

**BCC Meeting:
June 16, 2020
Research Notes**

**Item No. 4B
File No. 201121**

Researchers: JFP & VW Reviewer: PGE

ORDINANCE RELATING TO THE INDEPENDENT REVIEW PANEL ("PANEL"); AMENDING ARTICLE IC OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CHANGING THE NAME OF THE PANEL; AMENDING THE COMPOSITION, AUTHORITY, POWERS, AND STAFFING OF THE PANEL; PROVIDING TERMS OF MEMBERS APPOINTED TO THE PANEL NOTWITHSTANDING OTHER PROVISIONS OF THE CODE; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO IDENTIFY A FUNDING SOURCE FOR THE OPERATION OF THE PANEL DURING THE CURRENT FISCAL YEAR AND INCLUDE SUCH FUNDING IN FUTURE ANNUAL BUDGETS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Chapter 2, Article IC of the County Code to change the name of the Independent Review Panel (Panel) to the Independent Community Panel and amend the composition, authority, powers and staffing of the Panel.

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1
Department/Requester: None**

While this item has no procedural history, similar items have been brought before the Board, as recently as October 2018. The October 2018 item (File No. 182372) failed in the Public Safety and Health Committee after a similar item, Ord. No. 18-13, was adopted by the Board on February 6, 2018 and subsequently vetoed by the Mayor.

ANALYSIS

The proposed ordinance seeks to implement changes to the already existing Independent Review Panel, which was created in 1980 and last funded in FY 2008-2009. The Panel was initially created as a mechanism for community fact-finding and dispute resolution. The amendments alter the composition of the Panel and expand its authority. The proposed Board-appointed, 13-member panel has the authority to conduct mediations or other forms of dispute resolution, as well as subpoena witnesses, documents and other potential evidence for all matters within its jurisdiction, except for County employees who are law enforcement or correctional officers. The proposed ordinance further prescribes that all County employees are to cooperate with requests from and participate in investigations conducted by the Panel. Under the proposed ordinance, the County Mayor, within 45 days of receipt of the Panel's final report with regard to a matter reviewed, shall transmit a report to the BCC and the Panel providing all actions taken in response to the Panel's final report and any recommendations made therein.

The Panel is in addition to the County's internal review process and established measures to address complaints of misconduct by government employees, as facilitated by the Commission on Ethics and Public Trust, the Office of the Inspector General, and the Office of Human Rights and Fair Employment Practices. More measures exist at the departmental level. For example, the Miami-Dade Police Department (MDPD) has an internal investigative entity in place to investigate police officers and address misconduct. The MDPD's Professional Compliance Bureau (PCB) reports only to the MDPD Director and has the power to investigate allegations of police misconduct via its Internal Affairs Section (IAS) and the Criminal Conspiracy Section (CCS). Specifically:

- The Public Corruption and Criminal Conspiracy Sections (PCS) (CCS) of the Miami-Dade Police Department is responsible for investigating acts of criminal misconduct involving public officials, County employees, police officers, lobbyists, and private vendors conducting business with Miami-Dade County.

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- The Digital Forensic Unit provides a variety of digital forensic laboratory and crime scene support services to the greater municipal, state, and federal law enforcement agencies of Miami-Dade County.
- The Body-Worn Camera Unit was implemented to improve police services, increase accountability for individual interactions, and enhance public safety.

Civilian oversight boards—defined as agencies staffed with civilians, not sworn officers, charged with investigating civilian complaints of misconduct by government employees, particularly police and corrections officers—exist in varying forms in more than 100 jurisdictions throughout the nation. Based on the Office of the Commission Auditor’s research findings, civilian oversight boards generally fall into two categories: they are either external or internal to a law enforcement agency. A third, hybrid model incorporates aspects of both the external and internal models. Below are a few examples of Civilian Oversight Boards created in various jurisdictions of the United States:

Miami

The Civilian Investigative Panel (CIP), created by City of Miami Ordinance No. 12188 in 2002, provides for independent and impartial citizens oversight of the Miami Police Department. The powers and duties of the panel are:

- To conduct investigations, inquiries and evidentiary hearings into allegations of police misconduct.
- To make factual determinations, facilitate resolutions and propose recommendations to the City Manager and Chief of Police.
- To review and make recommendations regarding the Miami Police Department’s existing policies and procedures, including training, recruitment and discipline and provide input to the Chief of Police prior to implementation of new or revised policies and procedures.
- To request issuance of subpoenas for the purpose of obtaining evidence from witnesses, production of documents etc., after consultation with the State Attorney and CIP Independent Counsel.
- To issue reports to the Mayor, City Commission, City Attorney, City Manager, Chief of Police and the public.
- The CIP conducts public meetings on every third Tuesday of each month in addition to special and emergency meetings and public hearings.

Atlanta

The Atlanta Citizen Review Board (ACRB) was established by ordinance as an independent agency in 2007 and amended to include subpoena power in May 2010. It is designed to provide citizen oversight of misconduct accusations against sworn members of the police and corrections departments in the City of Atlanta. It is also designed to help prevent future incidents of police or corrections misconduct and abuse of civil rights and to reduce the amount of money needed to satisfy judgments and settlements based on allegations of police or corrections misconduct. The ACRB promotes public confidence in law enforcement.

The 13 members of the ACRB are appointed as follows and confirmed by the City Council:

- One member is appointed by the Mayor;
- One member is appointed by the City Council;
- One member is appointed by the President of the Council with previous experience as a law enforcement professional;
- Four members are appointed by the Neighborhood Planning Units;
- One member is appointed from the Gate City Bar Association;
- One member is appointed by the Atlanta Bar Association;

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- One member is appointed by the League of Women Voters of Atlanta;
- One member is appointed by the Atlanta Business League;
- One member is appointed by the Georgia Coalition for the People's Agenda; and
- One member is appointed by the Urban League of Greater Atlanta.

Chicago

On October 5, 2016, the Chicago City Council passed an ordinance establishing the Civilian Office of Police Accountability (COPA), which replaced the Independent Police Review Authority as the civilian oversight agency of the Chicago Police Department. COPA is comprised of a diverse staff with many years of investigative and legal experience. Under the direction of the Chief Administrator, COPA has the power and authority to conduct investigations into:

- Complaints against members of the police department alleging domestic violence, excessive force, coercion, or verbal abuse;
- All incidents in which a member of the police department discharges (i) a firearm in a manner that potentially could strike another individual, (ii) a stun gun or taser in a manner that results in death or serious bodily injury, or (iii) other weapons discharges and other use of police department issued equipment as a weapon that results in death or serious bodily injury;
- Incidents where a person dies or sustains serious bodily injury while detained or in police custody;
- Incidents of an officer-involved death; and
- Complaints against members of the police department alleging improper search or seizure of either individuals or property.

New York City

The New York City Police Department established the Civilian Complaint Review Board (CCRB) in 1953 as a committee of three deputy police commissioners to investigate civilian complaints. In 1987, in accordance with legislation passed in 1986 by the City Council, the board was restructured to include private citizens in addition to police officers (the Mayor appointed six members and the Police Commissioner appointed six). In 1993, after extensive debate and public comment, Mayor David Dinkins and the New York City Council created the CCRB in its current, all-civilian form.

The CCRB was established to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The Board's investigative staff is composed entirely of civilian employees. The Board forwards its findings to the police commissioner.

The CCRB's membership consists of 13 individuals appointed by the Mayor, who are residents of New York City and reflect the diversity of the city's population. The members of the board are appointed as follows: (i) five members, one from each of the five boroughs, are designated by the City Council; (ii) three members with experience as law enforcement professionals are designated by the police commissioner; and (iii) the remaining five members are selected by the Mayor, who also selects one of the members to serve as Chair. No member of the board may have a law enforcement background, other than those designated by the police commissioner, and none may be public employees or serve in public office.

Detailed below is a summary of select Citizen Review Boards nationwide, by jurisdiction.

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Summary Table of Citizen Review Boards in the United States

Public Entity	Board Name and Composition	Date of Creation	Subpoena Authority	Discipline Authority	Authority to Review Policies, Practices and Procedures
Atlanta	Atlanta Citizen Review Board; the 13 members of the ACRB are appointed by different entities	2007	Yes	No	Yes
Baltimore	Civilian Review Board of Baltimore City; Voting members: 9 (from each police precinct), 5 non-voting members	1999	No	No	No
Chicago	Civilian Office of Police Accountability; Comprised of a diverse staff	2016	Yes	Yes	Yes
Detroit	Board of Police Commissioners; Members: 11) 7 from each police district and 4 appointed by mayor).	1974	Yes	Yes	Yes
City of Miami	Civilian Investigative Panel (CIP)	2002	Yes	No	Yes
Newark	Newark Civilian Complaint Review Board; the 11 members are appointed by different entities	2016	Yes	Yes	Yes
New York City	Civilian Complaint Review Board; Members: 13 (5, i.e., one from each borough designated by the City Council; 3 members with law enforcement experience designated by police commissioner; the remaining 5 are selected by the Mayor, who also selects one to serve as Chair)	1953	Yes	No	No

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Chapter 2, Article IC, governs the Independent Review Panel, its creation, composition, organization and procedures, authority and powers generally, and reporting requirements.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artic

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Resolution No. R-1075-16, adopted by the Board on November 1, 2016, created the Miami-Dade Independent Review Panel Working Group; provided its membership, organization, procedures and staffing; and set forth its purpose, functions, responsibilities and Sunset provision.

<http://intra/gia/matter.asp?matter=162943&file=false&yearFolder=Y2016>