

INDEPENDENT REVIEW PANEL MINUTES

February 22, 2007

LOCATION: 140 West Flagler Street, Conference Room 908
Miami, Florida 33130

PANEL MEMBERS PRESENT

Jorge Reynardus, Esq., Chairperson
Julia Dawson, Esq., 1st Vice Chairperson
Michael Band, Esq.
Julie C. Ferguson, Esq.
Jean Robert Lafortune
Josefa Perez-Velis
Doris Shellow

MEMBERS ABSENT WITH NOTIFICATION

Moiez Tapia, Ph.D., 2nd Vice Chairperson
Arcie Ewell
Glenn Falk, Esq.

PANEL STAFF PRESENT

Eduardo I. Diaz, Ph.D., Executive Director
Carol Boersma, Executive Assistant to the Director
Fernando L. Robreño, Conflict Resolution Specialist
Kristen Anderson, Conflict Resolution Specialist

COUNTY OFFICIALS AND EMPLOYEES PRESENT: Ronald Bernstein, Esq., Assistant County Attorney; Director Timothy Ryan, Miami-Dade Corrections & Rehabilitation (MDCR); Cpt. Edwin Cambridge, MDCR; Major Donald Rifkin, Miami-Dade Police Department (MDPD Professional Compliance Bureau); Lt. Chris Carothers, MDPD; Sgt. Leo Recelli, MDPD; Sgt. Mehran Sawal, MDPD.

AUDIENCE: Donald Marsh, City of Miami Civilian Investigative Panel; Kenneth Edgecombe, Complainant.

Agenda Item #1) Call to Order. Mr. Reynardus called the meeting to order at 2:00 PM and asked staff to call roll.

Agenda Item #2) Welcome New Panel Member. Mr. Reynardus welcomed Mr. Lafortune to the Panel. Mr. Lafortune thanked the Panel for having him and stated he was happy and eager to be a part of the IRP.

Agenda Item #2) Approval and adoption of the minutes. Ms. Shellow made a motion to adopt the minutes. Ms. Dawson seconded the motion and it was passed unanimously.

Agenda Item #4) Presentation by Director Timothy Ryan, Corrections & Rehabilitation Department. Dr. Diaz introduced Director Ryan to the Panel. Director Ryan thanked the Panel for inviting him to the meeting.

Director Ryan stated he believes that accreditation is essential in the jail system and one of his goals is to bring MDCR up to state and national accreditation standards, which will take a couple of years to accomplish.

Director Ryan advised that he also envisions improvements in the “direct supervision” process. He stated that the department’s lieutenants and captains have gone through “direct supervision” training already.

Director Ryan also mentioned that the facilities within MDCR have deteriorated greatly. Director Ryan stated that the Pre-Trial Detention Center is in desperate need of repair and he stated that it would perhaps be better to create a new facility than refurbish it. He stated that he has contracted consultants to evaluate what needs to be fixed and a timeline to do so. In addition, he has been searching for possible future sites for a new jail, possibly near the Krome Detention Center. He also stated that the mental health unit needs to be revised. Director Ryan stated that about 20-30 percent of the inmate population is under some sort of mental health care.

Director Ryan discussed his vision regarding inmate “reentry.” Director Ryan stated that the focus for the jails has been housing inmates rather than trying to change their behavior to help prevent them from returning.

Mr. Lafortune expressed his satisfaction that Director Ryan plans on addressing “reentry.” Mr. Lafortune asked Director Ryan his position on restoring the voting rights of felons once they are released. Director Ryan stated he has changed his thinking. It’s time to reexamine that issue and perhaps allow them to regain their voting rights.

Ms. Dawson asked Director Ryan what is “direct supervision.” Director Ryan explained that it is a concept that evolved in the 1980’s. It places an officer in the center of a dormitory style module in direct contact with the inmates. The officer is trained to engage the inmates and be available for inmates to discuss issues and provide information to the officers. In addition, the officer is in charge of the unit and can issue discipline directly without going through a disciplinary process. Director Ryan stated he is a strong advocate of this approach.

Mr. Band asked Director Ryan to address the issue of video cameras within the jails, which the Panel has recommended in the past. Director Ryan stated he is a strong advocate for cameras and he had instituted them in his previous posts. He stated employees will be trained to use them and the videos will be archived for ninety days and the administration will review several tapes randomly every quarter for policy and procedure compliance. Director Ryan stated the cameras currently inside the Pre-Trial Detention Center are insufficient and he has ordered new ones to be placed within the facility.

Director Ryan addressed the Panel’s recommendation that supervisors directly involved with an incident should not be involved in the disposition of Internal Affairs investigation. Director Ryan stated in order to improve on that, employees who come from different units need to be further trained and educated so that they can make better decisions.

Captain Cambridge addressed the recommendation regarding employee lineups. Captain Cambridge stated that a database is now in place and all employees are required to take new ID pictures. The database will allow the lineup to be refined depending on employee descriptions. Director Ryan stated that all employees must and will wear name tags in order to identify them. Director Ryan also stated that inmate information will also be online and available to the public.

Captain Cambridge also stated that Memos to File from Internal Affairs now must have a reason why they are being closed and must be reviewed by supervisors.

Director Ryan stated that the Panel's recommendation regarding the length of Internal Affairs investigations is important to him as well. Director Ryan stated that new state law requires investigations be concluded within 180 days and MDCR will abide by that law. Captain Cambridge added that once a complaint is received their database automatically assigns a deadline for the complaint to be completed.

Captain Cambridge stated the complaint pamphlets are now being placed in the lobbies of all jail facilities in three different languages.

Agenda Item #5) IRP Complaint A 2005.229 Edgecombe v. Miami-Dade Police Department (MDPD). Mr. Robreño presented the complaint to the Panel. Mr. Robreño informed the Panel that Mr. Edgecombe had to leave early because of an issue with his son at school.

Mr. Reynardus explained his concern that the Finding on Allegation #2 sends the wrong message to the police and community. Mr. Reynardus stated that there were 2 other police officers on the scene and their statements should be viewed as credible. In addition, the same is true for citizens who are related to the complainant that their statements should be viewed as credible as well. Mr. Band stated that we cannot reach a conclusion on credibility since the Panel did not witness the testimony of the complainant and officers.

Mr. Band made a motion to adopt the Committee Findings and Recommendations as written. Mr. Lafortune seconded. The motion passed unanimously.

Ms. Boersma presented Major Rifkin to the Panel. Mr. Band asked Major Rifkin what happens once the Panel's recommendations are received by MDPD. Major Rifkin stated the department's process is dictated by the Internal Affairs process. Major Rifkin stated the commanding officer can only order or recommend additional training or discipline based on the Internal Affairs investigation.

Major Rifkin stated that IRP recommendations are not placed within the employee's personal file; they are placed in a separate file. Major Rifkin stated that there is no Professional Compliance Bureau follow up on IRP recommendations.

Ms. Dawson asked Major Rifkin why he was attending the meeting if MDPD does not answer or follow up with IRP recommendations. Major Rifkin stated he came to the meeting to help facilitate the dialogue between the Panel and the Professional Compliance Bureau.

Major Rifkin stated that Director Robert Parker is bound by contractual obligations with unions.

Mr. Band asked Major Rifkin to discuss this issue with Director Parker and explain to him the Panel's concern. Major Rifkin stated that he believes that there's a need and place for the IRP in our community and that MDPD has responded to recommendations dealing with complaint forms and employee photo lineups.

Mr. Reynardus made a motion to instruct Dr. Diaz and Staff to draft a formal policy to present to the Board of County Commissioners that calls for Director Parker of MDPD to document when he receives and reviews IRP recommendations and to formally respond to each. The motion passed unanimously.

Agenda Item #6) Executive Director's Report. Dr. Diaz informed the Panel that he attended the first of the County budget meetings and everything appears to be okay for the IRP. Dr. Diaz warned the Panel that a proposal now floating through the Florida State Legislature to reduce property taxes may affect the County's budget, and that in turn, could affect the IRP's budget.

Dr. Diaz informed the Panel that he has been selected to represent the United States on the International Network for Independent Oversight of Policing (INIOP) steering committee.

Agenda Item #7) Adjourn. Ms. Dawson made a motion to adjourn, Ms. Shellow seconded. Motion passed unanimously.