Police Department is a reflection of that diversity and strives to meet the myriad of unique requests, requirements and problems that arise within their jurisdiction. In the final analysis, for officers to be effective they must earn and maintain the trust of the community that they serve. In other words, citizens must be confident that officers are using their power and authority in a legitimate manner.

In our society, a great deal of power and authority is given to law enforcement officers. They have the ability to take away someone's freedom and on rare occasion a life. When using deadly force, officers must act within the boundaries of legal guidelines, good

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<sup>1</sup> 2014 United States Census

<sup>2</sup> MPD 2015 Annual Report

<sup>3</sup> 2014 United States Census

<sup>4</sup> MPD 2015 Annual Report

judgment and accepted practice, in addition to being driven by solid policy, good training, strong supervision and direction to ensure they have made the appropriate decision. There must always be an overarching fundamental respect for the value of human life. Officers have a duty to use only the degree of force necessary to prevent serious bodily injury and to protect human life. Conversely, officers must be trained and equipped at all times to maintain their personal safety. In addition, there must be an appropriate level of objective oversight to ensure that power and authority are wielded appropriately and never abused.

Between the years of 2008 and 2011 there were specific incidents and actions on the part of members of the Miami Police Department that caused the community great concern, as well as MPD and the City of Miami. During this period, members of MPD shot at individuals 33 times.<sup>5</sup> More specifically, MPD officers fatally shot seven African-American men during an eight-month period spanning 2010 and 2011. In addition, the investigation of these cases took an excessive amount of time, in some cases more than three years. In response, there were many requests for an independent investigation of these incidents and MPD's practices by the Department of Justice, including a request from the City of Miami.

The City of Miami and the MPD are to be commended for requesting this independent and objective look into their organization. It is not common practice for law enforcement to proactively request outside assessment in an attempt to improve their organization and standing in the community.

The subsequent investigation was conducted, between the years 2011-2013, by the Special Litigation Section of the Department of Justice's Civil Rights Division and the U.S. Attorney's Office for the Southern District of Florida pursuant to the pattern or practice provision of the Violent Crime Control and Law Enforcement Act of 1994. Based on this investigation, DOJ concluded that MPD had engaged in a pattern or practice of excessive use of force with respect to firearms discharges. The City of Miami did not admit to the

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<sup>5</sup> Includes Fatal, Non-fatal and instances where officers shot at someone and missed.

truth or validity of the claims made against it by the United States, but did agree to make the substantive changes put forth in the Agreement.<sup>6</sup> As background, the investigation included an in-depth review of thousands of documents, including written policies and procedures, training materials, and internal reports, photographs, video and audio recordings and investigative files. The review benefited from productive dialogue with MPD supervisors and officers, city of Miami officials, the Office of the State Attorney, the Civilian Investigative Panel, and members of the Miami community. MPD received feedback from DOJ throughout the investigation.

During the course of the DOJ investigation, MPD made a number of changes, to include: restructuring of the Tactical Operations Section, improvements to community relationships, establishment of a Professional Compliance Section, the proposed creation of a Major Case Team to investigate officer involved shootings, and changes to case review processes in Internal Affairs. By the time an agreement between DOJ and the City of Miami was finalized on March 10, 2016, MPD had made great strides. Although encouraged by these transformations, DOJ expressed concern that this was the second DOJ investigation in a decade addressing similar issues. The MPD is clearly capable of change, so the question becomes how to make these remedies sustainable into the future.

Included in the DOJ findings letter dated 7/9/13 is the following statement; “In order to ensure that the use of deadly force by law enforcement officers is constitutional and limited, an agency must maintain clear policies and procedures, require effective training, provide close supervision, hold individuals accountable for their actions, and ensure complete, objective and timely investigations of uses of force. Further, an agency must ensure that the lessons learned in shooting reviews about training tactics, equipment and policy actually result in changes to policy, training and practice, if warranted. MPD’s deficiencies in these areas have created an environment in which unnecessary harm occurred, and in which the threat of future unnecessary harm persists.”

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<sup>6</sup> See Agreement United States/ City of Miami  
[www.justice.gov/crt/file/833286/download](http://www.justice.gov/crt/file/833286/download)

The goal of the Agreement is to reduce the uses of deadly force through strong policy and procedures, meaningful and effective training, clearly communicated tactical expectations, intense supervision, accountability at all levels, thorough and timely investigations of officer involved shootings, and community engagement and oversight.

## **Agreement and Monitoring**

As indicated above, in March of 2016, the United States, the City of Miami, and the Miami Police Department (MPD) (collectively “the Parties”) entered into an agreement with the goal of ensuring that police services continue to be delivered to the people of the City of Miami in a manner that fully complies with the Constitution and laws of the United States, effectively ensures public and officer safety and promotes public confidence in MPD and its officers. The United States recognizes that MPD is committed to these goals and has already taken significant steps to better effectuate them. The Parties also recognize that the City of Miami’s law enforcement officers often work under difficult circumstances, risking their physical safety and well-being for the public good.<sup>7</sup>

The Parties jointly selected me as the Independent Reviewer who will advise and oversee the terms and implementation of this Agreement with the understanding that the MPD bears the burden of demonstrating compliance with the Agreement. The Independent Reviewer is tasked with conducting quantitative and qualitative audits and reviews to determine if the City/MPD has implemented and continues to meet the terms of the material requirements of this agreement. Compliance would be met when the City/MPD has: (a) incorporated the requirement into policy; (b) trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; and (c) verified that the requirement is being carried out in actual practice.

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<sup>7</sup> See full agreement at [www.justice.gov/crt/file/833286/download](http://www.justice.gov/crt/file/833286/download)

The agreement is comprised of identified areas that will be addressed by the City/MPD, with itemized and specific material requirements within the following areas:

- Policy Review and Implementation
- Officer- Involved Shooting Investigations
- Supervision
- Specialized Units
- Training
- Community Oversight

The Independent Reviewer will provide a Monitoring Plan that delineates the requirements to be assessed and intended methodology, including documentation requirements, individuals and groups to be interviewed, training and meeting schedules requested.<sup>8</sup> Each of the Agreement's material requirements will be assessed, reviewed and audited every six months until deemed to have met substantial compliance, at which point they will be audited periodically to ensure sustainment.

Every four months, the Independent Reviewer shall issue a written report that shall include:

- a. a description of the work conducted during the work period;
- b. a listing of each Agreement requirement indicating which requirements have reached Substantial, Partial or Non-Compliance;<sup>9</sup>
- c. the methodology and specific findings for each audit or review conducted. The underlying data for each audit or review shall be retained and provided upon request;

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<sup>8</sup> See attachment

<sup>9</sup> As agreed upon by the respective parties, the initial report of the Independent Reviewer will not utilize compliance assessments. The initial compliance assessments were deferred in order to allow the Independent Reviewer an opportunity to familiarize herself with the MPD and develop appropriate methodologies for conducting the required audits to measure compliance. Subsequent Independent Reviewer reports will include compliance assessments.

- d. recommendations regarding necessary steps to achieve compliance for any requirements that were reviewed or audited and found to be other than Substantial Compliance;
- e. the methodology and specific findings for each outcome assessment conducted;
- f. a projection of the work to be completed during the upcoming reporting period and any anticipated challenges or concerns related to implementation of this Agreement.

Avenues of communication shall remain open between the Parties to ensure appropriate implementation and compliance with the agreement. In addition, the Independent Reviewer will maintain lines of communication with community stakeholders to allow for feedback on MPD's progress and compliance with the Agreement.

The City shall ensure that the Independent Reviewer has access to staff, employees, facilities, documents, data, investigations, hearings and meetings necessary to carrying out requirements of the Agreement. Confidentiality will be adhered to as outlined in the agreement. It is anticipated by the Parties that the Agreement will be satisfactorily implemented and within compliance by March 15, 2020 if not sooner.

### **Work Completed During First Reporting Period**

Initial work completed by the Independent Reviewer included the following actions:

- a. A thorough review of the DOJ investigation and final report concerning the Miami Police Department and its use of deadly force and associated issues.
- b. An exhaustive review of the Agreement between the United States, City of Miami and the Miami Police Department concerning areas to be addressed and steps to be taken on identified issues.
- c. Facilitated open lines of communication between DOJ and MPD.

- d. Conducted research on the City of Miami to garner understanding of the geographic layout, demographic make- up, cultural dynamics and overarching concerns and needs of its citizens.
- e. Researched the Miami Police Department to understand its history, organizational structure, mission, philosophy of enforcement, level of effectiveness in providing policing services to its citizens, and success in keeping the community safe.
- f. Reviewed documents to include policies/procedures, organizational chart, budget, annual report, website, investigations and reports, contracts, training curriculum and schedules, and memorandum of understanding, among other pertinent documents.
- g. Obtained remote access to documentation including policies, procedures, training schedules and varied reports.
- h. Conducted site visits.

One of the first actions after approval of the Agreement by the Parties was the announcement of Major Roman Martinez as the initial compliance coordinator, the single point of contact with DOJ and the Independent Reviewer for any needs that may arise. Major Martinez has been a very responsive and amicable contact in ensuring that all requests are fulfilled in a timely manner. It is noted that Major Martinez has subsequently retired and the new MPD compliance coordinator is Major Richard Perez.

MPD authored and provided an Action Plan for implementing the Agreement in April of 2016. This plan was reviewed and approved by the Independent Reviewer. The Action Plan will be a living document utilized to memorialize steps taken towards the satisfaction of each general area and specific requirement of the Agreement. This document will be a fluid record of progress made towards substantial compliance with the overall Agreement and will be updated by MPD every six months moving forward. Updates will include progress made towards implementation, projections of work to be completed, anticipated challenges or concerns, summary of support documentation and any applicable feedback on issues or concerns from DOJ or Independent Reviewer.

A detailed First Year Monitoring Plan was authored by the Independent Reviewer, addressing each area and related material requirements. This document frames the Independent Reviewer's strategy for monitoring MPD's implementation of the general areas and specific material requirements of the Agreement. Specific monitoring actions within this plan include: policy and procedure assessment; data collection; examination of relevant records and reports; interviews with various individuals and groups in an effort to track real and perceived progression on implementation; meeting attendance within and outside of the MPD; technical assistance in any relevant form; sustainment actions; and other measures. The Monitoring Plan will also be a living document and will run parallel to the Action Plan of the MPD.

## **Site Visits**

The initial site visit was conducted in July 2016 with the goal of meeting and developing relationships with key MPD personnel, gaining a more intimate knowledge of MPD and the City of Miami, as well as learning more about the communities policing needs and MPD's ability to satisfy those needs through the delivery of effective and constitutional policing services.

A second site visit was completed in August of 2016 with a continued focus on the listed goals. Representatives from DOJ were present at the second site visit. As these trips occurred in close sequence, they will be discussed as one.

The Independent Reviewer met briefly with Chief Rodolfo Llanes, discussing the MPD past and present, in addition to confirming his support towards the successful implementation of the Agreement. Chief Llanes is a very dynamic and engaged leader who understands the complexities of law enforcement and the importance of community trust and engagement. He also recognizes the need for organizational change, and as such has worked hard to implement a number of elements of the Agreement prior to its effective date.

Assistant City Attorney George Wysong has been the main contact for the DOJ and Independent Reviewer. He is the lead legal advisor at the MPD and, as the individual who has worked with DOJ throughout the investigative process and agreement construction, is the individual within the City of Miami with the most comprehensive knowledge of and involvement with the Agreement. In meeting with Mr. Wysong, we discussed prior DOJ investigations, the events leading up to the current involvement of DOJ, the crafting of the agreement, and the actions taken to satisfy a number of Agreement requirements prior to its approval.

Major Roman Martinez headed the Professional Compliance Section (PCS) which is one of the few sections that report directly to the Chief of Police. He retired in August of 2016 and is being replaced by Major Richard Perez. PCS maintains the High Liability Board, which reviews high liability incidents including serious use of force and pursuits, and the Firearms Review Board, which examines firearm policies and officer involved shootings, translating findings and lessons learned into effective training. In addition, PCS has responsibility for accreditation and department wide policy review and revision.

A comprehensive tour of the Miami Police Department and training facilities was conducted, as was a brief driving tour of the city. Meetings and interviews were conducted with the commander of the Training and Personnel Development Section, Internal Affairs Section, Field Operations Division, and Professional Compliance Section.

The Independent Reviewer attended a scheduled meeting of the Civilian Investigative Panel and met the members. During this meeting, the Independent Reviewer was introduced and gave a brief overview of responsibilities for, and intended actions to be taken in, the successful implementation of the Agreement. An in-depth discussion of the development, goals and mission of the panel with the current chair, was very enlightening.

A meeting was held with Florida Department of Law Enforcement (FDLE), including the Special Agent in Charge (SAC) Troy Walker and those agents who investigate police involved shootings in the Miami-Dade area. The program and process that has been put in

place by FDLE has provided consistency to the manner in which officer involved shootings are investigated in South Florida. In addition, FDLE provides a level of objectivity and transparency that may provide the community with a renewed level of assurance that these incidents are investigated thoroughly and reported accurately.

Use of deadly force by a law enforcement officer or the death of anyone in the care, control or custody of a law enforcement officer is investigated from two separate perspectives; the legal aspect to determine if the officer's actions in the incident were allowable in regards to existing law and an administrative investigation to determine if the officer appropriately followed departmental policy and procedure. A mutual agreement (Memorandum of Understanding/ MOU) between MPD and FDLE calls for FDLE to be the lead agency investigating the legal aspects of any shooting of a person by an MPD officer in the line of duty or the death of anyone in the care, control or custody of MPD.<sup>10</sup> The FDLE findings are submitted to the State Attorney's Office upon completion for final determination of lawfulness concerning the specific incident. Administrative investigations are still conducted by MPD through their Internal Affairs Division.

Although it is too early in the process to define the overarching impact of this process on community opinion, there has been a dramatic decrease in the investigative timeline, which is beneficial to all involved. One of the end goals of this initiative is to reduce the investigative timeline by providing an exhaustive and objective examination of the incident (completed within 45-60 days, barring unforeseen barriers), timely investigative report, and a thoughtful review by the State Attorney's Office.

### **Agreement Progress to Date**

In this section the progression, setbacks, observation and projections will be discussed for each of the seven areas covered in the Agreement.

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<sup>10</sup> See copy of FDLE/MPD MOU

## **Policy Review and Implementation**

**#27** MPD will continue to develop and implement policies on constitutional policing principles and best practices. In addition, MPD agrees to maintain (and develop if necessary) comprehensive, agency-wide policies and procedures that reflect full implementation of every requirement of this Agreement. This requirement includes the maintenance of policies governing the Policy Review Committee, the Professional Compliance Section, the High Liability Review Board, the Major Case Team for shooting investigations, the Tactical Operations Section, the Community Relations Section, and any other initiatives MPD has taken or intends to take to ensure compliance with this Agreement.

### Actions/Progress:

All of the MPD policies associated with officer involved shootings have been reviewed (DO 06 Chapter 21 Use of Force, DO 09 Chapter 01 Homicide and DO 02 Chapters 01-05 Internal Affairs). In conducting this review, the Independent Reviewer is informed by model policies and guidelines set forth by police organizations such as IACP and PERF, as well as other best practices in the field. The MPD policies reviewed to date are acceptable, however a new process for policy review has been implemented which is very thoughtful and thorough but arduous and time consuming as well. MPD has constructed a Policy Review Board that consists of subject matter experts, commanders, legal advisor and representatives from the Professional Compliance Section which will review high liability policies and others as deemed appropriate. This process is expected to result in changes to those policies already reviewed.

As indicated, MPD and FDLE entered into an agreement (MOU) that calls for FDLE to investigate all MPD officer involved shootings and in custody deaths. The MOU has been reviewed, as have forms and directives associated with FDLE involvement in these incidents. While this process is relatively new and there have been very few officer involved shootings or in-custody deaths, it is difficult to fully determine the over-arching effectiveness at this point.

An FDLE investigative report of the MPD officer involved shooting of Fritz Severe was reviewed and found to be thorough, comprehensive and concise. This FDLE driven initiative has the potential of dramatically streamlining MPD officer involved shooting investigations in the Miami-Dade area.

The structure and mandates of the PRC, HLB, MCT, and TOS have been reviewed. Attendance at scheduled meetings has not been accomplished to date, with the exception of the PRC and TOS. Each member of PRC described their responsibilities and duties, providing insight into their mission. A very positive and informative meeting was held with the commander and supervisors of the TOS. Two units within this section are the Tactical Robbery Squad and the SWAT Unit. Specific details of the TOS will be discussed in the area of Specialized Units.

MPD is in the process of reviewing all policies and procedures in preparation for re-accreditation by CALEA. Electronic access has been provided so that timely reviews can be completed by the Independent Reviewer.

Training records have also been reviewed and unfettered electronic access has also been provided by the Training and Personnel Development Division. A great deal of training is provided to MPD personnel via the mobile digital terminal, which is the accepted mode for most law enforcement agencies. Personnel sign in, access training, digest material and complete a test to gauge understanding. Records can be queried to determine who has completed training, applicable test scores, and those who still need to complete specific training.

The majority of training mandated by the Agreement has not been provided, although progress has been made on development.

Interviews with training staff and MPD officers will be conducted on future site visits.

**#28** Within one month of entry of this agreement, MPD will submit an action plan to DOJ for the implementation of this entire Agreement, including designation of staff responsible for implementing the provisions.

Actions/Progress:

Although no compliance ratings have been assigned to the initial monitoring reports, MPD did assign Major Martinez as the single point of contact and, since his retirement, Major Perez has taken on this responsibility.

MPD submitted a comprehensive Action Plan that has been accepted by all Parties.

**#29** By June 10, 2016, MPD agrees to submit any new and revised policies, procedures and manuals, if any, created or revised to achieve compliance with the Agreement to DOJ for review and comment prior to publication and implementation. DOJ shall complete its review within one month. If MPD and DOJ disagree on an aspect of a policy that is relevant to this Agreement, the Independent Reviewer shall resolve the dispute.

Actions/Progress:

MPD met the June 10 deadline for submission of revised policies, procedures and manuals by providing the following email from Major Roman Martinez on that date:

“In accordance with paragraph 29 of the Agreement, the City of Miami Police Department has determined that there was no necessity to create or revise any policies, procedures or manuals to achieve compliance with this agreement. Nevertheless, the MPD did undertake a comprehensive review of its policies, procedures and manuals in an effort to ensure that the MPD is following best practices in both letter and spirit. We have determined that the following Standard Operating Procedures have been amended. We are submitting the SOPs to you in an attempt to provide as much transparency in this process as possible and we will welcome any comments or concerns you may have. The handwritten numbers reflect the applicable paragraphs of the Agreement we were attempting to improve by clarifying the language.

The attached SOPs include:

Internal Affairs Section – SOP # 21

Training Section – SOP # 2

Homicide Unit - SOP # 7

Training Section – SOP # 11

TOS – SOPs

We will continue to review all of our policies in an effort to identify areas for further improvement.”

These policies have been examined and evaluated by the Independent Reviewer and found to be acceptable. All new and updated policies will be reviewed and approved going forward.

As indicated, MPD is still actively reviewing, updating and re-writing policies and procedures in accordance with the upcoming reaccreditation through CALEA, in addition to the restructuring of the Policy Review Committee.

**#30** All staff responsible for implementing the policies shall be trained on the new or revised policies and procedures as soon as practical, but not later than March 10, 2017. MPD shall maintain documentation sufficient to demonstrate (a) the status and completion of staff training requirements and (b) that staff are aware of the requirements of all policies and procedures. In addition, MPD will continue to disseminate any new or revised policies related to this Agreement through roll call briefings and official bulletins.

Actions/Progress:

As the bulk of this training is still in development and implementation stages, review will be deferred. The framework for delivery of this information is in place.

## **OFFICER-INVOLVED SHOOTING INVESTIGATIONS**

### Actions/Progress:

Although a great deal of work has been done in this area, to include policy review and interviews, I will reserve the majority of comment until a broader grasp of the varied individuals and groups, policies and procedures, and processes related to officer involved shootings are obtained.

**#35** Potential criminal investigation or prosecution, MPD to continue its efforts to complete administrative investigation.

### Actions/Progress:

In an effort to complete investigations in a timely manner, MPD did mandate through policy that briefings between FDLE, MPD Major Case Team, and SAO concerning officer involved shootings be conducted, at a minimum of once a month.

**#37** MPD ensuring the MPD officer involved in a shooting not be returned to active duty until the following requirements are accomplished:

- a. Return to duty: psychologist clearance
- b. Return to duty: post shooting briefing by FDLE
- c. Return to duty: C.O.P. approval
- d. Return to duty: evidence review
- e. Return to duty: refresher training

### Actions/Progress:

The steps to be taken, tasks to complete, and ownership of each in the return to duty of officers involved in shootings have been thoroughly reviewed. Internal Affairs owns the process of ensuring the officer and department have completed all mandated tasks prior to having the officer return to duty. The overall process appears complete and reasonable, but audits have yet to be completed.

**#38 Maintain Incident Tracking System (ITS)**

Actions/Progress:

The ITS policy has been reviewed and an overview of the system has been provided by the Internal Affairs commander. The early warning system used by MPD is the Incident Tracking System. Use of Force tracking is accomplished through Blue Team software, which is a component of IA Pro. There has been no review of either system at this point.

**#39** MPD will maintain the Professional Compliance Section (PCS), which reports directly to the Chief of Police (COP). Maintain the High Liability Board (HLB), and continue reviewing serious uses of force and pursuits.

Actions/Progress:

The Departmental Order concerning the duties and responsibilities of the Professional Compliance Section has been reviewed (DO 1 Chapter 16). The Independent Reviewer toured and met those MPD employees working within the section, receiving individualized briefings.

**#40** Firearm Review Board (“FRB”)

Actions/Progress:

The Independent Reviewer has reviewed the role and responsibility of the FRB and discussed the board’s functionality with Training Major Lazaro Ferro. The intent is to attend the next FRB meeting, however no FRBs have been scheduled to date.

## **SUPERVISION**

**#41** MPD first line supervisors shall provide, and shall be held accountable for providing, the close and effective supervision necessary to direct and guide officers, as described in Departmental Orders 11 (Patrol), Departmental Order 6 (Use of Force) and other relevant Departmental Orders, standard operating procedures and established guidelines.

### Actions/Progress:

Departmental Orders have been reviewed, to include Patrol and Use of Force, in addition to a number of other policies. Supervisory responsibilities are spelled out in general and specific terms throughout written orders and policies. Initial background work has been accomplished, however the majority of effort to ensure this requirement is successfully accomplished lies ahead in observation of first line functionality.

**#42** MPD will continue the practice of assigning all patrol officers and officers in the Tactical Operations Section units to a single, consistent, clearly identified first-line supervisor. First line supervisors will continue to be assigned to and actually work the same days and hours as the officers they are assigned to supervise, absent extenuating circumstances.

### Actions/Progress:

In reviewing the listed policies, updated May 2016, all were found to have outlined the span of control for supervisors and ensure that supervisors have same duty hours and assignments as the officers under their command.

All TOS squads have acceptable back up plans in the event a supervisor is absent. In addition, the duties and responsibilities of TOS officers are clearly delineated. Ride alongs and audits will need to be completed moving forward. However, during the meeting with

TOS commander and supervisors, it is apparent that supervision and oversight are taken seriously and fully supported.

**#43** First-line supervisors of patrol officers and officers assigned to Tactical Operations Section units shall be assigned to supervise no more than five to eight officers ("span of control"). The span of control will be based on the nature of the duties that any officer or group of officers performs. On-duty first-line supervisors will be available throughout their shift to respond to the field to provide supervision to officers under their direct command and, as needed, to provide supervisory assistance to other units.

Actions/Progress:

Analysis has not been conducted on this mandate, but there is an awareness of the MPD supervisory requirements concerning span of control and general/specific supervisory responsibilities. The span of control varies with each assignment, with the more specialization involved the fewer officers per supervisor, as intended by the agreement.

Observation and audits at every level will need to be conducted in the ensuing monitoring visits.

**#44** The City and MPD shall continue to assess the current span of control within three months of the effective date and re-assess every four months after implementation, and shall retain the number of supervisors necessary to achieve the required span of control subject to the limitations set forth in the Collective Bargaining Agreements and civil service rules.

Actions/Progress:

The MPD Collective Bargaining Agreement has been reviewed. MPD has indicated appropriately agreed upon span of control in patrol and specialty units, however audits via roster and spot checks have not been completed.

**#45** MPD shall continue to ensure consistent supervision by first- line supervisors who are on extended leave, and shall reassign officers to a first-line supervisor when the currently assigned first-line supervisor has been or is expected to be absent for longer than six weeks.

Actions/Progress:

Appropriate policy language is in place to cover extended supervisory leave. Inspection will need to be conducted in the next monitoring visit to certify that a process to communicate extended supervisory absences has been developed and properly implemented, in addition to audits that verify its practice.

**#46** Captains and Lieutenants will continue to closely and effectively supervise the first line supervisors and officers under their command. MPD Captains and Lieutenants will continue to ensure that all first line supervisors and officers under their command comply with MPD policy, state and federal law, and the requirements of this Agreement.

Actions/Progress:

Although a general understanding of supervisory expectations has been gained, the majority of analysis in this area is yet to be completed. MPD has implemented the Staff Duty Officer process to ensure, among other things, that commanders stay in touch and up to date on the myriad of department functions and issues, but more importantly to provide oversight on any major occurrences or concerns. The “sole responsibility of the Staff Duty Officer is to act as the Chief’s designee by providing broad oversight to unusual or serious occurrences or emergencies involving the department unless he is relieved of that duty by the Division Chief or the Chief of Police”.<sup>11</sup> Staff Duty Officers are assigned to oversee specific shifts and remain in touch with patrol and support supervisors while monitoring police activity citywide. In addition, specific mandates have been put in place concerning what incidents supervisors are required to respond to and specific steps to be taken in other defined police actions (Use of Force, pursuits, missing persons, citizen complaints, etc).

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<sup>11</sup> Office of the Chief of Police Department Order 1, Chapter 6

**#47** MPD will continue to ensure that Captains and Lieutenants at any level are held accountable for the quality and effectiveness of their supervision, including whether Captains and Lieutenants identify and effectively respond to uses of force or misconduct, as part of their performance evaluations and through non-disciplinary corrective action, or through the initiation of formal investigation and the disciplinary process. Supervisors shall be subject to discipline for failure to report and remedy misconduct they knew or reasonably should have known occurred. MPD shall continue to develop and implement metrics to assess supervisor's performance.

Actions/Progress:

MPD specifically outlines, in policy and procedure, supervisory duties required in instances such as use of force, pursuits, citizen complaints and others in order to maintain accountability. Audits and reviews will follow to see if procedures are being followed and, if not, how discipline is administered throughout the supervisory structure.

**SPECIALIZED UNITS**

**#48** Provide Criteria for Specialized Units:

- a. Recruitment/selection
- b. Eligibility
- c. No Eligibility
- d. Monitoring

Actions/Progress:

Criteria and standards for selection to the TOS have been reviewed and are found to be clear and complete. Interviewed TOS staff concerning the application and selection process. They have taken great measure to ensure objectivity, even including City of Miami HR in the process, having panel interviews with questions approved by HR. There has not

been a comparison to national standards at this time, although the SWAT team trains to National Tactical Officers Association (NTOA) standards.

**#49** Ensure TOS Protocols are consistent with agency use of force.

Actions/Progress:

Use of Force policies and procedures have been thoroughly reviewed. The use of force philosophy is clear, reporting requirements standard and oversight mechanisms appear sufficient. Additional research into practical application will be needed to ensure complete compliance by all TOS personnel.

Members of TOS are trained in de-escalation, to use the minimum amount of force necessary to affect an arrest, and to do all in their power to avoid the forceful entry of a structure.

Sergeants and lieutenants are required to respond to the scene of any use of force to oversee proper investigation and completion of appropriate documentation. One of the areas reviewed for potential members of TOS is an officer's use of force history.

TOS commanders have provided Operational plans and After Action reports that indicate very thorough documentation of all activities. Daily summaries will also be researched, as will individuals assigned to TOS.

By policy, TOS provides the section Major with quarterly reports listing all personnel in the Internal Tracking System with a brief synopsis and finding for each incident. This allows the commanders to remain abreast of any incidents that may occur involving TOS personnel, such as use of force, traffic accidents, citizen complaints, off duty incidents, etc. This information may be used for retention or transfer of personnel to and from the unit.

**#50 Prohibit SWAT from conducting General Patrol**

Actions/Progress:

All policies and procedures associated with SWAT standards, selection, training and daily operations have been reviewed and found to be acceptable.

The Independent Reviewer has also examined policies concerning SWAT deployment and met with SWAT commanders. The process for activating SWAT is in place and is currently in the process of being codified in writing. As for specific actions, there are a continuing series of checks and balances, as each SWAT incident progresses, to determine the appropriate course of action.

All SWAT commanders were interviewed at length concerning policy and practice. They monitor radio frequency for violent in-progress calls for service, active shooters, serve high risk arrest and search warrants, and other incidents that call for their expertise. There are SWAT team members whose main function are regular patrol duties and they are prohibited from performing SWAT related duties while on patrol.

**#51 TOS documents all LEO activities in writing:**

- a. Operational Plan
- b. After action reports
- c. Callouts/deployments
- d. Daily, weekly and monthly Reports

Actions/Progress:

Operational Plans, After Action Report have been reviewed and are thorough and concise. TOS has very strict guidelines in place to avoid errors. There is subject and location research, backgrounds, photographs, drive by confirmations, operational plans, PowerPoint briefings with photographs of subjects, location and specific duty assignments for each officer assigned. Any incident requiring immediate action requires an Operational Plan and After Action to be completed within 48 hours. A monthly report exemplar has

also been reviewed and found to be very thorough. Officers are also required to complete a daily summary of their activities by the end of their shift. These have not been reviewed to date.

As indicated, all of the TOS commanders have been interviewed, team members have not yet been approached.

MPD SWAT employs a succession plan that has a commander and two assistants assigned to oversee daily functions. These three lieutenants are of varying departmental tenure, thus ensuring consistent leadership and philosophy for years to come.

**#52** Track, analyze and address violations by TOS members

- A. Report on success and challenges/recommendations
- B. Transferring individuals/initiating disciplinary action

Actions/Progress:

Appropriate actions and consequences of violations are laid out in policy, however the process of identifying, tracking and taking action on violations has not been researched to date.

**TRAINING**

**#53** Deliver any new training expressly required by the terms of the DOJ agreement within one year of the effective date of 03/10/2016, and annually thereafter.

- a. New training delivered by deadline of 03/10/2017.
- b. Submit comprehensive training delivery schedule by deadline 07/10/2016.  
Tracking, delivery and completion of all required training by deadline of 03/10/2017

Actions/Progress:

The Training Section has proposed broad training overviews to satisfy the requirements of this agreement. Further development will be necessary.

An in-depth tour of the training facility led by Major Ferro was very impressive. The facility is top notch and in-house, providing easy access to all personnel. The campus was well organized and efficiently run.

A great deal of time and effort will be spent with the Training Section on future site visits, as it plays a large role in this agreement, and frankly in the success of any law enforcement organization.

The training mandated through the agreement is referred to as MAT – Miami Assessment Training. Although the training required by this provision, has not yet been delivered, a very robust process for tracking officers' completion of training has been put in place. Training notification, delivery, testing and tracking can be queried for individuals and groups.

**#54** Firearm Training Program provides for the following:

- a. Requires officers to pass training and qualify on each firearm the officer is required or authorized to carry out on an annual basis.
- b. Immediately comply with and reinforce judicial developments in use of force.
- c. Firearm Annual in Service training
  - (1) Training on when to display/or point firearms.
  - (2) Night training.
  - (3) Stress training  
(undergoing physical exertion).

- (4) Use of Force decision- making (shoot-don't shoot) training.
  - (5) Continuous threat assessment techniques.
  - (6) Observe students and provide corrective instruction when deficiencies are observed.
- d. Observe students and provide corrective instruction when deficiencies are observed.
  - e. Comprehensive testing on rules, regulations and skills regarding firearm use.
  - f. Employ reality based incident scenarios
    - 1. Live action
    - 2. Computer simulated components to improve defensive tactic training, limit incident of deadly force
  - g. Incorporate de-escalation training and techniques
  - h. Evaluation and Survey

Actions/Progress:

All policies and procedures associated with the use of firearms have been reviewed. They have not been compared to any best practices at this point.

The Training Section has provided a policy approved in May 2016 outlining pistol training and qualification. All of the segments in #54 above are covered in this training policy. The training is referred to as MAT – Miami Agreement Training.

The Independent Reviewer observed firing range and live training on site visit in July 2016. The facility was clean, appropriately designed and safe. In addition, the trainer to student ratio was adequate for safety and instruction. Additional visits will be planned for future site visits.

**#55** MPD will continue providing mandatory training to new first-line supervisors to be completed prior to assuming supervisory responsibilities.

Actions/Progress:

The Independent Reviewer received an outline of MAST (Miami Agreement Supervisor Training) from Major Martinez. This training will be utilized for newly promoted Sergeants. There has not been occasion to present the training, so observation is pending.

**#56** Provide mandatory training for all new second-line supervisors (Lieutenant and Captains) to be completed prior to assuming secondary supervisory responsibilities.

Actions/Progress:

As indicated above, MPD submitted an outline of MAST (Miami Agreement Supervisor Training). This training will be utilized for newly promoted Lieutenants and Captains. There has not been occasion to present the training, so observation is pending.

**#57** Provide first line supervisors with 40 hours of annual in service training based on developments in applicable law and MPD policy. This training curriculum shall include the following topics related to Critical Firearm Discharges.

Actions/Progress:

The Independent Reviewer discussed In-Service training with Training Major Ferro and viewed proposed topics to be covered, which appear to be somewhat aggressive based on a 40 hour training period. Curriculum outlines have not yet been reviewed.

**#58** Provide all Lieutenants and Captains with in service training on an annual basis based on developments in applicable law and MPD policy.

Actions/Progress:

Again, In-Service training was discussed with Training Major Ferro. The Independent Reviewer has not viewed curriculum outlines or potential training schedules.

## COMMUNITY OVERSIGHT

**#59** City and MPD will have a community advisory board of civilian City residents to provide oversight and feedback to MPD and the independent reviewer. The board will address concerns to:

- a. Advise the Chief, majors and commanders on strategies and training to improve community relations and MPD responsiveness.
- b. Work with the Chief, majors and commanders to establish and carry out community public safety priorities;
- c. Provide the community with information on the agreement and its implementation.

Receive and convey to MPD and DOJ public comments and concerns, in addition to MPD's civilian complaint system.

### Actions/Progress:

The Community Advisory Board is in place and has had several meetings. I will attend a meeting during the next review period to observe the organization and functionality of the group. In addition, CAB members will be interviewed to determine understanding of their mission and duties, as well as to ascertain the agreed upon operational structure of the group.

**#60** The Community Advisory Board will be in effect within three months of the effective date. The City will establish the number of members and a mechanism to ensure that membership is representative of a cross section of communities in the City of Miami to including; districts, faith communities, minority, ethnic, and other community organizations, and student or youth organization. The City shall set a date by which board members will be selected. The community advisory board will be in effect within three months of the effective date (March 10, 2016). The City will establish the number of members and a mechanism to ensure that membership is representative of a cross section of communities in the City of Miami to include:

- a. District

- b. Faith
- c. Communities
- d. Minority
- e. Ethnic
- f. Community organizations
- g. Students
- h. Youth Organizations

Actions/Progress:

I will contact CAB to provide the listed information.

**#61** MPD facilitate regular public meetings of the Community Advisory Board to discuss DOJ's reports, if any and to receive community feedback about MPD's progress or compliance with the agreement.

Actions/Progress:

The first meeting of the CAB was held at a central location in the City and at a time that would afford the most opportunity for attendance by the community.

I will follow up to make sure that the DOJ report was made available to the CAB.

**#62** The Community Advisory Board reports and recommendations will be posted on MPD website. MPD will consider and respond to the CAB recommendations in a timely manner.

Actions/Progress:

MPD has a Community Advisory Board page on its website, but it is not populated at this time.

**#63** The City will provide the Community Advisory Board with reasonable administrative support, including meeting space.

Actions/Progress:

MPD has assisted in the development of the CAB and is providing support with meeting space, assistance and communication via web page.

**#64** The Community Advisory Board will not review or report on specific cases of alleged misconduct, review or comment on discipline, and will not seek to influence the course or outcome of a specific complaint investigation or the discipline of specific officers. The CAB will not have access to any non-public information regarding an individual officer or allegation of misconduct or disciplinary action.

Actions/Progress:

This recommendation will be discussed with CAB members to ensure they fully understand their function and how it relates to MPD and the citizens of Miami.

**#65** The City may use the Community Relations Board to fulfill the requirements of this Section of the Agreement if they are able to meet the requirements herein.

Actions/Progress:

This did not prove necessary, as a separate Community Advisory Board was developed and implemented.

## **COMPLIANCE ASSESSMENT**

**#66** Within 45 days of the effective date, MPD will identify a compliance coordinator who is a member of MPD to serve as the single point of contact with DOJ and the Independent Reviewer. The compliance coordinator will: coordinate compliance and implementation activities; facilitate access to MPD personnel and provide data, documents, and materials to DOJ as needed; ensure that all data, documents and records are maintained as provided in this Agreement; and assist in assigning implementation and compliance-related tasks to MPD personnel, as directed by the Chief of Police or his designee.

Actions/Progress:

To date MPD, Chief Llanes, Major Martinez and all of the personnel encountered have been very open and engaging. Everyone that I have met is very proud of their organization and their community. They are also open to suggestions on improvement or enhancements to their functionality. It has been a pleasure to work with the members of the MPD.

**#67** Within four months from the effective date, and every six months thereafter until this Agreement is terminated, the City will provide to DOJ and the monitor a self-assessment Compliance Report indicating whether the City has reached one of three levels of compliance with this Agreement: Substantial Compliance, Partial Compliance, or Non-Compliance.

Actions/Progress:

I have thoroughly reviewed the initial self-assessment Compliance Report and incorporated it into this report. I will continue to monitor future reports and provide feedback.

**#68** The self-assessment compliance report will include sections:

- a. The steps MPD and the City have taken during the reporting period to implement this Agreement;
- b. Plans to correct any problems or lack of compliance;
- c. A response to any concerns raised by the United States regarding the City's previous Compliance Report;
- d. A projection of the work to be completed during the upcoming reporting period;
- e. Any anticipated challenges or concerns related to implementation of the Agreement; and
- f. A summary of documents relied on for statistical purposes or general data as the basis for self-assessment, if applicable.

Actions/Progress:

I have requested and continue to review a number of documents. It is anticipated that there will be a number of additional documents and reports requested moving forward. Any progress, delays or other pertinent occurrences will be reported.

**#69** The Compliance Report shall exclude assessments of the sections of the Agreement for which the Independent Reviewer has already determined MPD and the City to be in Substantial Compliance.

Actions/Progress:

The original compliance report from MPD had several areas designated as Substantial Compliance. However, as indicated throughout this report there are yet to be any areas designated as such by the monitor. Updates and compliance designations will be contained in future reports.

**#70** The DOJ will collaborate with MPD in revising any policies, procedures, or practices relating to the use of force that DOJ deems to be deficient.

Actions/Progress:

While the reviews of all policies are complete, best practice comparisons will follow.

**Conclusion**

While it is too early in the review and assessment process to accurately measure many of the stated improvements, it is apparent that the MPD understands the significance and obligations of the Agreement. In addition, the MPD appears fully engaged and committed to the successful implementation of the Agreement in an effort to better serve the citizens of Miami.

Next steps in the assessment process will include the observation of several MPD processes including SWAT training and briefing sessions, K-9 training, Policy Review Committee,

High Liability Board, Civilian Review Board, specific scenarios within the Training Section (MAT, MAST, recruit, firearms, de-escalation, etc.), and staff meetings.

## **Appendix i**

# Independent Reviewer’s Action Plan

## I. POLICY REVIEW AND IMPEMENTATION

#27 MPD will continue to develop and implement policies on constitutional policing principles and best practices. In addition, MPD agrees to maintain (and develop if necessary) comprehensive, agency-wide policies and procedures that reflect full implementation of every requirement of this agreement.

<b>Status</b>	
<b>Comments</b>	MPD will continue to develop and implement policies based on constitutional policing principles and best practices. In addition, MPD will maintain the policies of the Policy Review Committee (PRC), the Professional Compliance Section (PCS), the high Liability Review Board (HLB), the Major Case team for shooting investigations, the Tactical Operations Section (TOS), the Community Relations Section, and other initiatives MPD intends to ensure compliance with DOJ.
<b>Analysis</b>	<p>Review all policies related to officer involved shootings and the investigations thereof, and others as necessary for best practice. Ensure that they are communicated, understood and practiced throughout organization.</p> <p>Review drafts of new and revised policies for content and compliance.</p> <p>Discuss posting of MPD policies on website for citizen viewing, with exception of those that would compromise officer safety. In addition, new or revised policies would be posted on MPD website for public comment prior to final approval, with approval of MPD.</p> <p>Research best practices in policy areas that affect MPD.</p> <p>Review structure and mandates of Policy Review Committee (PRC), Professional Compliance Section (PCS), High Liability Review Board (HLB), Major Case Team (MCT), Tactical Operation Section (TOS) and Community Relations Section. Attend meetings of each group to audit process and practice.</p> <p>Determine process for review and update of all policies, including the implementation process. Ensure corrective action is taken if process is inefficient or ineffective.</p> <p>Audit training on applicable policies to determine communication and understanding of the material. Review records to determine all personnel have been trained as necessary.</p> <p>Interview individuals from all aspects of organization to gauge effectiveness of training in understanding overall value and intention of policy, the policy itself and the means for appropriate implementation.</p>
<b>Technical Assistance</b>	Will provide constructive feedback and assistance as needed.

#28 Within one month of the entry of this agreement, MPD will submit an action plan to DOJ for the implementation of this entire Agreement, including designation of staff responsible for implementing the provisions

<b>Status</b>	
<b>Comments</b>	MPD will submit its action plan by April 10, 2016. Action plan submitted.
<b>Analysis</b>	Major Roman Martinez has been identified as the contact for the Independent Reviewer. He will be assisted by Lt. Chris Griffin and Sgt. Orlando Villaverde. Major Lazaro Ferro is the point of contact for Training and will be assisted by Sgt. Santiago Cruz and Sgt. Luis Taborda. Mr. George Wysong is the Police Legal Advisor. MPD's Action Plan was submitted and accepted by due date.
<b>Technical Assistance</b>	Coordinate with MPD and DOJ on updates and integration of action plan.

#29 By June 10, 2016, MPD agrees to submit any new and revised policies, procedures and manuals, if any, created or revised to achieve compliance with the Agreement to DOJ for review and comment prior to publication and implementation. DOJ shall complete its review within one month. If MPD and DOJ disagree on an aspect of a policy that is relevant to this Agreement, the Independent Reviewer shall resolve the dispute.

<b>Status</b>	
<b>Comments</b>	MPD is in the process of reviewing our current policies in order to identify areas that need revision or creation. Additionally, MPD will submit drafts to any policy revisions to D.O.J.
<b>Analysis</b>	MPD met the June 10 deadline for submission of revised policies, procedures and manuals by providing the following email from Major Roman Martinez on that date;  “In accordance with paragraph 29 of the Agreement, the City of Miami Police Department has determined that there was no necessity to create or revise any policies, procedures or manuals to achieve compliance with this agreement. Nevertheless, the MPD did undertake a comprehensive review of its policies, procedures and manuals in an effort to ensure that the MPD is following best practices in both letter and spirit. We have determined that the following Standard Operating Procedures have been amended. We are submitting the SOPs to you in an attempt to provide as much transparency in this process as possible and we will welcome any comments or concerns you may have. The handwritten numbers reflect the applicable paragraphs of the Agreement we were attempting to improve by clarifying the language.  The attached SOPs include: Internal Affairs Section – SOP # 21

	<p>Training Section – SOP # 2  Homicide Unit - SOP # 7  Training Section – SOP # 11  TOS – SOPs</p> <p>Will continue to review all of our policies in an effort to identify areas for further improvement.”</p>
<b>Technical Assistance</b>	Provide model policy examples when and where applicable.

#30 All staff responsible for implementing the policies shall be trained on the new or revised policies and procedures as soon as practical, but not later than March 10, 2017. MPD shall maintain documentation sufficient to demonstrate (a) the status and completion of staff training requirements and (b) that staff are aware of the requirements of all policies and procedures. In addition, MPD will continue to disseminate any new or revised policies related to this Agreement through roll call briefings and official bulletins.

<b>Status</b>	
<b>Comments</b>	As new policies are revised or created, MPD members will be provided with the information related to said policies and department wide official bulletins.
<b>Analysis</b>	<p>Ensure development of training matrix as it pertains to policy revisions and creations. Review training methods to determine understanding and practical application throughout the organization.</p> <p>Review documentation of training as it is developed and ensure that training is occurring regularly and in a timely fashion. Spot audit training records.</p> <p>Attend training to observe effectiveness of the delivery of new policies or revisions of those existing policies and procedures.</p> <p>Interview affected staff members, first line and up, to determine understanding of policies and practical application.</p> <p>Interview officers and observe actions on ride-alongs to gauge understanding and practical application of policies and procedures. Also determine if officers have immediate access to MPD policies and any investigative check lists or helpful documentation.</p>
<b>Technical Assistance</b>	

### III. OFFICER-INVOLVED SHOOTING INVESTIGATIONS

#32 MPD will continue to insure that each Critical Firearms Discharge will be reviewed for accountability, legality, training, tactics and equipment issues.

<b>Status</b>	
<b>Comments</b>	MPD will continue to ensure that each Critical Firearm Discharge is reviewed for Accountability, Legality, Training, Tactics and Equipment. Additionally, a policy review is being conducted to fortify this area.
<b>Analysis</b>	<p>Review policies for investigative process for Critical Firearm Discharges. In addition, review Use of Force and Philosophy of Enforcement policies and provide comment as appropriate. Review FDLE policies and procedures in this investigative area.</p> <p>Be advised and review each Critical Firearm Discharge to ensure processes and procedures are appropriately followed with a focus on accountability, legality, training, tactics and equipment.</p> <p>As available, review reports associated with Critical Firearms Discharges.</p> <p>Interview those on MPD staff and investigators, FDLE, State Attorney’s Office and FOP representatives to fully understand each role in the investigating of incidents involving Critical Firearms Discharge. Provide feedback as applicable.</p> <p>Research the role of Professional Standards in police involved shootings, understanding policy and practice. Review incident tracking process to determine how the investigation proceeds and to ensure compliance to 180 day investigative rule.</p> <p>Provide comment on process with a focus on best practices and any inadequacies contained in the investigation of Critical Firearms Discharges, ensuring that these investigations are completed as thoroughly and quickly as possible.</p>
<b>Technical Assistance</b>	

#33 Officers required to cooperate with investigations.

<b>Status</b>	
<b>Comments</b>	MPD shall continue to require officers to cooperate with all administrative investigations. Additionally, we are fortifying this area by requesting the principal officer(s) to provide any and all documents and evidence relating to the investigation. This will be added to the “Notification of Principal Officer” form that has been amended through a memorandum.

<b>Analysis</b>	<p>Review Police Officers Bill of Rights and seek out legal opinion from subject matter expert in Florida on mandated interviews during officer involved shooting investigations.</p> <p>Review all policies associated with officer involved shootings and provide comment as practical. Determine the accepted MPD/FOP practice for cooperation of officers involved in, or witness to, shootings. Review State Attorney’s process or involvement in officer interviews as related to officer involved shootings.</p> <p>Compare new and outdated versions of Notification of Principal Officer form for clarity and completeness.</p> <p>Research best practices throughout Florida and look to Florida Police Chief’s Association for best practices in the area of officer-involved shootings, in addition to national best practices.</p> <p>Meet with FDLE to understand their process for investigating Critical Firearms Discharges, with a focus on officer interviews.</p>
<b>Technical Assistance</b>	<p>Provide information on best practices from other law enforcement agencies on the handling of police involved shootings.</p>

#34 Providing shooting officers opportunity for voluntary statements.

<b>Status</b>	
<b>Comments</b>	<p>MPD shall continue to provide shooting officers the opportunity to give voluntary statements as soon as practical after each shooting. Additionally, we are fortifying this area by creating a “Post Traumatic Incident” memorandum. It will be provided to officers involved in a Discharge of Firearm.</p>
<b>Analysis</b>	<p>Research past MPD practice for interviewing officers involved in shootings and FOP actions before and during that process.</p> <p>Determine impediments to this process and provide comment for improvement.</p> <p>Review Post Traumatic Incident memorandum. Have an analytical review to determine if the memorandum has any positive effect on Critical Firearm Discharges.</p>
<b>Technical Assistance</b>	

#35 Potential criminal investigation or prosecution, MPD to continue its efforts to complete administrative investigation.

<b>Status</b>	
<b>Comments</b>	MPD will continue its efforts to complete the administrative investigation. Additionally, MPD shall consult with FDLE and SAO on appropriate interviews of principal officer during the administrative investigation. All efforts will facilitate prompt determination of the case.
<b>Analysis</b>	<p>Again, review policies and procedures utilized by FDLE to investigate MPD Critical Firearm Discharges. Meet with SAO investigators to understand process for responding to officer involved shootings and the associated investigative and review process. Do the same with FOP.</p> <p>Determine what, if any role MPD plays in on scene Critical Firearm Discharges. In addition, determine administrative steps in these investigations. Determine how criminal and administrative investigations can be completed simultaneously, in an effort to compress time frame for completion.</p> <p>Complete random review of historical cases of officer involved shootings to determine past practice.</p>
<b>Technical Assistance</b>	Assist in facilitating discussions of all parties involved concerning importance of cooperation in and completion of officer involved shooting investigations in a timely manner.

#36 Complete administrative investigations within 180 days.

<b>Status</b>	
<b>Comments</b>	MPD will not permit full resolution of an administrative investigation to extend beyond 180 days after the conclusion of the criminal case, absent exigent circumstances.
<b>Analysis</b>	<p>Review case tracking software for process and practice effectiveness.</p> <p>Conduct random audits along investigative line to confirm processes are being adhered to at each point.</p> <p>Look for best practices and efficiencies in the process and communicate as needed.</p> <p>Identify levels of accountability for not adhering to 180 day rule.</p>
<b>Technical Assistance</b>	

#37 MPD ensuring the MPD officer involved in a shooting not be returned to active duty until requirements is accomplished:

- f. Return to duty: psychologist clearance
- g. Return to duty: post shooting briefing by FDLE
- h. Return to duty: C.O.P. approval
- i. Return to duty: evidence review

j. Return to duty: refresher training

<b>Status</b>	
<b>Comments</b>	MPD will ensure that an officer involved in a shooting will not be returned to active duty until a clearance is conducted by a psychologist, post shooting briefing by FDLE, C.O.P. approval, evidence review and a refresher training is provided. Additionally, a “Return to Duty” memorandum has been created, awaiting final review and approval from the chain of command.
<b>Analysis</b>	<p>Review current practice for returning officers to active duty, to include analysis of past case files.</p> <p>Review Return to Duty memorandum for completeness and effectiveness in covering listed requirements. Determine who overall owns the process and ensures each task is completed/approved in a timely fashion. Confirm that listed tasks can be completed concurrently.</p> <p>Determine what ‘refresher training’ entails.</p> <p>Review best practices in other Florida agencies.</p>
<b>Technical Assistance</b>	

#38 Maintain Incident Tracking System (ITS)

<b>Status</b>	
<b>Comments</b>	MPD will continue to maintain its incident tracking system for officer involved shootings and monitor opportunities for officers to engage in misconduct and bring corrective actions.
<b>Analysis</b>	<p>Familiarization with current tracking system.</p> <p>Interview those tasked with using the tracking system to determine its effectiveness and ease of use.</p> <p>Review generated reports for clarity and completeness. Ensure that reports are useful and are analyzed appropriately and regularly, as opposed to just being a mandate.</p> <p>Regular audits should be put in place to make sure the reports are generated, communicated to appropriate departmental staff and acted upon in a timely manner.</p>
<b>Technical Assistance</b>	

#39 MPD will maintain the Professional Compliance Section (PCS), which reports directly to the Chief of Police (COP). Maintain the High Liability Board (HLB), and continue reviewing serious uses of force and pursuits.

<b>Status</b>	
<b>Comments</b>	MPD will maintain the High Liability Incident Review Board (HLB), and will continue reviewing high liability incidents including serious uses of force and pursuits.
<b>Analysis</b>	<p>Review policies, procedures and responsibilities associated with Professional Compliance Section (PCS) and High Liability Board (HLB).</p> <p>Identify process for reporting and reviewing use of force incidents, pursuits and other incidents for referral to HLB. Audit referral process, ownership/supervision and tracking.</p> <p>Attend meeting of HLB to observe functionality. Review timeline for board meetings and associated staff reports. Also review reports associated with PCS and HLB for completeness, functionality and applicability for training. Research to determine if any training can be attributed to HLB or PCS.</p> <p>Meet with PCS commander to see policies and procedures in effect. Also, meet with PCS staff to obtain views on effectiveness and suggested improvements. Review any reports, annual or otherwise, created by PCS.</p> <p>Develop audit process that will ensure appropriate functionality for HLB and PCS going forward.</p>
<b>Technical Assistance</b>	

#### #40 Firearm Review Board

<b>Status</b>	
<b>Comments</b>	MPD shall continue to have the Training Section Commander participate in the Firearms Review Board (FRB). MPD will develop an effective mechanism to ensure that lessons learned from officer-involved shootings are incorporated and verified into policy and officer training. Additionally, MPD will ensure that in the 72 hour post shooting meeting a training or policy deficiency if any are identified.
<b>Analysis</b>	<p>Review policies, procedures and responsibilities associated with the FRB. Meet with training commander who oversees FRB to determine functionality.</p> <p>Attend FRB meeting to observe functionality. Interview FRB members to determine how lessons learned are translated to training.</p> <p>Determine the process for detailing and translating findings into training for officers.</p>

	Verify that FRB has or will research best practices for reducing police involved shootings.
<b>Technical Assistance</b>	

#### IV. SUPERVISION

#41 MPD first line supervisors shall provide, and shall be held accountable for providing, the close and effective supervision necessary to direct and guide officers, as described in Departmental Orders 11 (Patrol), Departmental Order 6 (Use of Force) and other relevant Departmental Orders, standard operating procedures and established guidelines.

<b>Status</b>	
<b>Comments</b>	MPD will ensure first line supervisors will provide, and are held accountable for providing, the close and effective supervision necessary to direct and guide officers, as described in Departmental Order 11 (Patrol), Departmental Order 6 (Use of Force) and other relevant Departmental Orders, standard operating procedures and established guidelines. Additionally, MPD DO 11, Chapter 1.5.8 provides supervisory responsibilities to include; directing, coordinating and monitoring subordinate activities.
<b>Analysis</b>	<p>Review Departmental Orders 11 (Patrol), 6 (Use of Force) and other policies, procedures and guidelines as determined pertinent for content and applicability. Compare these policies with known best practice examples.</p> <p>Determine how supervisors are trained on these policies and if there is a mechanism in place to gauge appropriate understanding and implementation.</p> <p>Review all policies and procedures that address supervisory responsibilities to include; directing, coordinating and monitoring subordinate activities. Again, determine how supervisors are trained in this area and if there is a mechanism in place to gauge appropriate understanding and implementation. Audit calls for service and related reports to determine supervisory performance as related to this mandate.</p> <p>Attempt to determine the level of supervisory accountability and if it is consistent throughout the organization. Review cases of officer wrong doing to determine if supervisors have been held accountable when warranted.</p> <p>If possible, ensure that there is a culture of accountability. This will have to be driven from the chief down through communication, documentation and audits.</p>
<b>Technical Assistance</b>	

#42 MPD will continue the practice of assigning all patrol officers and officers in the Tactical Operations Section units to a single, consistent, clearly identified first-line supervisor. First line supervisors will continue to be assigned to and actually work the same days and hours as the officers they are assigned to supervise, absent extenuating circumstances.

<b>Status</b>	
<b>Comments</b>	MPD will continue assigning all patrol officers and officers in the Tactical Operations Section units to a single, consistent, clearly identified first-line supervisor with the same days and hours as the officers they are assigned to supervise. Currently, all Seventy-two (72) first line supervisory slots are filled with a minimum of four to a maximum of seven officers assigned to any given supervisor with the same days and hours. The Tactical Robbery Unit has one sergeant to six officers, with the same days and hours. The Felony Apprehension Team (FAT) has one sergeant to three officers with the same days and hours. SWAT has one sergeant to eight officers with the same days and hours.
<b>Analysis</b>	Review all policies, procedures, guidelines for the Tactical Operations Section (TOS), Tactical Robbery Unit (TRU), Felony Apprehension Team (FAT) and SWAT. Complete ride alongs with each group to gauge adherence to shift supervision requirement. Audit rosters to ensure appropriate supervisory span of control and work schedules. Have process developed so commanders will be able to audit this requirement into the future. Research best practices to learn most effective assignments for like units.
<b>Technical Assistance</b>	

#43 First-line supervisors of patrol officers and officers assigned to Tactical Operations Section units shall be assigned to supervise no more than five to eight officers ("span of control"). The span of control will be based on the nature of the duties that any officer or group of officers performs. On-duty first-line supervisors will be available throughout their shift to respond to the field to provide supervision to officers under their direct command and, as needed, to provide supervisory assistance to other units.

<b>Status</b>	
<b>Comments</b>	MPD has ensured compliance with no more than eight officers to one sergeant (span of control) in patrol and the Tactical Operations Section as reflected in the DOJ agreement.
<b>Analysis</b>	Review rosters to determine appropriate supervisory span of control. Conduct ride alongs to determine direct involvement of supervisors in officers daily activities and to ensure there is consistent availability of supervisors. Have process in place and regular audit capabilities for commanders to ensure the span of control is adhered to going forward. Conduct spot audits in the future.
<b>Technical Assistance</b>	

#44 The City and MPD shall continue to assess the current span of control within three months of the effective date and re-assess every four months after

implementation, and shall retain the number of supervisors necessary to achieve the required span of control subject to the limitations set forth in the Collective Bargaining Agreements and civil service rules.

<b>Status</b>	
<b>Comments</b>	MPD will continue to assess the current span of control by June 10, 2016 and every four months in accordance with the DOJ agreement. MPD will ensure to retain the number of supervisors necessary to achieve the required span of control subject to the limitations set forth in the Collective Bargaining Agreements and Civil Service Rules.
<b>Analysis</b>	Review Collective Bargaining Agreement and civil service rules that address span of control. Apply analysis found in #43.
<b>Technical Assistance</b>	

#45 MPD shall continue to ensure consistent supervision by first-line supervisors who are on extended leave, and shall reassign officers to a first-line supervisor when the currently assigned first-line supervisor has been or is expected to be absent for longer than six weeks.

<b>Status</b>	
<b>Comments</b>	MPD will ensure consistent supervision by first-line supervisors for supervisors who are on extended leave, and shall reassign officers to a first-line supervisor when the currently assigned first-line supervisor has been or is expected to be absent for longer than six weeks.
<b>Analysis</b>	Develop process whereby Personnel will provide information on any supervisor who is expected to be on extended leave, or for those who reach six weeks of absence, to the all commanders.  Commanders will ensure appropriate supervision when there is expected or actual extended supervisory leave.  A process must be outlined for commanders to follow, so that extended leave does not occur unnoticed.  Obtain roster of supervisors who have been on extended leave and audit to determine if their officers had additional assigned supervision.  Ensure audit process is developed to monitor all extended leave.
<b>Technical Assistance</b>	Assist with development of processes to ensure extended absences on part of supervisors are detected and dealt with appropriately.

#46 Captains and Lieutenants will continue to closely and effectively supervise the first line supervisors and officers under their command. MPD captains and lieutenants will continue to ensure that all first line supervisors and officers under

their command comply with MPD policy, state and federal law, and the requirements of this Agreement.

<b>Status</b>	
<b>Comments</b>	MPD will ensure Captains and Lieutenants will supervise the first-line supervisors and officers under their command and ensure that all first- line supervisors and officers under their command comply with MPD policy, state, federal laws and the DOJ agreement.
<b>Analysis</b>	<p>Review all policies concerning supervisory responsibilities of Captains and Lieutenants.</p> <p>Interview Captains and Lieutenants to determine how they supervise those under their command.</p> <p>Interview Sergeants and Officers to determine daily supervisory oversight of Captains and Lieutenants.</p> <p>Audit internal investigations of officer misconduct to determine supervisory oversight in specific incidents.</p> <p>Audit randomly to ensure sufficient oversight.</p>
<b>Technical Assistance</b>	

#47 MPD will continue to ensure that captains and lieutenants at any level are held accountable for the quality and effectiveness of their supervision, including whether captains and lieutenants identify and effectively respond to uses of force or misconduct, as part of their performance evaluations and through non-disciplinary corrective action, or through the initiation of formal investigation and the disciplinary process. Supervisors shall be subject to discipline for failure to report and remedy misconduct they knew or reasonably should have known occurred. MPD shall continue to develop and implement metrics to assess supervisor’s performance.

<b>Status</b>	
<b>Comments</b>	MPD will ensure that Captains and Lieutenants at any level are held accountable for the quality and effectiveness of their supervision, including the identification to effectively respond to uses of force or misconduct, as part of their performance evaluations and through non-disciplinary corrective action, or through the initiation of formal investigation and the disciplinary process. MPD will also ensure Supervisors shall be subject to discipline for failure to report and remedy misconduct they knew or reasonably should have known occurred.
<b>Analysis</b>	<p>During review of policies concerning Captain and Lieutenant supervisory responsibilities, confirm requirements for responding to and reviewing use of force and misconduct on the part of officers assigned to their command.</p> <p>Ensure MPD sets up process to assess supervisory actions in instances of officer misconduct. This information will be included in the annual evaluations of Captains and Lieutenants.</p>

	Review investigations to determine if Captains and Lieutenants are held accountable for the performance of these duties.
<b>Technical Assistance</b>	

## V. SPECIALIZED UNITS

### #48 Provide Criteria for Specialized Unit

- e. Recruitment/selection
- f. Eligibility
- g. No Eligibility
- h. Monitoring

<b>Status</b>	
<b>Comments</b>	By May 2016, MPD will provide DOJ its criteria for recruitment and admission to MPD's specialized TOS units. MPD will maintain an eligibility criteria and selection devices for assignment to TOS, including monitoring the list of names of officers and supervisors assigned to TOS on a quarterly basis.
<b>Analysis</b>	<p>Review MPD criteria and standards for admission to TOS units for adherence to national best practices.</p> <p>Interview TOS officers and those who applied, but were not chosen, to determine if standards and policies have been adhered to.</p> <p>Audit eligibility lists to ensure compliance to listed standards.</p> <p>Ensure that process is in place to complete audits moving forward.</p>
<b>Technical Assistance</b>	

### #49 Ensure TOS Protocols are consistent with agency use of force

<b>Status</b>	
<b>Comments</b>	MPD will continue enforcing the operating protocols consistent with use of force policy.
<b>Analysis</b>	<p>Review Use of Force policies and practices.</p> <p>Ensure that MPD has mechanism in place to audit TOS use of force moving forward.</p>
<b>Technical Assistance</b>	

### #50 Prohibit SWAT from conducting General Patrol

<b>Status</b>	
<b>Comments</b>	MPD will continue to prohibit SWAT units from conducting general patrol and policing functions while they are on a specialized assignment. Both officer and supervisory decisions will adhere strictly to SWAT operational protocols during deployment.
<b>Analysis</b>	<p>Review SWAT operational policies and protocols.</p> <p>Understand assignment and deployment criteria of SWAT resources.</p> <p>Interview SWAT commanders and team members for understanding of policies, procedures and practice.</p> <p>Ensure MPD has processes and oversight to confirm adherence to this requirement.</p> <p>Audit CAD data for activity of those officers assigned to SWAT. Interview line officers concerning SWAT actions in the field.</p>
<b>Technical Assistance</b>	

#51 TOS document all LEO activities in writing:

- A. Operational Plan
- B. After action reports
- C. Callouts/deployments
- D. Daily, weekly and monthly Reports

<b>Status</b>	
<b>Comments</b>	MPD will continue to require officers assigned to TOS units while on specialized assignment to document in writing all law enforcement activities, including Operational Plans and After Action Reports in a consistent format for call-outs and deployments. Supervisors shall conduct documented regular reviews of TOS's law enforcement activities to ensure their compliance with applicable laws and MPD policies and procedures.
<b>Analysis</b>	<p>Review random call outs for adherence to operational plans, after action and associated reports as required by policy.</p> <p>Interview commanders and TOS members to determine adherence to these requirements.</p> <p>Ensure MPD has processes in place to adhere to these requirements moving forward.</p> <p>Conduct random audits to confirm that these requirements are being followed moving forward.</p>
<b>Technical Assistance</b>	

#52 Track, analyze and address violations by TOS members

- A. Report on success and challenges/recommendations
- B. Transferring individuals/initiating disciplinary action

<b>Status</b>	
<b>Comments</b>	MPD will continue to track, analyze and take appropriate action, if necessary, to address tactical deficiencies or policy violations by TOS members, including reports on success and challenges, recommendations, transferring of individuals and or initiating disciplinary action as necessary.
<b>Analysis</b>	Review software program or process that tracks all personnel assigned to TOS, including generated reports of assignments, transfers, awards, discipline, etc. Audit periodically to ensure adherence to requirements.
<b>Technical Assistance</b>	

## VI. TRAINING

#53 Deliver any new training expressly required by the terms of the DOJ agreement within one year of the effective date of 03/10/2016, and annually thereafter.

A. New training delivered by deadline of 03/10/2017.

B. Submit comprehensive training delivery schedule by deadline 07/10/2016.

Tracking, delivery and completion of all required training by deadline of 03/10/2017

<b>Status</b>	
<b>Comments</b>	Training will outline responsibilities and assignments in the development and delivery of training programs to comply with this requirement by stated deadline and going forward from that point.
<b>Analysis</b>	Review proposed training content to determine if it satisfies agreement requirements. Review training schedules for compliance to requirement. Review records to determine training being provided and required attendance. Ensure that training records are provided on a yearly basis.
<b>Technical Assistance</b>	

#54 Firearm Training Program provides for the following:

A. Requires officers to pass training and qualify on each firearm the officer is required or authorized to carry out on an annual basis.

B. Immediately comply with and reinforce judicial developments in use of force.

C. Firearm Annual in Service training

- (1) Training on when to display/or point firearms.
  - (2) Night training.
  - (3) Stress training  
(undergoing physical exertion).
  - (4) Use of Force decision- making (shoot-don't shoot) training.
  - (5) Continuous threat assessment techniques.
  - (6) Observe students and provide corrective instruction when deficiencies are observed.
- D. Observe students and provide corrective instruction when deficiencies are observed.
  - E. Comprehensive testing on rules, regulations and skills regarding firearm use.
  - F. Employ reality based incident scenarios
    - 1. Live action
    - 2. Computer simulated components to improve defensive tactic training, limit incident of deadly force
  - G. Incorporate de-escalation training and techniques
  - H. Evaluation and Survey

<b>Status</b>	
<b>Comments</b>	The training unit will implement a program using the Megitt System (computer simulator) to enhance firearm training. This program will also comply with the FDLE requirements. Additionally, MPD has contracted with Florida International University to conduct cultural diversity and the de-escalation training.
<b>Analysis</b>	<p>Meet with legal advisor to determine how legal updates and changes are communicated with all members of MPD.</p> <p>Review all policies and procedures associated with use of firearms by MPD personnel. Compare to accepted best practices in use of force involving firearms.</p> <p>Review firearms training agendas and schedules.</p> <p>Observe firearms training, live and simulated, to determine quality of deliverance and adherence to requirements.</p> <p>Review training associated with de-escalation and decision making techniques, as it applies to use of force situations.</p> <p>Determine the effectiveness of listed training through testing.</p> <p>Have all MPD personnel who undergo this training complete evaluations as to delivery and effectiveness.</p> <p>Audit all segments of this requirement, on an annual basis, for adherence.</p>
<b>Technical Assistance</b>	Having been provided with remote access to training records will allow for audits and tracking as required.

#55 MPD will continue providing mandatory training to new first-line supervisors to be completed prior to assuming supervisory responsibilities.

<b>Status</b>	
<b>Comments</b>	MPD provides mandatory supervisory training to officers prior to assuming supervisory responsibilities.
<b>Analysis</b>	Review curriculum for new first line supervisor training and compare to best practices. Observe training as available and interview participants to determine quality and effectiveness. Review promotional and training records moving forward for quality and adherence.
<b>Technical Assistance</b>	

#56 Provide mandatory training for all new second-line supervisors (Lieutenant and Captains) to be completed prior to assuming secondary supervisory responsibilities.

<b>Status</b>	
<b>Comments</b>	MPD provides mandatory second line supervisory training to supervisors prior to assuming Lieutenant and Captains responsibilities.
<b>Analysis</b>	Review curriculum for new Captain and Lieutenant training and compare to best practices. Observe training as available and interview participants to determine quality and effectiveness. Review promotional and training records moving forward for quality and adherence.
<b>Technical Assistance</b>	

#57 Provide first line supervisors with 40 hours of annual in service training based on developments in applicable law and MPD policy. This training curriculum shall include the following topics related to Critical Firearm Discharges.

<b>Status</b>	
<b>Comments</b>	The training unit is in the initial phase of preparing an annual mandatory training program for all first line supervisors.
<b>Analysis</b>	Meet with Training, Command Staff and Legal Unit to determine how In-Service training will be developed and delivered. Review proposed curriculum for training prior to administration. Ensure there is a mechanism in place to determine effectiveness of training and how the information gained through training is filtered down to line officers. Audit In-Service training records going forward to confirm adherence to this requirement.

<b>Technical Assistance</b>	
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#58 Provide all Lieutenants and Captains with in service training on an annual basis based on developments in applicable law and MPD policy.

<b>Status</b>	
<b>Comments</b>	The training unit is in the initial phase of preparing an annual mandatory training program for all second-line supervisors.
<b>Analysis</b>	Meet with Training, Command Staff and Legal Unit to determine how In-Service training will be developed and delivered. Review proposed curriculum for training prior to administration. Ensure there is a mechanism in place to determine effectiveness of training and how the information gained through training is filtered down to line officers. Audit In-Service training records going forward to confirm adherence to this requirement.
<b>Technical Assistance</b>	

## VII. COMMUNITY OVERSIGHT

#59 City and MPD will have a community advisory board of civilian City residents to provide oversight and feedback to MPD and the independent reviewer. The board will address concerns to:

- A. Advise the Chief, majors and commanders on strategies and training to improve community relations and MPD responsiveness.
- B. Work with the Chief, majors and commanders to establish and carry out community public safety priorities;
- C. Provide the community with information on the agreement and its implementation.

Receive and convey to MPD and DOJ public comments and concerns, in addition to MPD's civilian complaint system.

<b>Status</b>	
<b>Comments</b>	The City and MPD are in the process of adopting a Community Advisory Board. This issue is pending City Commission approval.
<b>Analysis</b>	Receive regular updates on the establishment, meeting schedule, and agendas of the Community Advisory Board. Review draft of responsibilities, activities and training associated with the Community Advisory Board. Meet with members of the board to gauge the understanding of their role.

	<p>Attend Community Advisory Board meetings as possible to observe functionality.</p> <p>Review methodology for receiving citizen input and communicating findings back to MPD. In addition, review the board's methodology for communicating suggestions to MPD and board findings to the community.</p> <p>Agree upon method by which MPD will communicate board actions, findings and needs to DOJ and independent monitor.</p>
<b>Technical Assistance</b>	Provide assistance to the Community Advisory Board in any way that will assist in making them efficient and effective.

#60 The community advisory board will be in effect within three months of the effective date. The City will establish the number of members and a mechanism to ensure that membership is representative of a cross section of communities in the City of Miami to including; districts, faith communities, minority, ethnic, and other community organizations, and student or youth organization. The City shall set a date by which board members will be selected. The community advisory board will be in effect within three months of the effective date (March 10, 2016). The City will establish the number of members and a mechanism to ensure that membership is representative of a cross section of communities in the City of Miami to include:

- A. District
- B. Faith
- C. Communities
- D. Minority
- E. Ethnic
- F. Community organizations
- G. Students
- H. Youth Organizations

<b>Status</b>	
<b>Comments</b>	The City and MPD is in the process of creating a Community Advisory Board made up of residents to provide oversight and feedback to MPD and the independent reviewer. The City Commission has held discussions on this issue and their decision is expected within the next sixty days.
<b>Analysis</b>	<p>The City and MPD will provide the method of advertising availability, recruitments, and requirements for membership on the Community Advisory Board, a list of applicants, and the process by which members were chosen.</p> <p>Review list of applicants, interviewing individuals who were and were not selected for involvement. In addition, determine understanding of associated requirements and responsibilities for those chosen for membership.</p> <p>Conduct audits to ensure compliance moving forward.</p>
<b>Technical Assistance</b>	

#61 MPD facilitate regular public meetings of the community advisory board to discuss DOJ's reports, if any and to receive community feedback about MPD's progress or compliance with the agreement.

<b>Status</b>	
<b>Comments</b>	Once the CAB is fully established, MPD will ensure public meetings are held to discuss DOJ reports in order to receive community feedbacks.
<b>Analysis</b>	<p>Review schedule for public meetings, making sure they are held at locations and times that are convenient for attendance by the public.</p> <p>Ensure that citizens have access to the DOJ report and that compliance with listed requirements is effectively communicated with all citizens, via a variety of methods.</p> <p>In addition, there should be varied avenues by which the community can comment and provide feedback/suggestions on the DOJ report and successful compliance with requirements.</p>
<b>Technical Assistance</b>	

#62 The community board's reports and recommendations will be posted on MPD website. MPD will consider and respond to the community board's recommendations in a timely manner.

<b>Status</b>	
<b>Comments</b>	MPD created a CAB web page link that will be posted on the MPD website and will be continuously updated as information becomes available.
<b>Analysis</b>	<p>Confirm that MPD posts Community Advisory Board's meeting dates, times, locations and agendas on their website. In addition, board meetings will be posted, along with MPD actions taken to respond and adhere to findings.</p> <p>Again, meetings will be attended as possible, interviews will be conducted with board members, MPD personnel and citizens to gauge effectiveness of the board and adherence it's mission and goals.</p> <p>Audit MPD website to ensure adherence to requirement.</p>
<b>Technical Assistance</b>	

#63 The City will provide the community board with reasonable administrative support, including meeting space.

<b>Status</b>	
<b>Comments</b>	The City will provide the Community Advisory Board with reasonable administrative support, including meeting space.

<b>Analysis</b>	Interview board members to gauge satisfaction with city support. If any issues arise, work to provide reasonable solution. Provide board chair with contact information to report any issues moving forward.
<b>Technical Assistance</b>	

#64 The civilian community board will not review or report on specific cases of alleged misconduct, review or comment on discipline, and will not seek to influence the course or outcome of a specific complaint investigation or the discipline of specific officers. The community board will not have access to any non-public information regarding an individual officer or allegation of misconduct or disciplinary action.

<b>Status</b>	
<b>Comments</b>	The Community Advisory Board will not review or report on specific cases of alleged misconduct, review or comment on discipline, and will not seek to influence the course or outcome of a specific complaint investigation or the discipline of specific officers. The community board will not have access to any non-public information regarding an individual officer or allegation of misconduct or disciplinary action.
<b>Analysis</b>	Ensure that the members of the Community Advisory Board understand their role, including limitations on reviewing open cases or becoming involved in discipline or complaint resolution.
<b>Technical Assistance</b>	

#65 The City may use the Community Relations Board to fulfill the requirements of this Section of the Agreement if they are able to meet the requirements herein.

<b>Status</b>	
<b>Comments</b>	No longer applicable.
<b>Analysis</b>	The Community Advisory Board has been created and is in place.
<b>Technical Assistance</b>	

## VIII. COMPLIANCE ASSESSMENT

#66 Within 45 days of the effective date, MPD will identify a compliance coordinator who is a member of MPD to serve as the single point of contact with DOJ and the Independent Reviewer. The compliance coordinator will: coordinate compliance and implementation activities; facilitate access to MPD personnel and provide data, documents, and materials to DOJ as needed; ensure that all data,

documents and records are maintained as provided in this Agreement; and assist in assigning implementation and compliance-related tasks to MPD personnel, as directed by the Chief of Police or his designee.

<b>Status</b>	
<b>Comments</b>	Major Roman Martinez from the Professional Compliance Section will be the single point of contact with the independent reviewer.
<b>Analysis</b>	Will work through Major Martinez for all requests and documentation, reporting to DOJ, City of Miami, Chief of Police and the community as dictated and as becomes necessary.
<b>Technical Assistance</b>	

#67 Within four months from the effective date, and every six months thereafter until this Agreement is terminated, the City will provide to DOJ and the monitor a self-assessment Compliance Report indicating whether the City has reached one of three levels of compliance with this Agreement: Substantial Compliance, Partial Compliance, or Non-Compliance.

<b>Status</b>	
<b>Comments</b>	By July 10, 2016, and every six months thereafter until the termination of the DOJ agreement, MPD will conduct a self-assessment compliance report.
<b>Analysis</b>	Ensure six-month compliance reports are delivered and review for completeness and accuracy.
<b>Technical Assistance</b>	

- #68 The self-assessment compliance report will include sections:
- A. The steps MPD and the City have taken during the reporting period to implement this Agreement;
  - B. Plans to correct any problems or lack of compliance;
  - C. A response to any concerns raised by the United States regarding the City's previous Compliance Report;
  - D. A projection of the work to be completed during the upcoming reporting period;
  - E. Any anticipated challenges or concerns related to implementation of the Agreement; and
  - F. A summary of documents relied on for statistical purposes or general data as the basis for self-assessment, if applicable.

<b>Status</b>	
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<b>Comments</b>	MPD's self-assessment compliance report will include steps the City and MPD have taken during the reporting period, plans to correct any problems or lack of compliance, a response to any concerns raised by the United States regarding the City's previous compliance report, projection of work to be completed during the reporting period, any anticipated challenges or concerns and a summary for statistical purposes or general data for self-assessment.
<b>Analysis</b>	Review reports to certify inclusion of listed sections. Discuss any developments and concerns, making sure the reports accurately reflect all of the work completed by MPD towards satisfaction of the DOJ agreement.
<b>Technical Assistance</b>	

#69 The Compliance Report shall exclude assessments of the sections of the Agreement for which the Independent Reviewer has already determined MPD and the City to be in Substantial Compliance.

<b>Status</b>	
<b>Comments</b>	MPD Compliance Report shall exclude assessments of the sections of the Agreement for which the Independent Reviewer has already determined MPD and the City to be in Substantial Compliance.
<b>Analysis</b>	Communicate compliance with any sections and requirements set forth in the DOJ report as soon as practical to the City of Miami, MPD and DOJ. The sections that MPD has fully satisfied will be noted as compliant in future reports and will not require further action. The requirements will be subject to future audit to ensure that they are still meeting compliance standards.
<b>Technical Assistance</b>	

#70 The DOJ will collaborate with MPD in revising any policies, procedures, or practices relating to the use of force that DOJ deems to be deficient.

<b>Status</b>	
<b>Comments</b>	MPD will collaborate with the DOJ in revising any policies, procedures or practices relating to the use of force that DOJ deems to be deficient.
<b>Analysis</b>	Review all Use of Force policies, procedures and practices, comparing to national best practices. Discuss any changes, updates, revisions that are deemed necessary by DOJ or IR. Audit for practical compliance by members of MPD.
<b>Technical Assistance</b>	

## **Appendix ii**

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between the City of Miami, Florida, (City), by and through its police department, the City of Miami Police Department (MPD) and the Office Of The State Attorney for the Eleventh Judicial Circuit of Florida (SAO) and the Florida Department of Law Enforcement (FDLE), in furtherance of their respective duties under law for the purpose of facilitating investigations of incidents as described hereafter. The City, the SAO and FDLE agree as follows:

1. The occurrence of any of the following predicate events will initiate investigative and forensic involvement, assistance or coordination by FDLE:
  - a. The shooting of a person by a MPD law enforcement officer acting in the line of duty, or
  - b. The death of an arrestee while in the care, custody or control of a MPD law enforcement officer, the death of an arrestee shortly after being in the care, custody or control of a MPD law enforcement officer or the death of an intended arrestee during an arrest attempt by a MPD law enforcement officer.
2. Upon the occurrence of any of the enumerated predicate events, the ranking MPD member on the scene will ensure that emergency medical services are provided to injured persons and that a secure crime scene perimeter is established with restricted access. Only emergency medical personnel, crime scene technicians, medical examiner personnel, State Attorney personnel, investigating FDLE members and other law enforcement investigators assisting FDLE will be permitted inside the crime scene perimeter. The ranking MPD representative will then ensure that the FDLE regional operations center is promptly contacted and requested to dispatch the FDLE Critical Incident Team to initiate an investigation, notify the SAO Police Shooting Team and to coordinate crime laboratory services at the scene.
3. Pending arrival of the FDLE Critical Incident Team, the ranking MPD member will ensure that the scene remains secured, that physical evidence and documentation is protected and preserved and that all law enforcement and citizen witnesses are identified and separated pending initial interview. If feasible, the ranking MPD member will ensure that arrested persons at the scene are detained pending the arrival of the FDLE Critical Incident Team. The MPD will conduct the investigation related to any underlying criminal activity that preceded or occurred at the same time as the predicate events outlined in paragraph 1 above, when applicable. The ranking MPD member will also provide any assistance requested by FDLE during and after the on-scene investigation has been concluded, such as additional collection of evidence from suspects, vehicles, or involved law enforcement personnel, as well as the securing of other evidence such as radio communications tapes. The ranking MPD member will also coordinate with local law enforcement in any necessary crowd control efforts.

4. Upon receipt of notification from the MPD that any of the enumerated predicate events have occurred, the appropriate FDLE Special Agent in Charge or designee will immediately implement an investigation pursuant to FDLE Procedures governing FDLE investigations of Non-FDLE Officer Involved Shootings and in-Custody Death Incidents, which are incorporated herein by reference. FDLE, in conjunction with MPD, will promptly coordinate the dispatch of the Critical Incident Team together with the appropriate crime scene personnel, medical examiner personnel, State Attorney personnel and any additional law enforcement personnel which are required. FDLE will be the lead agency, in consultation with the State Attorney's Office, responsible for conducting all interviews and sworn statements of witnesses and subject officers.

5. FDLE will assume operational direction of investigations and forensic assistance or coordination initiated pursuant to this Memorandum of Understanding. FDLE may request the assistance of MPD personnel or personnel from other law enforcement agencies.

6. The MPD will retain overall direction and responsibility for any internal or administrative investigations initiated in response to the occurrence of any of the enumerated predicate events. However, the parties agree that the criminal investigative efforts take precedence over any internal or administrative investigations conducted by the MPD. No documentation, whether internal report or statement authored or obtained by MPD personnel involved in the subject incident that has been provided to the MPD under order or policy, shall be provided, or its contents revealed, to the criminal investigative team or the prosecutor until such time as the criminal investigative team and the FDLE Office of General Counsel agree that the criminal investigation will not be adversely impacted by any potential for immunity that may attach to any such statement. The criminal investigative team and the FDLE Office of General Counsel may consult with the prosecutor to determine whether such statement may adversely impact any subsequent criminal prosecution. However, the criminal investigative team and the FDLE Office of General Counsel will make the final determination regarding use of such statements in FDLE's investigation. To help assure that the criminal investigation is not impeded or negatively affected by internal or administrative investigative efforts, the MPD's internal or administrative investigation shall be initiated only after the criminal investigative efforts have been concluded or when otherwise specifically authorized by the FDLE's investigative team.

7. The parties agree that the MPD may issue initial press statements acknowledging an incident, reporting the status of the law enforcement officer(s) involved in the incident, and referral to the investigative process. At the appropriate stage(s) of an investigation initiated under this Memorandum of Understanding, FDLE will forward copies of all investigative reports and investigative summaries to the State Attorney having jurisdiction over the case and to the MPD for review. Transmittal of reports and summaries will be done so as to preserve any applicable exemptions from public disclosure and to maintain any confidentiality of information that may apply. Any press release related to investigative activities and responses to public records requests shall be coordinated jointly by the involved agencies to assure that disclosure, if any, is

appropriate and timely. The parties agree that best efforts will be made to coordinate said releases jointly.

8. FDLE will submit all final reports to the State Attorney for review. FDLE will report the material factual findings of the investigation but will offer no recommendations or reach legal conclusions concerning whether the force used, if any, was justified.

9. This Memorandum of Understanding represents the entire agreement between the parties on this subject matter. Any alteration or amendment of the provisions of this agreement shall be in writing, duly signed by authorized personnel of each of the parties and attached to the original of this agreement.

10. This agreement shall become effective on March 1, 2015 provided that all parties have signed below. Any party may terminate this agreement by providing the others with thirty (30) days advance notice in writing or by mutual agreement of the parties.

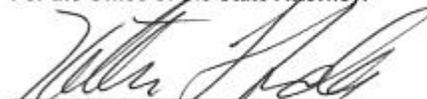
11. This Memorandum of Understanding does not supersede or replace any existing Memorandum of Understanding between the City of Miami, by and through its police department, MPD, and Federal Law Enforcement Agencies or municipal police departments as it relates to Police Use of Deadly Force Investigations.

For FDLE:

  
Richard L. Swearingen, Commissioner  
Florida Department of Law Enforcement

Date: 2/18/15

For the Office of the State Attorney:

  
Katherine Fernandez Rundle  
State Attorney  
Eleventh Judicial Circuit of Florida  
Date: \_\_\_\_\_

For the City:

  
Daniel J. Alfonso  
City Manager  
Date: 1-30-15

  
Victoria Méndez *gew*  
City Attorney

  
Todd B. Hannon  
City Clerk

  
Ann-Marie Sharpe, Director  
Department of Risk Management