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Meet.
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1 UNITED STATES COMMISSION ON CIVIL RIGHTS
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4 Florida State Advisory Committee
5 -to the-
6 U. S. Commission on Civil Rights

7 Transcript of Proceedings
8 -of the-
9 Police-Community Relations Forum

10 Saturday, June 25, 1988
11 9:10 a.m. - 5:30 p.m.

12 Jury Assembly Room
13 U. S. District Courthouse
14 Federal Courthouse Square
15 301 North Miami Avenue
16 Miami, Florida

FOR FILING PURPOSES

17 * * *

18 COMMITTEE MEMBERS PRESENT:

- 19 MICHAEL J. MOORHEAD, Chairperson
- 20 ROLAND HOWARD ROLLE
- 21 VIRGIE H. CONE
- 22 JACKIE L. BELL
- 23 GUSTAVO MARIN
- 24 DR. KENNETH CLARKSON
- 25 JUNE D. LITTLER

ALSO PRESENT:

JOHN J. BINKLEY, Regional Director
of the Eastern Division of U.S.
Commission on Civil Rights.

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1 CHAIRMAN MOORHEAD: I would like to get
2 underway. It is almost 9:15. I would like to
3 introduce myself. I am Michael Moorhead, Chairman of
4 the Florida Advisory Committe to the U.S. Civil
5 Rights Commission.

6 I would like to introduce the rest of
7 the members of the Committee.

8 On my far right is Dr. Kenneth Clarkson.
9 Next to Dr. Clarkson is my good friend, Jackie Bell
10 of Miami. Roland Rolle on my left. Roland is here
11 from Cooper City. Then Virgie Cone, who is from
12 Jasper, Florida. June Littler, who is from
13 Gainesville, and on my far left is John Binkley, who
14 is the Regional Director of the Eastern Division of
15 the Commission, which covers the state of Florida.

16 I will start with some comments, then
17 we will move on to the agenda.

18 I assume many of you have a copy of
19 that. If not, we have some available at the desk.

20 For those of you who have not
21 registered at the desk and who have not signed a sheet
22 that is floating around, I would ask you to do so.
23 It will help us in terms of knowing who has expressed
24 an interest by their appearance here and will also
25 enable us to send you publications that will come as a

1 result of this proceeding and publications from the
2 Commission generally. So, please, if you have not
3 done so, sign the sheet that is passing around or as
4 you leave later be sure to sign one of the sheets at
5 the front door.

6 In addition to the members of the
7 Commission that you see here at the table, there are
8 several staff persons of the U.S. Civil Rights
9 Commission from Washington, D.C., who are here and I
10 would like to introduce them as well.

11 We have the Acting Staff Director of
12 the Commission, Susan Prado. We also have here
13 Chief Assistant, Mr. James Corey sitting next to her.

14 At the desk as you come in,
15 Mr. Ki-Taek-Chun, who is assistant to the regional
16 director, John Binkley, and somewhere here is Staff
17 Secretary, again at the desk, with the rather
18 stylish hat, is Linda Rafau.

19 I want to start talking about the
20 purpose of the State Advisory Committee to the
21 U.S. Civil Rights Commission.

22 As indicated there, there is one in
23 each of the fifty states and the Advisory Committees
24 are made up of, we like to think, of responsible
25 individuals who serve without compensation.

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1 This Committee has several functions.
2 It is not an action committee in the sense that it
3 implements particular policies; it is an advisory
4 commission. It advises the Commission on all relevant
5 information concerning activities within our
6 respective states. We advise the Commission on
7 matters of legal concern and the preparation of
8 reports of the Commission to the President or to the
9 Congress. We receive reports, suggestions,
10 recommendations from individuals, public and private
11 organizations and public officials about matters
12 pertinent to inquiries conducted by the State Advisory
13 Committee. And we can on occasion observe hearings or
14 conferences which the Commission may hold within the
15 state of Florida.

16 The U.S. Civil Rights Commission and
17 its Advisory Committees have authority under federal
18 law to collect and study information regarding
19 discrimination and the denial of equal protection of
20 the laws under the U.S. Constitution when that denial
21 is based upon race or color or national origin or
22 religion or sex or age or handicap status, and it is
23 pursuant to that authority that we undertake today's
24 forum.

25 To assist the Advisory Committee a

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1 record of the proceedings is being made and all
2 persons submitting information to the Advisory
3 Committee are going to do so voluntarily. Failure to
4 give information will not result in either penalties
5 or sanctions.

6 For access to any of the information
7 provided here today or any contained in the files of
8 the Commission you may contact the Office of the
9 Solicitor at the U.S. Civil Rights Commission in
10 Washington, D.C., and that information will be made
11 available to you.

12 The U.S. Commission and its Advisory
13 Committees are required by federal law to request that
14 all persons who provide information refrain from
15 degrading or defaming other individuals. Federal law
16 also provides that anyone who appears here today who
17 does not want to be photographed, who doesn't want
18 their comments reported in the press can indicate that
19 and we will take steps to assure that no such
20 reporting, no such picture-taking occurs.

21 As you see in the agenda today that was
22 provided you, we have scheduled several panels today,
23 and after the panels have completed their
24 presentations questions will be posed by members of
25 the Advisory Committee.

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1 In the interest of time and in order
2 that we hear all of the parties, we have asked the
3 panelists to limit their remarks. In this connection
4 I wish to announce that speakers may supplement their
5 presentations with written statements and material
6 as they desire. The supplementary submittals will be
7 sent--should be sent to the Commission no later than
8 July 11, 1988. Statements and materials received by
9 that time will be incorporated in the report of the
10 Advisory Committee.

11 The forum we are holding today focuses
12 on Police-Community relations in the city of Miami
13 and in the greater Metro-Dade area. Our purpose is
14 to provide an opportunity for community groups and
15 organizations to describe their concerns and to
16 provide their perception of police treatment of
17 minorities in this area. We also hope to give--to
18 assure, I should say, responsible public officials
19 an opportunity to respond and to discuss those issues
20 and to tell how they are being addressed by their
21 department.

22 In short, we provide an opportunity
23 for communication and understanding, which hopefully
24 will lead to improved relations.

25 The first person before me with the

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1 topic of the forum have been invited to provide
2 information and it is not expected that each panelist
3 will be able to provide all the information being
4 sought by us, but it is the hope of the Advisory
5 Committee that the information that we obtain today
6 from the panelists will result in a composite that
7 will assist our efforts to gain a more comprehensive
8 balanced knowledge of the issues, the subissues
9 before us.

10 Based on what we learn today, the
11 Committee will prepare a report to inform the U.S.
12 Civil Rights Commissioners and the public of the
13 status of the Police-Community relations in Miami and
14 Dade County and perhaps to plan further activities of
15 the Advisory Committee to address matters that can't
16 or do not address in this proceeding.

17 With these preliminary matters behind
18 us, we are now ready to begin with the first panel,
19 and I want to start by announcing a change.

20 The first panelist is going to be
21 Mr. Thomas Battles of the U.S. Justice Department
22 Community Relations Service. That change is made
23 because of his need to attend a function involving
24 the former official of a government who is in this
25 city this day, so that shall be a reasonably short

1 presentation and we will immediately move back to the
2 agenda today after his comments.

3 Mr. Battles?

4 MR. BATTLES: Good morning.

5 Mr. Chairman, members of the Florida
6 State Advisory Committee to the U.S. Commission on
7 Civil Rights--

8 CHAIRPERSON MOORHEAD: Excuse me.

9 Mr. Battles, for the record, would you
10 give your name and address?

11 MR. BATTLES: I am Thomas Battles, I
12 reside at 500 Northwest 214th Street, I am the
13 operations manager for the Miami field office with
14 the U.S. Department of Justice Community Relations
15 Service.

16 The Community Relations Service is
17 charged with conciliating racial ethnic disputes.
18 As I indicated, at the field office here we are
19 concerned with three areas; that is the
20 administration of justice issues, which deals with
21 excessive use of force allegations, correction issues,
22 educational issues, which includes disputes, de-
23 segregation issues and what we call general community
24 relations matters which allows us to get involved in
25 major marches and demonstrations.

1 We are in Region 4, regional
2 headquarters in Atlanta, and we have an Ex-state
3 region.

4 We also have another function in the
5 field office, which includes our Cuban and Haitian
6 program.

7 We have a major effort of resettlement
8 of Cubans and Haitians throughout the country.

9 I think that it is a very appropriate
10 time that you are here in South Florida area. Perhaps
11 whatever results you find from this session, perhaps
12 it can serve as a model for what we at CRS are
13 experiencing and seeing throughout this country. We
14 think that this community has paid its dues in the
15 area of media attention to the allegations of
16 excessive force. There has been a lot of work done in
17 this community to begin to address those issues.

18 Certainly there have been mistakes made,
19 but we believe that the law enforcement community is
20 sincere in its efforts to address concerns of this
21 community in the area of excessive force.

22 CRS has been involved in many of those
23 issues. The field office was opened following the
24 1980 disturbances in Miami. We have been here since
25 then, so we have been involved and we have tracked

1 many of those issues and, of course, we lend our
2 assistance when it is appropriate to do so.

3 I want to just point out to you one of
4 the recent publications that CRS introduced around the
5 country. It is entitled Principles of Good
6 Policing - Avoiding Violence Between Police and
7 Citizens. The document that was primarily prepared
8 for law enforcement executives or how-to in
9 addressing many of the concerns that perhaps you will
10 hear today. It has been widely distributed in the
11 South Florida area and we know that the law
12 enforcement community read it from cover to cover and
13 wherever it has been appropriate they have implemented
14 many of the recommendations that we have suggested.

15 We have assembled many of the greatest
16 minds in the country in the law enforcement community
17 in preparing this document. We think that it is a
18 publication that the law enforcement community can
19 take advantage of.

20 Many of the allegations and the issues
21 you will hear today this community lived with for
22 quite some time. I think that when you hear from the
23 law enforcement community you will again be doubly
24 impressed by the work that they are involved in.

25 More importantly, I think the community

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1 will go to school, if I can use that term, because
2 there has been a lot of work done, and more importantly,
3 I think many of the disagreements, if there are any,
4 this is a time when perhaps you as an Advisory
5 Committee will serve as the catalyst to heal many of
6 wounds that have been festering for quite some time.

7 So with that, Mr. Chairman, I will
8 close, and again, we would like to commend you for
9 being here and we trust that your work here will be
10 fruitful and serve as a model for this community
11 and other communities experiencing these types of
12 concerns.

13 MR. ROLLE: I have a question.

14 It's always good to see you, Brother
15 Battles.

16 Based on the comments that you just
17 made I have one question that I would like to pose,
18 and as the Chairman has pointed out, we can't force
19 you to respond or issue any subpoenas or anything
20 like that, but as I understood your statement, you
21 indicated that the law enforcement community has been
22 very serious in addressing the concerns that have been
23 raised from the community, and that perhaps when we
24 hear the testimony we will be pleasantly surprised.

25 Inasmuch as that statement is in the

1 record at this point, are you in a position to
2 enumerate any steps or actions or conclusions or new
3 structures or policies that have been put in place
4 that would validate the statement regarding your
5 perception of what the law enforcement community has
6 done to-date?

7 MR. BATTLES: Mr. Rolle, perhaps in
8 another forum I would be happy to do that. This is
9 just not the appropriate forum for CRS to do.
10 However, I am sure once you hear the presentation by
11 the law enforcement community, they are in a much
12 better position to do that than I can.

13 MR. ROLLE: May I request, then, maybe
14 you could provide the Advisory Committee with a
15 written response at some future point?

16 MR. BATTLES: That is appropriate.

17 MR. ROLLE: Thank you.

18 CHAIRPERSON MOORHEAD: Any further
19 questions?

20 Thank you.

21 MR. BINKLEY: Mr. Chairman, Mr. Battles,
22 in connection with Mr. Rolle's question, has your
23 office been directly involved with training programs
24 or developing training programs for local law
25 enforcement agencies?

1 MR. BATTLES: Yes. Let me elaborate
2 for just a moment.

3 In our structure of operations we have
4 the Office of Technical Assistance in Washington.
5 Whenever there is a situation that occurs in the
6 community, let's just say for argument's sake there
7 is an allegation of excessive use of force and the
8 police department is reviewing its policies on
9 excessive force, and they would like to look at some
10 of the other policies around the country that they may
11 be able to use, I would request from OTAS, Office
12 of Technical Assistance, to identify for me some of
13 the most successful policies and programs around the
14 country, and we will perhaps introduce them.

15 What works in one community may not
16 work in another, so we try to take the best of both
17 worlds and to see if it is appropriate for that
18 community.

19 MR. ROLLE: Mr. Battles, in terms of
20 the training programs and other recommendations from
21 your office, would you also be able to provide us with
22 what kinds of programs you have recommended, what has
23 been the response and follow-through and implementations
24 to-date of the various programs that your office has
25 put forth for the law enforcement community here?

1 MR. BATTLES: (Nods in the affirmative.)
2 CHAIRPERSON MOORHEAD: Thank you,
3 Mr. Battles.
4 Just so we can generally plan the day,
5 let me make an announcement before calling the next
6 panel.
7 Our plan is to go to about 12:30
8 today, then to take a break of an hour and a half for
9 lunch, to reconvene at 2:00 and then continue until
10 we finish. That may help some of you plan your
11 afternoon.
12 The next panel we have is composed of
13 representatives of the People United to Lead the
14 Struggle for Equality, also known as PULSE, and we
15 have several members who can come to the witness table.
16 We have one more panelist that we have
17 listed. Rather than trying to match a name with a
18 face, we would ask Dr. Williams if he would introduce
19 the panel and commence.
20 DR. WILLIAMS: To my right is the
21 Reverend Vane Eubanks, he is a pastor and second
22 vice president of our organization, and our president,
23 Reverend Arthur Jackson.
24 To my left is the former past-president
25 of PULSE, Reverend J.W. Stepherson, and to his left

1 is Reverend Graham, who is chairman of the Community
2 to End Discrimination.

3 CHAIRPERSON MOORHEAD: Do you know how
4 you want to proceed?

5 DR. WILLIAMS: Yes.

6 REVEREND EUBANKS: Good morning,
7 Chairman Moorhead.

8 As has been stated by Dr. Williams, I
9 am Reverend Vane Eubanks, chairman of the Membership
10 Committee of PULSE.

11 We would like to come before the
12 Florida Advisory Committee of the U.S. Commission of
13 Civil Rights.

14 Early on 1980, recently after the
15 death of Mr. Arthur McDuffie, there seemed to have
16 been an escalation of ill-treatment and police
17 brutality and killing of Black men, especially in the
18 Miami, Dade County area.

19 As being PULSE people, being People
20 United to Lead the Struggle for Equality, we do
21 realize that we are the local citizens, we take
22 ourselves as being responsible citizens, persons of
23 the community, and we felt that it would be in our
24 rights and our responsibility to lend ourselves
25 without any compensation, and inasmuch as these

1 treatments and killings have continued on up until
2 this date, during our 1987 annual convention, we as
3 PULSE invited the late Mr. Clarence Pendleton, U.S.
4 Civil Rights Commission, and he came down and made a
5 statement that he would intercede in our request to
6 look into the statements and accusations and things
7 that was happening among the people here in the Miami,
8 Dade County area.

9 And it is because of that request of
10 this organization PULSE and commitment of the late
11 Mr. Clarence Pendleton and having been turned over to
12 your Florida Advisory Committee and all of the
13 necessary work that has been put into this. Because
14 of this we are here today and as we have come before
15 you today with our panel; Dr. Willie Williams will
16 read our statement; Reverend J.W. Stepherson,
17 past-president of PULSE will give an introduction of
18 the victims; summary will be by Reverend Nathaniel
19 Graham, PULSE chairman to end discrimination. And
20 our closing comments will be by the Reverend Arthur
21 Jackson, Jr., president of PULSE.

22 In addition to this, the SCLC,
23 Dr. Ray Fauntroy, president, and there is also to be
24 the Miami Christian Improvement Association,
25 spokesperson will be Reverend Willie Sims, Jr.

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1 So with this, I will now turn the panel
2 over to Dr. Williams.

3 DR. WILLIAMS: Good morning.

4 I have a prepared statement here that
5 I will read, but prior to reading that--this
6 statement, I was reading a book, and the title of
7 this book was Police and the Public, by Michael J.
8 Murphy. He was the former police commissioner of the
9 New York Police Department.

10 Commissioner Murphy said the control
11 of people of large cities has become more and more
12 a difficult task. There needs to be greater
13 understanding between police and the public if crime
14 is to be kept in check.

15 He further went on and said that the
16 police must deal with difficult situations in the
17 community in terms of community relations, they must
18 enforce the law equally among all citizens in the
19 community. In all situations police officers must be
20 honest and fair-minded, with community support the
21 job of maintaining law and order in a democratic
22 society can be successfully accomplished by the police.

23 The police department must clean up
24 themselves, crime, evidence taken of bribes, crime
25 against the community, corruption, conspiracy,

1 brutality against arrested suspects and shakedowns,
2 these things separate the police from the community
3 and fast.

4 People United to Lead the Struggle
5 for Equality (PULSE) is an organization of over 50
6 churches and civic organizations located
7 throughout Dade County. The organization was
8 organized after the 1980 riots, to unite Black
9 citizens around common issues that affect their
10 communities. Some of the goals of PULSE are to
11 educate the public about the needs of low- to
12 moderate-income Black people in the community, to hold
13 accountable public and private direct actions and
14 negotiations and to become a permanent, powerful
15 organization that will be the tool of the Black
16 community through which it obtains its fair share.

17 The PULSE organization, since its
18 beginning, has strongly supported the Dade County
19 Police Department and the City of Miami Police
20 Department and has attempted to have good-working
21 relationships with these Departments. We have signed
22 agreements with both Departments that provide for
23 better law enforcement in the Black communities
24 throughout Dade County.

25 PULSE comes before this Advisory

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1 Committee with some real concerns for justice in our
2 community. There have been a number of Black men
3 killed by white policemen for little or no reason.
4 Arthur McDuffie, Ernest Kirkland, Anthony Nelson and
5 Donald Harp all were killed under cloudy
6 circumstances. These men may have violated some laws,
7 but the punishment did not fit the crime.

8 We want to make it very clear that if
9 these men had broken the law, they should have been
10 arrested. The PULSE organization will never stand in
11 the way of a policeman doing his job as long as he
12 doesn't abuse his police powers. And surely if the
13 life of the policeman is threatened, then he has every
14 right to protect himself.

15 As far as we know, after this series
16 of killings of Black men by white policemen, the Dade
17 County Police Department did not initiate any
18 programs to control white officers who work in Black
19 areas so they do not overreact when dealing with
20 Black people. Certainly, it hasn't developed ones
21 that are successful.

22 After our agreement was signed with
23 Dade County Police Department in August of 1983, we
24 experienced a period of good relations with the
25 department. When problems arose in different areas of

1 the Black community, PULSE would meet with the
2 appropriate Dade County District Commander, to give
3 our support for professional law enforcement in our
4 community.

5 The PULSE organization really believed
6 that police and community relationships were
7 improving. We began to believe that our county would
8 never experience another riot like that of 1980 when
9 the white police officers all were cleared in the
10 beating death of Arthur McDuffie.

11 Then, on December 30, 1985, one of
12 PULSE's members was brutally beaten at his home by
13 white Dade County police officers. One officer was
14 called to the home of Minister Nercius Cincyr to
15 investigate a noncontact auto accident. Instead of
16 diffusing the incident, the officer escalated it.
17 It ended with the severe beating of Minister Cincyr
18 and with charges filed against him for four
19 criminal offenses.

20 On October 7, 1986, Willie Spikes was
21 killed by a white police officer; on December 10,
22 1986, Steve Tillman was shot in the neck down for
23 life; on March 2, 1987, Wilhelm Figueredo was killed
24 by a white police officer. In all three of these
25 cases, the police claimed that the victims were trying

1 to run them down. There are many questions that have
2 not been answered in these cases.

3 On January 11, 1988, Randolph McFadden
4 died while in police custody. The police report said
5 that he died from a drug overdose, yet there were
6 visible marks all over his body which indicated that
7 he was severely beaten.

8 Whenever there is a police shooting or
9 police complaint involving Black people, the Dade
10 County Police Internal Review investigates the
11 incident and, in the vast majority of the cases,
12 rules that the police officer involved used proper
13 police procedures. Whenever a Black man is killed,
14 shot or beaten under questionable circumstances, the
15 system almost always sides with the police. When
16 police officers are policing themselves, can the
17 people expect justice? We need not remind this panel
18 that it was only a few years ago when white police
19 officers were used to "keep the niggers in their
20 place."

21 What happens when a police officer
22 shoots or kills a suspect? Such a shooting or
23 homicide in our county sets off a systematic,
24 well-rehearsed investigation. A "shooting team" goes
25 to work immediately. The objective is to establish

1 facts, facts so indisputable that no one can validly
2 assert that the investigation is just "cops covering
3 up for cops." It appears that usually this team is
4 working to clear the officer, not to make sure that
5 justice is done.

6 The Metro-Dade team is made up of at
7 least one top prosecutor from the State Attorney's
8 Office, a medical examiner, a squad of homicide
9 detectives, a detective chief and several high-
10 ranking police officials, investigators from an
11 internal review unit, a public information officer
12 and someone from the psychological services staff.
13 The Police Benevolent Association has a lawyer that
14 goes to every shooting scene. After a shooting,
15 police officers are told to talk to no one until they
16 have consulted with a PBA attorney. Given the history
17 of racism in this country and this county, we ask
18 this panel, how can a grieving family match up
19 against this kind of expertise?

20 The police internal review usually is
21 a whitewash. We perceive that the police get
22 together and corroborate their stories. Then they
23 grill the independent witness looking for
24 inconsistencies. They don't do this with a police
25 officer.

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1 We cannot depend on the State Attorney
2 for justice in these cases. In most of its
3 adjudications that office depends heavily on the
4 testimony of police officers for convictions. Thus
5 the State Attorney cannot look too hard or too often
6 at alleged police abuse without risking the ill will
7 of the police.

8 The Dade County Independent Review
9 Panel (IRP) is everything but independent. First of
10 all, the Executive Director is a retired police
11 officer. When PULSE addressed the IRP, its panel
12 included a current police chief who chaired the
13 subcommittee dealing with our complaint, the Deputy
14 County Manager, a Dade County Bar Association lawyer
15 and a Dade County School Administration member.
16 The police chief made it very clear that he would not
17 go along with any recommendations putting the fault
18 on the police officers. Our understanding of
19 "independent" is unattached to the system. The IRP
20 issued a token report that, as far as we are
21 concerned, didn't address the real problem. The
22 chief serving on the IRP and the director of the
23 Dade County Police Department both retired shortly
24 after this case and went into business together. This
25 whole process is pretending to solve community

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1 concerns. Most people in the Black community have no
2 faith in this process.

3 Whenever a questionable shooting or
4 beating--

5 CHAIRPERSON MOORHEAD: Excuse me,
6 Dr. Williams.

7 I know we feel strong about some
8 points but we would like to maintain decorum.

9 We will weigh the substance of the
10 point without the need of applause.

11 DR. WILLIAMS: Whenever a questionable
12 shooting or beating is investigated by the Dade
13 County Police Internal Review or Dade County
14 Independent Review Panel, it takes months, sometimes
15 over a year before reaching its completion. We
16 believe that this is an attempt to diffuse community
17 interest in these cases. People become frustrated
18 and discouraged with the system. And nearly 100
19 percent of the time, when they issue their report, it
20 clears the police officers of any fault.

21 When these situations arise between
22 police and the Black community, Dade County has its
23 own Community Relations Board and other Black
24 organizations, that are partially funded by the
25 County, to respond to the crises. These groups exist

1 to put out fires, not to address the real problem.
2 When such groups speak, they speak for Dade County,
3 not for the common people. They do not represent the
4 Black community.

5 The Advisory Committee should ask
6 itself whenever there is a questionable killing,
7 shooting or beating of a Black man, why is it always
8 a white or Latin police officer who is involved?
9 Black police officers work under the same conditions,
10 the same pressure, but they seldom, if ever, kill,
11 shoot or beat Blacks or whites under cloudy
12 circumstances.

13 In most cases of obvious police
14 brutality, the victim always ends up with an
15 abundance of charges, such as: assault on a law
16 enforcement officer, battery on a law enforcement
17 officer, obstructing a police officer and resisting
18 an officer with violence to his person. The victim
19 is not only beaten, but he has to spend limited
20 resources to hire an attorney to defend himself in
21 court.

22 PULSE is not dealing with a perception
23 here, this is a reality. Miami, Dade County is the
24 only major metropolitan area in our country that has
25 had two riots in the 1980's. We read in our

1 newspaper about police officers killing, stealing,
2 buying, selling and using dope. We read about the
3 corrupted and crooked cops in our police
4 departments that taint the evidence to substantiate
5 their stories. If there are police officers doing
6 these crimes, then it is not difficult to believe
7 that some police officers are killing and beating
8 Black people when they really don't have to. All of
9 our information points unavoidably to that
10 conclusion.

11 What will it take to resolve this
12 problem and restore trust in our law enforcement
13 officers? PULSE recommends a truly "Independent
14 Citizen Review Panel" with subpoena power, to
15 investigate only police shooting and complaints of
16 beatings. The members of this panel should be selected
17 through a community process. It's essential that this
18 Citizen Review Panel has subpoena power and staff in
19 order for it to be successful in its role.

20 This is our written report,
21 Mr. Moorhead.

22 CHAIRPERSON MOORHEAD: Thank you,
23 Dr. Williams.

24 REVEREND STEPHERSON: Mr. Chairman,
25 other distinguished ladies and gentlemen, we are

Jack Besoner and Associates

1 here today as it was stated before and I'm sure that
2 has been made clear, I would like to take a just a
3 moment of your time, if you please, to present to this
4 panel some of the victims of these circumstances
5 that we have just made mention of.

6 I would like to introduce them.

7 The Reverend Nercius Cincyr was
8 brutally beaten at his home on December 30, 1985, by
9 a white Dade County police officer. The officer was
10 cleared of all wrong by Dade County Police Internal
11 Review. The Reverend Nercius Cincyr is present.
12 I just wanted you to see him.

13 This is he here.

14 Thank you, sir.

15 Willie Spikes was killed on October 7,
16 1986, by a white Dade County police officer. The
17 officer was cleared of any criminal intent by a judge
18 in a public inquest hearing. Mr. Spikes cannot be
19 here today simply because he does not live any longer,
20 but his family is here. We would just like to present
21 his family.

22 Thank you.

23 Steven Tillman was shot in the neck on
24 December 10, 1986, by a white Dade County police
25 officer. Steven Tillman is paralyzed from the neck

1 down through his body for the rest of his life.

2 Mr. Tillman is coming now. I just want you to see,
3 please.

4 This is a reality, this is no made-up
5 story to get anybody. We are not after anything but
6 justice.

7 Tillman. Push him around here, just
8 push him around.

9 This is Steve Tillman that will be
10 paralyzed the rest of his life.

11 Thank you.

12 You may push him around and give him a
13 space.

14 Paul Ginton was brutally beaten on
15 October 9, 1987, while in Dade County police custody
16 and charged with criminal offenses. He is still
17 fighting the charges in court today.

18 Fitzroy Rowe and family members were
19 beaten and arrested on December 2, 1987, by white
20 Dade County police officers. The family is still
21 pursuing this incident.

22 Are they here?

23 Would you please stand?

24 Thank you.

25 Randolph McFadden died while in Dade

1 County police custody on January 11, 1988. The report
2 said he died from a drug overdose, yet there were
3 visible marks all over his body which appears that he
4 was severely beaten.

5 Is his brother here?

6 UNIDENTIFIED SPECTATOR: These are the
7 pictures to the press after and before.

8 REVEREND STEPHERSON: Here is the
9 pictures here of the visible image of the condition
10 of this man after he was seriously beaten by the
11 police officers. It certainly doesn't seem like drugs
12 to me.

13 Raymond Louis Hodge was beaten at his
14 home on May 3, 1988, by white Homestead police
15 officers. This is he.

16 I'm sorry, I missed one. Let me
17 backup.

18 Shelly Davis and family members were
19 brutally beaten at his home by two white Dade County
20 police officers. Mr. Davis' 13-year-old daughter has
21 stitches in her head right now.

22 Where is the young lady? She has
23 stitches in her head now. This is no fairy tale, this
24 is a reality, the stitches is there to show.

25 I would just like to take the

1 initiative, if you please, and say one word, then I
2 will be finished.

3 I wish it was where these people who
4 have undergone this untold stress and strain could
5 have a word to state to this panel how difficult it
6 is to deal with this system when things of this kind
7 happen. I wish this could be done, but since we have
8 been informed that it cannot be done, I hate to make
9 you tell me that again, and yet I am tempted to ask
10 you to suffer to be so now for thus it becomes us to
11 fulfill all righteousness, but let me say it to you,
12 sir, whenever that these kinds of things happen,
13 among us as Black people it is very difficult for us
14 to get the ear of somebody who looks at it not from
15 a color scheme, but from justice, fairness and what is
16 right.

17 We are not asking anybody to pity us
18 because we are Black. I am glad I am Black. God
19 made me what I am and I wouldn't change it if I could,
20 but I would like to say to you color has nothing to
21 do with it. If you are Black you can be a Black man,
22 I mean a whole man. If you are white, you can do
23 likewise, and I am saying to you today I would like
24 you to take the evidence that has been presented to
25 you, not out of sympathy because I have said these

1 things and because of who we are, but from a justice
2 standpoint. This is all we are asking for.

3 Thank you very much.

4 CHAIRPERSON MOORHEAD: Reverent Graham.

5 REVEREND GRAHAM: My name is
6 Nathaniel Graham, I am chairman of the Committee to
7 End Discrimination here. I would just like to touch
8 base on some things that have been mentioned
9 previously.

10 We have heard the statements as they
11 have been read; you have heard the names of persons
12 that have been victimized by the Public Safety
13 Department. Indeed, these things are still
14 happening today. They are occurring today as they
15 are still happening today.

16 As a matter of fact, we have some
17 persons sitting right here that have some complaints
18 that have just been passed on to us.

19 When we speak about violence we are
20 not speaking about just a push and a shove, we are
21 speaking about when somebody is handcuffed, where
22 their hands are in back of them, being on the ground,
23 being kicked, stomped, their feet knocked out and
24 what have you. This is what we are referring to when
25 we speak about violence.

1 Now, the last few weeks we have
2 experienced a rash of police shootings, but nobody
3 mentioned the fact that these shootings right there
4 were not done by a Black person; they were done by
5 persons other than Black persons right there.

6 As it is our perception that had those
7 persons been Black in the first place it would have
8 been the other way around, rather than the policeman
9 being shot it would have been the person that would
10 have been shot.

11 Now, we often hear about officers and
12 their families, how they are concerned about their
13 family members.

14 Did anybody ever stop to ask them-
15 selves how do Black parents feel when you got sons
16 out there in the streets, how do you feel that when
17 a policeman stops your son for no apparent reason at
18 all because he fit a certain profile? And they stop
19 him; he doesn't know what to do.

20 CHAIRPERSON MOORHEAD: Reverend Graham,
21 could I interrupt?

22 Your really pursuing this line is not
23 going to be productive at all for this hearing
24 purpose. What we are trying to do is to look at a
25 set of facts, determine a pattern, a course of conduct

1 to demonstrate the deficiencies and perhaps in
2 procedure and administrative mechanisms that can
3 perhaps be addressed and reduce some of the problems
4 that you are describing in great detail; but if we
5 don't stay close to a factual base and use that for
6 a purpose that we can respond to, we will have this
7 lengthy statement but we won't have anything of
8 significance coming from the proceeding.

9 REVEREND GRAHAM: I would like to say
10 in closing right here, here is some more current ones
11 that we have past recently, this is actually reality,
12 this is happening right up to today and while they
13 are being passed on to us, the public out there feels
14 that they cannot get no justice with the Public
15 Safety Department, so they have to have some sort of
16 recourse there. So they pass on to us and we as
17 Black citizens, as Black leaders here, we must take
18 the initiative and try to fight for our people.

19 Here we have some more right here.
20 Five to be exact.

21 CHAIRPERSON MOORHEAD: Are you going
22 to make those available to us?

23 REVEREND GRAHAM: We will.

24 REVEREND JACKSON: Mr. Chairman, I am
25 Pastor Jackson, chairman of PULSE, and in brief,

1 everything that has been said has been true and I
2 don't want to sound like a broke record, but I just
3 want to say I heard Mr. Battles talking about the
4 training program they have for the police department,
5 and I am sure it is necessary to deal with the stress
6 and strain of everyday work, and my church and most
7 of the ministers and it doesn't stop at the shooting,
8 we have to follow that family to the graveyard and
9 the anxiety that is in the eyes of those persons who
10 have been wrongfully killed. Then as it leaves
11 burden on our heart, and I do trust that this
12 committee will take our grievance in some serious
13 consideration and look into the possibility of this
14 independent panel. If you do that for us, that will
15 go a long way we feel in helping solving some
16 problems here in Dade County.

17 We live here. Driving down I-95 and
18 17th Avenue and 22nd Avenue, that doesn't tell the
19 story.

20 These police officers out there in
21 Liberty City, where we live, we live in the community,
22 our churches, we go home, we pastor those persons.

23 Tomorrow morning my church will be
24 filled with those kinds of persons. I have to stand
25 there and tell them about God's love, and yet, they

1 been ill-treated and we are looking for somebody to
2 hear our cry.

3 If you do that for us today we feel
4 that our coming here today will not be in vain.

5 Thank you so much.

6 CHAIRPERSON MOORHEAD: Thank you.

7 We will start with questions of the
8 PULSE group, and we know we have others on this panel,
9 but the table is so long and then we are going to
10 turn to you.

11 MS. BELL: Reverend Graham, I hope I
12 did not misunderstand you, but I would like for you
13 to explain to us. I understood or maybe misunderstood
14 that you or your community seem to think that there
15 is a profile of Black men that is used by the police
16 department as a certain look about us that they use?

17 REVEREND GRAHAM: Correct.

18 MS. BELL: Could you tell me a little
19 bit about what you seem to--

20 REVEREND GRAHAM: I get numerous
21 complaints at home, at church, whatnot, young men
22 being stopped by police officers, especially on a
23 white road.

24 Now, it is known as fact in the Black
25 community, a Black young man should never stop on an

1 isolated road or back road, rather as a best bet to
2 try to drive to a well-lighted area or an area that
3 has a crowd there, because in most cases there when
4 you stop by yourself like that you are victimized by
5 police officers right there. They will stop a young
6 black man for no reason whatsoever, just because he
7 fit a certain profile. They will stop him with their
8 guns drawn in most cases.

9 MS. BELL: Can you give us a little
10 bit of a definition on what that profile is supposed
11 to look like or what you have been told?

12 REVEREND GRAHAM: All right. Let me
13 say, I will say any young black male, anywhere
14 between I will say 15 and let's say 38, and if he is
15 driving a certain type of car, sports car, anything
16 like that, and the way he has dressed, the
17 perception, you know, with gold chains like that
18 nature right there, they will stop for no apparent
19 reason whatsoever and put beside there. If by chance
20 they say something he will be placed right there,
21 then they will be roughed up and handcuffed.

22 MS. BELL: Thank you.

23 MS. CONE: I am Virgie Cone from
24 Jasper.

25 In the opening statement that the

1 doctor has made that the organization includes
2 50 churches and civic organizations, I hope the
3 50 churches include all races; is that true?

4 Do you have all races?

5 REVEREND JACKSON: It is in the
6 denomination, yes, it is.

7 MS. CONE: You are getting support
8 from all races?

9 REVEREND JACKSON: It is open to all.
10 Not all has come and been members but it is not a
11 closed organization.

12 MS. CONE: I know that, but actually
13 are they participating in your organization, all races?

14 REVEREND JACKSON: Yes.

15 MS. CONE: That's what I need to know.

16 Also, Mr. Tillman, does he have any
17 disability care? Who is looking after him?

18 CHAIRPERSON MOORHEAD: That is not
19 appropriate.

20 MS. CONE: That is not appropriate?
21 I'm sorry.

22 CHAIRPERSON MOORHEAD: Could we maintain
23 order?

24 I think it will be helpful if you can
25 take a seat, sir.

1 MR. ROLLE: To the PULSE panel, I would
2 like to thank you for the presentation that you have
3 made. I think it has been extensive, informative and
4 revealing.

5 There are several questions, points
6 that I would like to raise.

7 As you see, we have a court reporter,
8 in fact, I see two court reporters. In my view I
9 think it is important that the transcript reflects
10 as accurately as possible the position of this
11 organization regarding various issues, so my first
12 question, to make sure that I have a clear
13 understanding and the record reflects this, is that
14 PULSE is in support of every policeman following
15 through on his constitutional duties and protecting
16 himself in the event that that becomes necessary.

17 Who is going to respond for the record
18 on that?

19 REVEREND STEPHERSON: I would gladly
20 say yes, we have been, ever since we were organized.

21 MR. ROLLE: Okay.

22 Am I also correct in terms of what I
23 have heard so far, that there has been a very serious
24 problem of communicating or, more specifically,
25 receiving responses from the Public Safety Department

1 regarding various incidents that were brought to
2 their attention or the Miami City Police or not?

3 REVEREND STEPHERSON: In some cases,
4 not in all cases, but in some cases, yes, I would
5 say yes on that.

6 MR. ROLLE: Are you in a position to
7 be specific about any situations that were brought to
8 the attention where you were either ignored, no
9 response, or anything like that? And I am asking
10 these questions in this fashion because we would like
11 to have a record that can be corroborated if need be.

12 REVEREND STEPHERSON: Mr. Rolle, I
13 would like to answer your question this way: In
14 going down on many occasions to seek information from
15 the police department through its safety director,
16 I have had quite a bit of difficulty in trying to get
17 to the person that we needed to see, especially when
18 there was some kind of crime committed or maybe some
19 kind of killing or beating, something of that nature.
20 I found it to be very difficult seeing the person
21 that you go down to the police department to see.

22 MR. ROLLE: Was that the same with
23 respect to any written requests to meet with the
24 appropriate officials, you had the same response?

25 REVEREND STEPHERSON: We have written

1 letters upon letters to various of the directors of
2 the police department requesting an opportunity to
3 meet with them and we have been denied several times
4 some time ago. I don't know about recently.

5 MR. ROLLE: I was about to ask, since
6 we are now in 1988, and as I listen and read, we are
7 covering a period that extends somewhat into the past,
8 can you tell us as of this current period of time,
9 say '87, '88, what has been the experience in being
10 able to get responses or audiences to just discuss
11 and put on the table various concerns that have come
12 up?

13 REVEREND EUBANKS: Mr. Rolle, we
14 would like to present documentation, a statement
15 from the PULSE organization to the Director of
16 Metro-Dade Police Department, and this comes into
17 being after the PULSE organization and the Public
18 Safety Department had signed an agreement of August
19 11, 1983. This documentation is dated November 11,
20 1986, and we took the position and we went on record,
21 and I believe you have a copy of this, we took the
22 position and went on the record in light of the
23 communication and relationship that we was having at
24 that time with our Public Safety director,
25 Mr. Robert Jones, to ask for his resignation.

1 This is in answer to your question.

2 MR. ROLLE: When was the last time
3 that PULSE or the leadership attempted to communicate
4 or arrange a meeting or any kind of dialogue with
5 the officials who have responsibility in the areas of
6 law enforcement?

7 REVEREND JACKSON: I believe that was
8 March of '88. I don't have that document before me,
9 Mr. Rolle, but it was March of '88.

10 MR. ROLLE: Are you in the position to
11 share any information as to the outcome of those
12 meetings, whether or not you were received or not
13 received and what was the attitude at that particular
14 point?

15 Was there any responsiveness to the
16 concerns that you are putting forth?

17 REVEREND JACKSON: Yes.

18 In the March meeting, Mr. Rolle, it was
19 a meeting to deal with drugs and we met with the
20 Chief, Mr. Martinez, I believe it was, and because,
21 of course, he was very receptive of the--

22 MR. ROLLE: Maybe I need to rephrase my
23 question.

24 When was the last time that a meeting
25 was requested regarding an allegation of abuse,

1 beating or what have you?

2 REVEREND JACKSON: We haven't had a
3 meeting recently.

4 DR. WILLIAMS: We had several meetings,
5 area meetings. We had one down South, we had two
6 this year already, where we had the police chief in
7 the South area, South District, and a group of
8 community citizens, we met at a Catholic church there
9 where we discussed problems that Blacks were having
10 with the police and we had several meetings this
11 year already with the area district police officers
12 in the South and they have had some in the North.

13 I wasn't--I didn't attend those in
14 the North, but I attended both in the South, and we
15 have had good response from the policemen and
16 basically, seemingly whenever we request someone will
17 come out to meet with us. We don't always get our
18 problems solved but at least there is some attempt
19 made to do so.

20 MR. ROLLE: Perhaps some other question
21 I need to inquire of the Chair.

22 May I continue?

23 CHAIRPERSON MOORHEAD: For how long?

24 MR. ROLLE: Maybe two or three minutes.

25 CHAIRPERSON MOORHEAD: All right.

1 MR. ROLLE: On Page 4 there is a
2 statement that says, "Police grill independent
3 witnesses looking for inconsistencies."

4 On what basis do you make that
5 statement?

6 DR. WILLIAMS: We got a stack of
7 court--we got a stack and I have gone through the
8 stack myself and I looked at the process by which
9 police question witnesses, and they also have
10 statements how they question the police. There is as
11 much difference as between night and day, because
12 while they are questioning the witnesses they seem
13 to be grilling the witnesses, and also may tell the--
14 they're also trying to find inconsistencies within
15 the witness' statement, and so it tells--it is very
16 easy to see that they become quite frustrated, and
17 one of the questions that began by asking one witness,
18 had he ever done drugs.

19 Now, this was something that a witness
20 was going to try and tell what he saw, and then the
21 first statement that was asked of him, did he do drugs,
22 and if he said yes, well, then, they start grilling
23 was he on drugs that night and so on and so on, but
24 many questions tend to intimidate the witness and get
25 him off track, and these are the inconsistencies that

1 we talked about.

2 MR. ROLLE: So when you indicate to us
3 that you have stacks, does this refer to signed
4 statements by witnesses who have gone through that
5 or information from the police in terms of the
6 questions that were asked of a witness while these
7 are signed statements and a dialogue between the
8 investigator and the person? You have those in your
9 possession and could be presented?

10 DR. WILLIAMS: Right, yes.

11 MR. ROLLE: If necessary. Okay.

12 The last item I would like to focus on
13 for the moment, you make the recommendation that there
14 needs to be an Independent Citizens Review panel
15 that has been empowered to investigate and so forth,
16 and you say the members of this panel should be
17 selected through a community process.

18 Have you had the opportunity to
19 develop a recommendation as to what specific process
20 might be used that would ensure that the community
21 is fairly represented, in that next year this time we
22 won't have a group saying, "Well, those people don't
23 represent our community, who selected them and what
24 right do they have to say they are represented in the
25 community?"

1 Have you done anything along those
2 lines as to how we would get this citizens panel?

3 CHAIRPERSON MOORHEAD: May I add a
4 point to that question?

5 A good bit of the discussion has been
6 rather broad, broad-gauged on the issue of review of
7 particular incidents. We have several different
8 jurisdictions here operating with some degree of
9 independence and some degree of overlap on the part
10 of the police force.

11 Is your comment about the review
12 procedure for a particular police force or is it a
13 comment about the Miami police force, the Metro-Dade
14 police force in outlying areas without exception?

15 REVEREND EUBANKS: Mr. Moorhead, we
16 believe in creating to bring into use such a panel.
17 It ought to be applicable for either department due
18 to the fact these departments exist in the county and
19 we are brought in contact with them.

20 There ought to be a panel wherein it
21 could operate with, if necessary, whatever department
22 it would apply to or whichever police department
23 that was in view that we are dealing with at this
24 particular time.

25 MR. ROLLE: But in terms of your

1 operation, the procedures as you see them, are
2 inadequate in each of the various departments?

3 REVEREND JACKSON: Yes.

4 REVEREND GRAHAM: Definitely.

5 DR. WILLIAMS: And the Black community
6 has no faith in that process.

7 REVEREND JACKSON: It is not working.

8 DR. WILLIAMS: And our suggestion is
9 kind of out of desperation, is that we don't know
10 whether or not this may be the thing that will make
11 all of us well, but at least we know that it will be
12 something different and the community will have a
13 part to play in that, and we feel that we will have a
14 part to play in it, then maybe we will have a better
15 chance for justice to be done.

16 MR. ROLLE: If somebody recommended
17 that we take a structured systematic approach to
18 getting a handle on all these problems vis-a-vis
19 meetings of different areas of the community,
20 populated segments of the community, meeting with the
21 elected officials, meeting with the police chiefs and
22 their staffs, and involving Mr. Battle's group, and
23 in trying to draft a plan that can reach consensus
24 and the entire community can tie into its support,
25 what would be the position of the PULSE organization

1 on efforts along those lines?

2 REVEREND JACKSON: Mr. Rolle, honestly
3 we never perceived that particular idea, but we do
4 know that whatever we are living with now is not
5 working.

6 MR. ROLLE: Would you be open to it?

7 REVEREND JACKSON: Will I be open to
8 that?

9 MR. ROLLE: Yes.

10 REVEREND JACKSON: Yes.

11 MR. ROLLE: Good.

12 MS. CONE: I want to say one word, I
13 notice most of you are ministers. Do you have an
14 integrated ministerial alliance in Dade County?

15 REVEREND JACKSON: Yes.

16 MS. CONE: My father was a preacher,
17 that's why I asked.

18 MR. ROLLE: I want to thank you,
19 Mr. Chairman.

20 CHAIRPERSON MOORHEAD: I would like to
21 thank the panel.

22 There is a--we are going to do one
23 last question because you are getting far behind.

24 DR. CLARKSON: My question relates to
25 the potential pattern or incident of the problem.

1 It would be useful to this community if you could
2 provide us information about the characteristics,
3 geographic area, types of incidents, was it family
4 disputes, traffic, robbery, whatever, this kind of
5 information I think could be particularly useful.

6 Also, if you could provide us
7 information on a similar note of the incidents that
8 you thought went well.

9 The report said that after the initial
10 agreement in August of '83, you felt there was better
11 relationships and if we could then identify those
12 characteristics, that might help us in seeking
13 solutions.

14 REVEREND JACKSON: Thank you. We can
15 do that.

16 CHAIRPERSON MOORHEAD: Again, we thank
17 you, and we are going to call the other portion of
18 that panel.

19 Is Mr. Willie Sims here and
20 Mr. Fauntroy?

21 DR. FAUNTROY: Good morning. My name
22 is Ray Fauntroy, I am the president of the Southern
23 Christian Leadership Conference for Dade County.

24 I first want to thank PULSE for
25 requesting this hearing and thank the Commission for

1 coming and to set the tone we would like to say that
2 we understand that we wrestle not against flesh and
3 blood, but against evil and wickedness in high places
4 and that we have a spiritual warfare going on here
5 that is very serious.

6 We have heard the effect of what has
7 taken place and we would like to deal with some of
8 the cause for what is happening.

9 We have several cases here today who
10 have experienced police brutality, unfair treatment
11 by public prosecutors and defenders, in justice in
12 the courtroom, unbelievable treatment in the jails,
13 misrepresentation and legal theft of property by
14 lawyers.

15 Drugs are allowed to fester in the
16 African-American community. You can go to any street
17 corner and pick up any drug you want. Any five-year-
18 old can find the drugs, but our police department
19 can't seem to stop it.

20 We are concerned about the genocide
21 that it is leaving in our community.

22 To point out a few of the cases, we have
23 with us today Carolyn Ellis who was arrested this
24 year after she complied with an officer's request to
25 stop eating a croissant on the platform of a Metrorail

1 train station.

2 CHAIRPERSON MOORHEAD: Mr. Fauntroy,
3 could I interrupt you just for a moment?

4 We heard a fairly lengthy recital of
5 incidents of injustice as perceived by those giving
6 testimony. It really will not help us to add to the
7 list.

8 What we are trying to do is identify
9 general problems and determine what mechanisms can
10 be adapted, what procedures can be useful in
11 remedying that and trying individual cases here will
12 be time-consuming and of no use.

13 DR. FAUNTROY: I quite agree and I
14 would just like to get right to the point.

15 The point is that yes, racism,
16 discrimination does exist in Dade County and police
17 brutality exists in Dade County. The reasons as we
18 see it, it appears number one, that the police
19 department is a protector, is perceived as being the
20 protector of the real criminal in this society and
21 that we as African-American people and poor people of
22 all races are the victims of these crimes.

23 It reminds me of the story, reminds me
24 of my childhood when my neighbor was whipped by his
25 mother and dared to cry.

1 We have a serious problem and we are
2 looking to the police department to keep us calm and
3 accept the whipping that we are taking, and we are
4 not going to sit back idly and to accept that whipping.

5 We believe that the problem is much
6 deeper, but to address this issue we must first look
7 at the economic and political ramifications facing
8 the total community and the African-American
9 community in particular.

10 Miami has the distinction of being the
11 only city in the history of this country by design
12 to be given over to immigrants, both politically and
13 economically, immigrants who have given new birth to
14 racism, hatred and separatism that we worked so hard
15 to end in this country in the '50s and the '60s.

16 Our constitutional rights are being
17 threatened.

18 For example, on March 22, 1986, some
19 two hundred demonstrators of all races, all
20 religions, all colors, demonstrating to say no aid to
21 the Contras here in Miami were attacked by some two
22 thousand people throwing eggs, rocks, sticks for two
23 and a half hours. Not one person arrested, had to
24 be bust out.

25 The police were instructed not to arrest

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1 anyone.

2 Property was damaged, flags were
3 burned, sticks were burned, placards were burned.

4 We faced the continued racism and
5 economically where African-Americans and Anglo-
6 Americans are forced to learn another language in
7 order to find work, where the political apparatus
8 has been turned over to the immigrants who have a
9 clannish attitude, where the economic apparatus has
10 been turned over, where the average African-Americans
11 cannot find work, in the labeling that is going on in
12 the African community, where property is being
13 gobbled up in the African-American community, and it
14 appears that the Federal Government instigated,
15 organized and assisted in this takeover of our
16 community with the complete ignoring of those of us
17 who have tried nonviolent peaceful ways to be a part
18 of the American dream.

19 We have now been asked or been forced
20 to step to the back of the bus. We resent that and
21 we want this Commission to carry this word back to
22 Washington that we understand what has happened here.
23 It is a disgrace to the Constitution of this country
24 and it is a disgrace to humanity what is taking place
25 in Miami, Florida, and for the rest of this country

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1 to take notice as to what is happening here.

2 We no longer control our own community,
3 that which we have fought so hard for and worked so
4 hard for. We have to sit back and watch our children
5 die on the streets from drugs, we have to watch our
6 children being brutalized and our families being
7 brutalized psychologically and physically, and we hope
8 that this Commission with the power that it has would
9 begin to change that for us or we will change it
10 ourselves. We must change it ourselves if we are to
11 survive and live in this community. We hope that we
12 will work together in a peaceful and nonviolent way
13 with the full understanding that this is a spiritual
14 warfare and that we do believe and that we know that
15 when this battle is over that God is going to wear
16 the crown and justice will reign and injustice that
17 had been heaped upon us will be exposed to the world.

18 Thank you.

19 CHAIRPERSON MOORHEAD: Mr. Sims,
20 Reverend Sims.

21 REVEREND SIMS: Good morning to the
22 Commission, and we would like on record as thanking
23 you for coming in to hear the concerns of these people
24 who are crying out, and I must apologize to you for
25 being one of the individuals who referred you to some

1 of our so-called Black organizations that confuses the
2 issues, that felt that everything was all right in
3 this community, and I apologize for those individuals.
4 I will never refer them to anybody else I know and
5 I thank PULSE for having the initiative to push this
6 issue and to bring you in and I applaud them for the
7 job that they did on accumulating the facts and having
8 the individuals here that eyes can see. They tell me
9 one picture is worth one thousand words and you saw
10 the individuals that who have been victims of this
11 police brutality.

12 Before I proceed--

13 CHAIRPERSON MOORHEAD: Mr. Sims,
14 again, if we go back and we harp back on individual
15 cases we will get nothing productive done, and if
16 you could direct your comments to broader issues that
17 produce negative results that need a response dealing
18 with the police or the community relationship, and
19 help us in terms of, if you will, recommendations,
20 suggestions on how such a problem can be met, we
21 would be much more--we will have a much more
22 productive session.

23 The other is emotional wretching.
24 It produces a response from the audience. I
25 understand that there are some strong feelings, but

1 it won't be helpful to this process and our time is
2 precious, we have a lot of people who wish to speak
3 and we want to get to them all.

4 REVEREND SIMS: I agree with you, and
5 I have not planned to mention individual cases, but
6 I again applaud PULSE for having done so, but for the
7 record, I would like to state that Reverend Willie
8 Sims is here on Bonnie Sims' time, my wife, I am
9 only answerable to her on Saturdays, that I am not
10 an agency person today; I am speaking for the Miami
11 Christian Improvement Association of which I serve
12 in the capacity of the vice president.

13 There is a problem in the gentleman
14 you saw standing to the table a moment ago,
15 Mr. Dawkins is in the same position that I am, he is
16 employed by an agency who tends to want to harness
17 Blacks, who have the idea that they need to come
18 forward and speak, and I am one of the people who care
19 less because my allegiance is to the Black community
20 first of all, because every time I wake up I look at
21 a Black face there.

22 Now, I want to talk about the facts
23 that we have had so many cases of police brutality
24 that has been directed against Blacks by non-Black
25 police officers here in Dade County, and the fact of

1 the matter is that all of them have walked away
2 scot-free.

3 When members of the clergy, such as
4 myself, are called upon in terms of crisis situations
5 to calm the natives, then it becomes more and more
6 difficult when you ask them to allow the system a
7 chance to work and the system has never worked.
8 There is no history of it working favorably.

9 The cases have been painted clear.
10 The worst slap in the face for this Black community
11 is to have an individual that shot and killed a young
12 Black man, went out and hired the highest-priced
13 attorney in Dade County, and then the system came
14 back and shoved it down our throat when the taxpayers
15 had to pay for that attorney. I thought that was the
16 worst insult that one could ever take.

17 This system cares nothing about Blacks
18 here in Dade County. There is no effort, there is no
19 concern for Blacks here in Dade County anytime that
20 this police department can go out and spend millions
21 of dollars on a machine to sensitize individuals how
22 to approach a community. Yet, when they look at Black
23 officers who have served on the force for X number of
24 years, who are now moving up to positions that they
25 have never attained before, yet none of them have ever

1 ever been involved in a shooting, then common sense
2 would say to them instead of spending money on the
3 machine, turn to the Black guy who is sitting next to
4 you and ask him what the hell he does so that he
5 doesn't have to shoot nobody.

6 We look at individuals who are coming
7 into our communities of different race who think they
8 have got to go into the gym and pump iron and come
9 out looking like Mr. T or somebody else, that they
10 have got to intimidate our people because of the fears
11 that they have. Consequently they tend to overreact
12 in our community to compensate for their fears.

13 What you find after stopping a Black
14 person there is a different approach. This is not
15 speculation, this is something that I have been privy
16 to witness.

17 Officers approaching Black people in
18 our community tend to be overaggressive, they don't
19 want to take a chance, already they prejudged them as
20 being the criminal types once they are stopped.
21 They generate a reaction from our people by the
22 approach.

23 You can take the same officer that will
24 stop someone in a non-Black community here in Dade
25 County and he is as courteous as can be, "Sir, would

1 you please step out of the vehicle. May I see your
2 registration."

3 Take that same officer, assign him to
4 Liberty City or Overtown and it is, "Get out of the
5 so-and-so car, place your hands on the car, don't
6 move."

7 Already you trigger a response and you
8 wonder why I am violent, why I am agitated? Because
9 you agitated me when you stopped me.

10 Even in my capacity, at a high level
11 of visibility that I maintain here in this community,
12 and the fact that I am one of the individuals who
13 have been singled out as attacking the Florida
14 Highway Patrol in their lack of ability to promote
15 Blacks.

16 Right now if I am stopped on I-95 in
17 the middle of the night by a white Florida Highway
18 Patrol man, he is going to follow me to the project
19 or until some other area of high concentration
20 because I won't stop by myself, I will not be a
21 victim of the sudden move; and these individuals
22 maintain that mentality, they know that even if they
23 are guilty of killing, what is the worst they're going
24 to get? They are going to get time off with pay,
25 a long vacation and then they are going to be vindicated,

1 and this is the same thing that we have gone back to
2 our congregations and back to the community and talked
3 about.

4 Here in this community police who come
5 before the system are treated as baby gods. They
6 know that it is a process that they are going to have
7 to follow. Even if they are removed from the system
8 when a certain act occurs, they know that they will
9 be rehired by a sister police department, North Miami
10 Beach or North Miami or Hialeah Police Department
11 and given a promotion on top of it.

12 You have got individuals who have--
13 whose names that PULSE has raised here who have been
14 involved in actions against Blacks who are now
15 serving as chief of police out on the Florida West
16 Coast, who are serving in other capacities who moved
17 up in rank who are serving as investigators,
18 high-level investigators to the police departments
19 here in this community. It is that perception that we
20 must deal with; it is that perception that we bring
21 to you.

22 Any time that this community--

23 CHAIRPERSON MOORHEAD: We are going to
24 ask that you conclude at this point.

25 REVEREND SIMS: This community also and

1 the reports will verify, Metro-Dade Police
2 Department has made an attempt to clear it up, but
3 there is documentation that the Florida Highway Patrol
4 has used Metro-Dade County as a dumping ground for
5 those officers that they are angry with for punitive
6 measures who said, "If you keep on getting bad
7 reports we will assign you to Dade County."

8 This is a thing that we hear in
9 Dade County, we are supposed to be used as a dumping
10 ground because we are losing our Black children, our
11 Black families to this.

12 We would ask this Commission to be
13 sensitive enough to recognize the system that is in
14 place, the review process that is in place right at
15 this moment has not worked.

16 Anytime you can vindicate over
17 seventeen different officers that the evidence has
18 been extremely visible, that the world and an idiot
19 would have found somebody guilty out of seventeen
20 cases, and yet they have walked, then the system is
21 not working for us and we simply ask that you use
22 your powers to make a new system, don't go back and
23 try to redo this system, let's just close this one
24 clean out, bring in a new one.

25 CHAIRPERSON MOORHEAD: We're going to

1 have to bring it to an end at this point. We are
2 going to pose a few questions to you and I would ask
3 you to be direct, succinct, to the point. Time is
4 limited.

5 MS. BELL: You are the second
6 presenter that I have heard that says there is a
7 profile for Black males. Is there any documented
8 evidence on that that you know? Because if there is,
9 this committee needs to know about it.

10 I also know that things are not
11 always documented and there might not be any written
12 policy, but from what I am hearing is that there is
13 a profile for young Black men.

14 REVEREND SIMS: There is a profile.
15 Whether or not--how it is documented is questionable
16 because of the Black community having the perception
17 that there is no justice available for them and
18 consequently they don't pursue it.

19 However, there are some things in place
20 that this community needs to take a look at.

21 If you would go out to Virginia Key
22 Beach, where the City of Miami Beach Police Department
23 has set up an example of a community to practice
24 their field force training and their riot training,
25 in all of the streets they are Black streets in the

1 Black community, if you go out to Virginia Key.

2 If you look at a case that was brought
3 to me where there was a police dog that was trained
4 to attack at the word "nigger," okay? These cases
5 have been there. They have not been questioned
6 publicly because the public has not been exposed.

7 Virginia Key Beach has been closed off,
8 which was a predominantly Black-owned beach, a Black
9 beach. It has been closed. Blacks have been sent
10 everywhere else now, and all of a sudden it is
11 concerned with the Blacks being on Haulover, creating
12 problems and everything else, but they took this
13 and they closed it off from the public but they left
14 a fool like me to see it, who don't mind telling the
15 rest of the community that it does exist.

16 MS. BELL: Is this Survival City?

17 REVEREND SIMS: That is Survival City
18 on Virginia Key Beach, where every street out there
19 is named after a Black street in Dade County.

20 You will not find a Kendall Drive, you
21 will not find a Brickell Avenue, but you will find a
22 Martin Luther King Boulevard, or a D.A. Dorsey
23 Boulevard, Northwest 3rd Avenue. You will find that.

24 MS. BELL: Thank you.

25 MR. BINKLEY: Can I ask a question?

1 CHAIRPERSON MOORHEAD: Can we maintain
2 order, please?

3 Mr. Binkley?

4 MR. BINKLEY: Would you repeat what
5 police department this training is for?

6 CHAIRPERSON MOORHEAD: The question was
7 for what police department was this training?

8 REVEREND SIMS: Survival City is used
9 by the City of Miami Police Department.

10 CHAIRPERSON MOORHEAD: I want to ask one
11 question as well, and that was in regard to what you
12 called a dumping ground policy, that police officers
13 who were disciplined in one jurisdiction would be
14 picked up by another.

15 Do you have any hard information that
16 you could provide us, not here today, but send in to
17 us to fill out the record on that?

18 REVEREND SIMS: We can supply you with
19 some documentation from specifically perhaps the most
20 current, is the Florida Highway Patrol. We can go
21 back in our files and come up with something that
22 Metro was using in the Central District, as well as
23 the City of Miami.

24 Now, this is all past. When this is
25 brought to their attention they, the City of Miami,

1 and Metro has discontinued it because they have
2 demonstrated some sensitivity.

3 The Florida Highway Patrol has decided
4 they want to slap Black folks square in the face and
5 step on them, and we have got one of the most
6 prejudiced majors I have ever encountered in
7 Major Paul Gracey assigned this district at the
8 Florida Highway Patrol and I want to go on record
9 as pointing him out as being a major problem to the
10 progress of the Black folks in Dade County.

11 CHAIRPERSON MOORHEAD: That is not
12 going to go on record and that kind of statement
13 about an individual is unwarranted and it is quite
14 unfair in this proceeding to make the blanket charge.

15 REVEREND SIMS: Well, Mr. Chairman, I
16 do not apologize.

17 CHAIRPERSON MOORHEAD: I think on this
18 point we are ready for the next panel.

19 REVEREND SIMS: Thank you.

20 MR. ROLLE: Reverend Sims, before you
21 leave, if you don't mind--

22 CHAIRPERSON MOORHEAD: We are just
23 going to pose a few questions to Reverend Fauntroy,
24 if anyone has any questions, but we thank you,
25 Mr. Sims.

1 MR. ROLLE: Ray, in terms of your
2 statement to us, did I understand that you were
3 saying, one, there is no political leadership in
4 any jurisdiction in this country regarding the
5 problem of how law enforcement officials relate to
6 the Black community in terms of any kind of policy
7 statement being issued through the Commission, the
8 manager, to the chiefs, to the troops in the field?
9 That is one.

10 Two, do you know whether or not there
11 are any ongoing efforts at either improving
12 sensitivity toward the different ethnic groups,
13 particularly, the Black community, what kind of
14 response has been made to that and in your view,
15 would you feel that a gathering of all elected
16 officials that govern areas where there are Black
17 constituents, would in any way be helpful as a step
18 in this process of trying to improve this situation
19 in making sure that every policeman understands what
20 is expected and cannot expect to be supportive, when
21 in fact they are violating rules?

22 And I raise this particularly because
23 of the number of law enforcement officers who are not
24 perpetrating violence on any of our citizens.

25 DR. FAUNTROY: First let me say that

1 in my household I am the boss, I run my house. When
2 we elect the officials of the leadership of this
3 community, they are in control, they have authority
4 that we as people have elected, have not seen to all
5 the needs to all of the people, then they are
6 responsible to the condition that exists in our
7 community.

8 For us to continue to go to those
9 who are creating the problem for their own greedy
10 purposes for profit, for self, while the community
11 deteriorates, I think is a point that we have to
12 continue to look at, to hold these people who are in
13 authority and in control. They are two different
14 people. One is the people that we elect and the
15 second, the people who control the economics of this
16 community, and as long as they can continue to rob
17 and rape one community and not be a government of the
18 people, by the people, for all of the people, then
19 we have a problem and those people have consistently
20 white-washed problems that have faced not only the
21 African-American community, but poor white communities
22 also have been ignored, have been used and have been
23 robbed of our political and of our revenue sources.

24 For example, the \$73,000,000 that came
25 here for revitalization of the Black community never

1 got there.

2 Why did not the elected officials,
3 those in authority, do something about that and see
4 to it that Liberty City, that Florida City, that the
5 Black community in this country have equal access and
6 are treated equally as is every other community?
7 And that is just simply not the case, they have not
8 done that and again, you can go into African-American
9 community and buy any drug you want.

10 I would also like to add that in our
11 community that the economic basis in the meat markets,
12 the stores, the trade centers are all run by
13 outsiders outside of our community. They happen to
14 be Asian, they happen to be Cuban, they happen to
15 be anybody outside of our community, and to say that
16 it is our fault to blame the victim again for the
17 crime, I think it is absurd and there are reasons why
18 those entities have been placed there with the support
19 of our Government, our tax dollars to our own demise.

20 MR. ROLLE: If you had a magic wand
21 and decided to wave it what would it be in terms of
22 getting a handle on the allegations of police
23 brutality abuse?

24 DR. FAUNTROY: Well, first of all, I
25 would say that there has to be--policemen are in a

1 precarious position. They have to defend an unjust
2 system. The people in the community are reacting to
3 the injustices that are heaped upon us on a daily
4 and regular basis. We are trying to save our children
5 from the crack man.

6 Do you understand?

7 While the Contra hearings pointed out
8 that drugs that--guns were being carried into
9 Nicaragua and drugs were being brought into this
10 country, right into our community. That is an issue
11 that I believe that the political leadership and the
12 economic leadership of this community should and
13 ought to address and stop and do something about it,
14 but they have not, resulting in we, the people,
15 having to fight for our very lives on the street
16 against these kinds of atrocities in our community.

17 If I had a magic wand I would wave it
18 and justice and rain would run down like water.
19 That would be the answer and I think that you cannot
20 have peace and you cannot have the viable community
21 without justice and that is what is lacking in this
22 community, justice in this world, justice.

23 I am going to have to leave because I
24 have got a Free South Africa demonstration today at
25 the Bicentennial Amphitheater. I hope everybody comes

1 when they are finished and also it is the same issue.

2 CHAIRPERSON MOORHEAD: Thank you.

3 I think we are probably going to stand
4 in place for about three minutes just to stretch,
5 before we ask the next panel to come forward.

6 (Thereupon, a short recess was taken,
7 after which the following proceedings were had:)

8 CHAIRPERSON MOORHEAD: We have three
9 representatives of the various chapters of the
10 National Association for the Advancement of Colored
11 People.

12 We would ask each of you to identify
13 yourselves, to indicate the branch that you
14 represent and to determine the order in which you wish
15 to proceed.

16 MR. DUE: My name is John Due, I am
17 president of the South Dade Branch of the NAACP.

18 MR. LAWSON: My name is Willie Lawson,
19 III, I am president of the Greater Miami Branch of
20 the NAACP, located in the City of Miami at 4610
21 Northwest 7th Avenue.

22 Basically as the Greater Miami NAACP
23 we have offices located at that site. We have been
24 in existence there for several years. I have been
25 president there since 1983. I have been a board

1 member since 1978.

2 CHAIRPERSON MOORHEAD: Can you speak
3 more directly into the mike?

4 MR. LAWSON: I have been a board member
5 since 1978 and we have already established our order.

6 Before getting into the order of this
7 we would like to present the next person at that time
8 to introduce herself.

9 MS. MC MILLAN: My name is Johnnie
10 McMillan, I am president of the Opa-locka Branch.
11 I am the newest president here, as you can see, I was
12 just elected in 1987, and I am happy to be here
13 today and I am looking forward to making some general
14 and overall statements about the conditions of the
15 North Dade area.

16 MR. DUE: Okay, I guess our order will
17 be as follows: I will begin first and after that
18 Mr. Lawson will be the second speaker and
19 Ms. McMillan will be the third speaker.

20 In addition to being the president of
21 the South Dade Branch of the NAACP, I am also past
22 adjunct professor at what was formally known as
23 Biscayne College, now known as Saint Thomas, whereby
24 I taught criminal--

25 CHAIRPERSON MOORHEAD: Excuse me just

1 one minute, Mr. Due.

2 We have a little murmur in the
3 background. If you want to engage in a conversation,
4 will you please go out of the room and conduct that
5 conversation? Thank you.

6 MR. DUE: As I was saying, I was
7 adjunct professor of criminal justice and in public
8 administration and the two courses I taught was
9 criminal justice in the community and community
10 police administration, and in my classes I had many
11 police officers who are now in command roles in the
12 Metro Police Department.

13 I think I will have to do a report
14 card after this meeting today.

15 I also have been a former--I am not
16 a former member, but I still am a staff person with
17 the Metro Community Relations Board, and I will give
18 you some of my experience in dealing with what is
19 called a Community Appeals Board that we have
20 developed back in 1980.

21 I submitted to all of you a report
22 from me called Community Action for the Improvement
23 of Police-Community Relations. If there are some of
24 you who do not have a copy of this report, during the
25 noon break I will try to make some more copies and I

1 will have a better distribution.

2 It is very interesting about us having
3 this kind of meeting today, because August the 7th,
4 1968, I think, Ms. Bell, you will remember, we had a
5 serious disturbance in the City of Miami called the
6 Miami Riots, August the 7th, 1968. At that time right
7 after the riots there was a study done about what
8 the causes of the riots were. Willie Sims at that
9 time was 20 years old and he was president of a
10 group called Black Brothers for Progress, and it seems
11 as if for a period of twenty years we were still
12 having studies that were coming out with reports,
13 and the question is whether or not we are going to
14 proceed further than just having studies and further
15 reports.

16 Consequently hearing and understanding
17 your concerns about solutions relating to
18 Police-Community relations, I submitted a paper
19 dealing with four areas.

20 I am also a member of PULSE and one of
21 the things I have noticed in my connection with PULSE
22 is the complete alienation and isolation between
23 police administration and the Black community,
24 particularly involving an organization like PULSE.

25 Again, I agree with former speakers who

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1 thank PULSE for inviting me to come here.

2 PULSE is a community organization as
3 opposed to being a community agency. The difference
4 being as a community organization the community
5 controls that organization, whereas a community agency
6 in my definition is an entity controlled from outside
7 of the community. In other words, it is fenced from
8 outside of the community, its directions are from
9 outside the community.

10 PULSE is not like that and we appreciate
11 PULSE having the capacity to having a staff and
12 resources to be able to follow up the kind of
13 problems that we are trying to address today, and in
14 that regard one is of serious concerns that I see,
15 is that although this community, its intuition, it
16 thinks it is making progress as far as Police-
17 Community relations and making reforms, the reforms
18 are not done with involvement with PULSE or other
19 organizations of the community.

20 Consequently, my first recommendation
21 is that we look at the recommendations made by the
22 Tennessee Advisory Committee to the United States
23 Commission on Civil Rights ten years ago, dealing
24 with the problem of Police-Community relations in
25 Memphis, and one of the first recommendations that

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1 that committee made was that there is a need for an
2 advisory committee to the Chief Executive Officer.

3 Of course, in Memphis, with a strong
4 mayoral form, that was the mayor, I suggested with
5 Dade County, we need a Police-Community Relations
6 Committee that is responsible, connected to the
7 County Manager's Office. The NAACP, PULSE, other
8 organizations shouldn't have to continuously run
9 after the Director of Public Safety or area
10 commanders to deal with community problems. There
11 should be a sense of parity and equality.

12 PULSE should deal with the Chief and
13 other officials should deal with NAACP, should deal
14 with the Executive Officer, that is the County
15 Manager in this community would be compromised.

16 Again, community organizations such as
17 PULSE, NAACP, Miami Christian Association, the
18 purpose is to carry the kind of dialogue that is
19 necessary to deal with the kinds of problems that we
20 have in Police-Community relations. One of the
21 functions of such a committee would be to do a survey
22 of the internal revenue processes of the Metro Police
23 Department and the City of Miami, determine where the
24 failure is, to also look at the policy of the use
25 in dealing with force, and that is very critical in

1 this particular community.

2 My second recommendation is dealing
3 with the district of the advisory committee.

4 Right after the shooting or the beating
5 of Schoolteacher LaFleur, where the police arrested
6 Mr. LaFleur and made a wrong address trying to do a
7 drug bust and Mr. LaFleuer was injured, out of that
8 disturbance and the manager at that time recommended
9 to the County Commission dispatchment of a city
10 advisory committee in each of the districts of the
11 Metro Police Department.

12 The United States Commission on Civil
13 Rights looked at this citizens' advisory committee
14 and made certain recommendations, which as far as I'm
15 concerned, still have not been carried out as to the
16 work on the citizens' advisory committee. Namely, for
17 example, the Public Safety Department should respond
18 in writing to all the written recommendations or
19 requests for information from the advisory committee.

20 Number two, to implement a training
21 program for the citizens' advisory committee.

22 The problem with the citizens' advisory
23 committee is that they are not inclusive of
24 representatives of the community organizations that I
25 have just referred to, such as an NAACP, COB, what

1 have you.

2 Commanders jointly make appointments
3 in order to deal with effective community relations.
4 We should be invited to participate officially as
5 representatives of the organizations to participate
6 in these advisory committees and therefore be able
7 to carry on the kind of dialogue that is necessary
8 to deal with problems of police abuse in these
9 particular communities.

10 Third, the Independent Review Panel.
11 I have serious concerns about the structure and the
12 function of the Independent Review Panel. The
13 Independent Review Panel came out of a long process
14 of discussion for fifteen years about the need for
15 a civilian review board. It has been demonstrated
16 that the organized police unions, such as the
17 Police Benevolent Association, Fraternal Order of
18 Police, have been very effective, one, to either--
19 to prevent the establishment of such bodies; number
20 two, after they have been established to retaliate
21 against the political persons who supported these
22 review boards to the result that their careers would
23 be ended. This happened both in Philadelphia and
24 in New York.

25 So consequently, the community

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1 relations board felt at that time in 1980 there
2 should be some representatives from the PBA to be
3 on the proposed community appeals board as a counting
4 and an alternative to the civilian review board as
5 a secondary agent and appellate process. I have not
6 seen that, this has not worked through the
7 independent review panel.

8 I have a person here by the name of
9 Mr. Ed Foster.

10 Will you stand, Mr. Foster? Are you
11 still here, from Homestead?

12 He stood when PULSE made their
13 presentation. I don't see him back there.

14 Well, anyway, one of the problems is
15 that after the occasion of the grievance, it has
16 been more than a month before the independent review
17 investigation was initiated in Homestead, so
18 consequently we need a body, a board or what have you,
19 that has county-wide jurisdiction that can initiate
20 investigation at least within 24 hours of the
21 complaint, not take a month before these complaints
22 are investigated. As far as the composition of such
23 a board, I agree that we would need more citizen
24 involvement; it should not be controlled by a county
25 agency.

1 Last, the use of deadly force. The
2 NAACP in 1980 has adopted and asked its branches to
3 recommend that the municipalities throughout the
4 county adopt what is called NAACP local model
5 ordinance on the use of deadly force. What I
6 recommend, that you would ask the municipalities to
7 sit down with organizations such as the NAACP, to
8 look at the use of deadly force and see if not the
9 elements of this policy can be adopted.

10 Thank you very much.

11 MR. LAWSON: First of all, I would like
12 to establish the purpose of this hearing.

13 When the first contact and the concerns
14 about police brutality did come up and, of course, we
15 began to get records of various complaints we had
16 received in accordance with the terms of police
17 brutality and it created a serious concern.
18 However, in getting a further clarification the
19 purpose of this hearing was established that the
20 purpose of this hearing be to, first of all, find out
21 how the agencies are involved, how we function as an
22 agency. Secondly, to state the Police-Community
23 relations and thirdly, how they can be improved.

24 In addition, the concerns as to how
25 the Greater Miami NAACP functions, we represented an

1 arm of the National Association for the Advancement
2 of Colored People. We have an office location, as
3 I stated earlier, 4610 Northwest 7th Avenue. We are
4 staffed sometimes by volunteers, sometimes by paid
5 staff individuals. We also have an answering machine.

6 On that answering machine we get
7 various concerns about police concerns. There is
8 situations where persons felt they were abused. The
9 fact that a person may go into a city and does not
10 see any Black representation within a particular
11 police department or the fact that a particular
12 community may feel they are not receiving adequate
13 police protection in terms of their businesses, and
14 we are concerned about that.

15 In terms of the purpose of the NAACP,
16 we feel that, first of all, justice should be blind.
17 We should have equal representation at all levels of
18 government. We do not believe in police brutality.
19 At the same time, the concern there based on some of
20 the concerns we received, some of the people feel
21 that perhaps in many cases where police officers
22 act as a judge, jury and executioner in terms of
23 losing their right to being innocent until proven
24 guilty.

25 Many of the cases that the individuals

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1 before me alluded to, whereas we have received
2 capital punishment perhaps for a minor offense that
3 never got to the courts, and in terms of the state
4 of Police-Community relations, the question then
5 becomes how can a person being of Black pigmentation
6 feel very comfortable in the Miami-Dade community
7 when they know sometimes they are stopped in certain
8 neighborhoods merely because of the pigmentation of
9 their skin?

10 When there is an article in The Miami
11 Times, as recently as May, where there is a police
12 department in Miami Springs, to be specific, who
13 was accused of harassing Black young people
14 attempting to attend a 99-cent movie, where there
15 were concerns about the citizens along the 7th Avenue
16 corridor in the City of Miami, who felt that perhaps
17 their business cannot survive because they do not
18 have adequate police protection to protect their
19 investment at night.

20 When there are concerns about it in
21 the City of Hialeah, when many Blacks go to there to
22 shop at Westland Mall and other locations in Hialeah,
23 and see very few Blacks, if any, on the police
24 department.

25 Even when reading the paper as recently

1 as this week, there is a question about a police
2 department where perhaps abuse may have taken place,
3 when a police officer takes it upon himself to carry
4 a female suspect home to secure her identity, in
5 terms of what else.

6 That has not been necessarily the case
7 when in the same situation in the state of
8 Police-Community relations here in the Miami,
9 Dade County area we look at the procedures for
10 complaint.

11 The Greater Miami NAACP we often
12 receive telephone calls on the answering machine
13 saying, "Here I am in the Metro-Dade Police
14 Department, give me a call, I need help, I was beaten,
15 I need some legal representation," but at the same
16 time, perhaps there are no procedures that I know of
17 that we can call and get information about it in
18 reference and actually discussing that unless the
19 person put us down as the representative and then we
20 can perhaps get in to visiting that particular person.

21 One of the approaches we have taken
22 is to ask for people that send us letters and we do
23 receive letters of people complaining about
24 injustices that they perceived in the police
25 department.

1 The other concern is the time frame.
2 Many times we have the burden of fear, hurt and abuse
3 upon their shoulder. We do not want to wait six
4 months to a year to get it lifted, but we find many
5 cases where cases are referred to various panels
6 and it is buried there for years to come.

7 In reference to police brutality of
8 Police-Community relations, I have observed various
9 scenes.

10 I can recall very vividly the
11 opportunity I had to observe a police arrest on
12 36th Street and Biscayne, where perhaps the officers
13 may have been doing their duty, but as a mere
14 observer many feet away, of course, I was approached
15 by a particular police officer and asked, "What are
16 you doing, what is it to you, what you got to do with
17 it?"

18 When I said I was observing the
19 situation, that I was the president of the Greater
20 Miami NAACP, his response was, "You don't scare me,"
21 but he moved along and started doing what he was about
22 to do.

23 I can only shudder to think if I was
24 not president of the Greater Miami NAACP what might
25 have occurred, and that is not the only incident.

1 Even leaving the NAACP office I made
2 a turn in the road. I was immediately stopped by a
3 police officer.

4 "You know you made an illegal turn?"

5 "No, I did not. I made a U-turn."

6 I have a halfway decent memory and I
7 recall reading in the Florida Handbook that you can
8 make a U-turn unless it creates a safety hazard or
9 it is posted that you cannot. I reminded the officer
10 of that. Again, the question came up, "Where are
11 you coming from?"

12 Fortunately for me I was coming from the
13 NAACP office that was located right across the street.

14 He immediately said, "Okay, don't do
15 it again," but what if I did not represent the
16 Greater Miami NAACP in terms of community relations?
17 These types of things are things that we receive
18 where perhaps the person cannot say that he happens
19 to be president of the Greater Miami NAACP. In
20 terms of community relations we have citizens whether
21 in Sweetwater or Hialeah, Miami Springs, we have a
22 Black movement all over this county, but
23 unfortunately we do not have Black participation.
24 There are certain departments that say they only hire
25 within the city, but I have not received a case yet

1 where someone said, "I was stopped in Sweetwater,"
2 perhaps, "and they chose not to give me a ticket
3 because I did not live in Sweetwater," because most
4 police departments give you a ticket regardless where
5 you are from if they think you are violating the law.

6 Those are the concerns that we should
7 have representation in all the police departments,
8 there should be a concerted effort to have police
9 representation by Blacks and other minorities in
10 terms of the protection.

11 We have received complaints in
12 reference to the Florida Highway Patrol about the
13 lack of Black officers. We even got complaints in
14 terms of some Blacks have been dismissed without the
15 form of appeal as they view it and presently they are
16 making efforts to pursue those things in court, but
17 those are the types of things that tend to
18 deteriorate or degrade the community relations when
19 it comes to the police departments and Metro-Dade
20 and the Black community.

21 At the same time, the question becomes
22 who is doing something about it. Sure, we have had
23 meetings and I think there have been successful
24 meetings with City of Miami Police Department.
25 We have had meetings with Metro-Dade, but at the same

1 time each of the meetings that we have had we
2 initiated those meetings, they have not initiated
3 any meetings with us, and since we represent the
4 NAACP and since we tend to get complaints, where no
5 one else gets complaints or they cannot reach
6 anyone else, perhaps we need to establish some type
7 of dialogue with the agencies to make sure that you
8 have a point of contact between agencies, you don't
9 get the run around until you have to call perhaps
10 the Chief of Police in order to get some action taken.

11 At the same time, in terms of the
12 method for complete investigation of citizen
13 complaints, "Well, now, that we have this complaint
14 here we cannot give you any additional information
15 until the complaint is completed," and there are
16 certain rules and regulations that says that even a
17 citizen review board cannot get information until the
18 investigation is complete.

19 I mean, when you talk about Community-
20 Police relations, I think the community has the
21 right to be concerned about their treatment. Even
22 the City of Opa-locka, which has done addressed this,
23 but there have been concerns throughout Dade County.

24 As Black persons traveling the streets
25 of Dade County we feel that perhaps that we are not

1 safe because of the sudden movement, situations where
2 people can say, "Well, he moved suddenly, so therefore
3 I felt my life was violated and I had no recourse
4 but to shoot him."

5 We have several police officers
6 sitting around and no one knows what has happened.
7 We have too many situations here in Metro-Dade
8 County where many eyewitnesses saw something that was
9 totally contradictory, so until they find a final
10 conclusion that took place in the courts.

11 In summary, the status of the
12 Police-Community relations here in Dade County is
13 very questionable as a Black man or a Black
14 individual traveling the streets of Dade County.
15 As a Black business person needing protection of a
16 business because of a narrow margin of profit they
17 cannot allow to sustain losses in their business.

18 You find that when you have an
19 assignment of police officers, so we have many
20 officers assigned based on the population, but at the
21 same time based on the need what is happening, based
22 on the need to have immediate response from officers
23 when you call and they attempt to take a police
24 report over the telephone, and again, I can speak
25 from firsthand experience.

1 In 1986 I filed a complaint in front
2 of the NAACP office. Someone had attempted to steal
3 my little beat-up car. I don't understand why they
4 would want it. I immediately went in and called the
5 police department. After several holds and
6 everything else, they took a report over the telephone,
7 but at the same time each time I have a meeting I
8 still have that concern, if not my car, whose car
9 will it be? Do we have adequate police protection in
10 the Black community? Do we have adequate concern
11 about Blacks in the police department throughout
12 Dade County?

13 I think the answer to those questions
14 in the minds of many people is a resounding no, and
15 if the answer is opposite, then I think the
16 responsibility is still at rest on the police
17 department throughout Dade County to get the message
18 to the citizens that we do care about you, we do
19 give you equal treatment under the law and we do not
20 immediately accuse you of being guilty in the case of
21 a police officer responding to a complaint, whether
22 it was a contrast between a Black and a white
23 individual involving a white female and immediately
24 they assume that the Black male was at fault.

25 So in terms of Police-Community

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1 relations in Dade County, we have some serious
2 problems to be improved and I can give you some
3 suggestions that we feel they can be improved, and at
4 this time I will give control to Johnnie McMillan.

5 MS. MC MILLAN: On behalf of the
6 Opa-locka branch, as well as the North Dade
7 community, we would like to express our sincere
8 appreciation to the PULSE organization for asking you
9 to come and certainly conduct this hearing.

10 Based on the things you have heard thus
11 far you would agree was well over two a day and
12 certainly much needed in our community.

13 We have a tremendous growth population
14 occurring in the Opa-locka-North Dade community which
15 would lend itself to suggesting to you that all the
16 problems that you have heard occurring in other parts
17 of this community certainly would be twofold in the
18 North area.

19 One of the things that occurred, and I
20 certainly would like to be sure that I get this in
21 initially, that occurred to us to greatly erode any
22 hope of having a positive Police-Community relations
23 was when they moved the police station from the
24 North Dade area and moved it into the Miami Lakes area,
25 which was an interesting kind of move that occurred.

1 Now, that statement certainly was very
2 loud and clear in the community where you had a
3 large population of Blacks residing. Although the
4 groups did speak up and say, "You know, why are you
5 doing this to us? We, too, need a station here."

6 It was of no avail, the station was
7 still moved. Although they left a small office there
8 to address perhaps some concerns, it in no way left
9 other than a bitter taste in the community's mouth.

10 The other thing that we have
11 tremendous concerns about is one of when you talk
12 about developing a positive relationship with the
13 very people that you are supposed to serve, you must
14 address the manner in which you interact with those
15 persons. You have heard testimony about that.

16 We certainly in the North Dade area
17 have had an opportunity to see the same kind of lack
18 of positive communication on the part of the police
19 department in that area.

20 However, I must say in the Opa-locka
21 area, I want to be sure I am trying to separate it
22 for you, because I am relating North Dade and
23 Opa-locka, our branch's name is Opa-locka, but
24 because it is the only branch north of 95th Street we
25 service the entire North Dade area, so when you talk

1 about North Dade I am talking about the Metro Police
2 Department. When I speak specifically of Opa-locka
3 I am speaking of that particular municipality. Our
4 concerns have primarily been with the Metro-Dade
5 Police Department.

6 There has been no effort on that
7 department to interact with the NAACP. They have not
8 provided us with the kind of which we think support
9 in terms of informing us as to what is happening, how
10 can we be of assistance, because we do believe that
11 if you are going to improve something it takes all
12 concerns to be involved in the process of delivering
13 that improvement. So we basically can say that we at
14 this point do not have a relationship with the
15 Metro-Dade Police Department in the North Dade area.
16 However, we do have with the Opa-locka Police
17 Department, and I must commend Chief Reaves since he
18 has been there, he has tried to inform the NAACP and
19 he has tried to involve us in issues that concern
20 the Opa-locka Police Department and that is one of the
21 moves I think that all the municipalities need to
22 follow in terms of involving community groups, asking
23 their opinion, asking them to help, because of--you
24 certainly cannot do this job--they certainly cannot
25 do this job alone.

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1 Black people in this country have
2 suffered enough and I think you have heard testimony
3 to that certain statement. We know that without
4 some changes that we do stand a risk of repeating the
5 same kind of activity that we had back in 1980 and
6 '68. We certainly would want to try to avoid that,
7 but it is imminent if something is not done. I would
8 imagine at this point as of today that it would not
9 take very much, just one slight incident, to start us
10 again, and I think if you check with anybody in this
11 room they would agree with that, so there must be
12 an effort on all police departments to make a
13 consistent effort in trying to involve every group
14 and every entity of the municipality for which it
15 serves to have an ongoing communication on a monthly
16 basis to see exactly what is happening, give the
17 community an opportunity to tell them, "What are your
18 concerns, what problems have you had and how can we
19 assist?"

20 I think that Mr. Due's idea,
21 Attorney Due's idea of an advisory committee in the
22 various areas there is an excellent one. There
23 certainly would be a vehicle in which we may be able
24 to address our concerns. I think the community can
25 be a great help to the police department, not only

1 in helping to diffuse some of their concerns, but
2 can assist in ensuring that the officers who are on
3 the street do respond in the way that a professional
4 would, because they are supposed to be professional,
5 so therefore they ought to approach people in a
6 professional manner.

7 The other part of the train that must
8 be ensured that it is greatly enhanced is the one on
9 fleeing felons. We within the NAACP, the Florida
10 State Conference, have worked very hard within the
11 Legislature to try to get that law changed. We are
12 still working with that, we are trying to ensure that
13 the State of Florida does some things to bring to us,
14 not only here in Miami, but throughout this state,
15 some legal changes that will assist this effort to
16 stop the kind of fleeing felon acts that are
17 occurring.

18 We want to again recommend strongly
19 that each municipality in some way be mandated to
20 increase positive Police-Community relations through
21 communicating with all entities of that community.
22 Miami can take no more. We need the help.

23 Thank you.

24 CHAIRPERSON MOORHEAD: Thank you.

25 Questions? Mr. Rolle.

1 MR. ROLLE: I would like to say in my
2 view, Mr. Due, Mr. Lawson and Ms. McMillan, that was
3 an excellent presentation. I think you have afforded
4 us a number of specific recommendations which seem to
5 be very cogent and on point that we certainly should
6 look at and speaking as an individual member, speaking
7 for myself, I intend to embrace those recommendations
8 rather heartedly, Mr. Chairman.

9 I do have one question. I had hoped
10 to raise this with some of the other panelists.

11 What would the NAACP be willing to do
12 to assist in the reduction of those instances where
13 there is crime and the police have to deal with this
14 situation? And from a human nature standpoint in
15 terms of not putting one's self at risk unnecessarily,
16 I am asking you to give us your feelings about the
17 other side of this, in terms of--are there any
18 community-wide programs or any programs involving the
19 school system and PTA's? Do you have anything in mind
20 in terms of whether maybe the police department would
21 go with the NAACP through some sort of community
22 resource specialist, that we could work with people
23 who might need that, or is that a problem, or am I
24 misstating the situation?

25 I would like to hear your opinion about

1 that.

2 MR. DUE: I would like to begin.

3 The NAACP, like other organizations,
4 PULSE, our Greek organizations, the Urban League is
5 concerned about crime, particularly Black crime, and
6 one of the people in the audience has indicated that
7 one of us should also talk about the fact that the
8 problem of crime doesn't come from within the Black
9 community. No Black folks have the business of
10 importing cocaine from Colombia. We are used as a
11 market and law enforcement somehow is perceived
12 sometimes as not being aggressive enough to work with
13 the Black community to stop the street sales and
14 crime within some of the communities. I am talking
15 particularly about Perrine, where the Metro-Miami
16 action plan is involved and active in the community
17 action agency to identify crack houses and therefore
18 this person has been subject to retaliation, and it
19 appears that there has been no response to deal with
20 that.

21 I think PULSE has raised this concern.

22 What the NAACP is willing to do, I
23 think I can speak for the rest of us, is that we had
24 a conference in 1984 called The Conference on a Black
25 Family. They included all the national civil rights

1 organizations and Greek organizations, and one of the
2 outcomes of that national conference is that in each
3 community we develop the same kind of network with
4 other organizations to begin to deal with crime
5 within our particular communities with a dual approach.

6 Number one, continually work to getting
7 the outside organizations to be responsive to the
8 needs of the Black community and, at the same time,
9 on a self-help basis, begin to deal with our needs
10 as far as family, as far as our education program.

11 We have what is called Back-To-School-
12 Stay-In-School program, where they are trying to
13 encourage our children to stay in school so they
14 don't graduate with no--except with a certificate of
15 attendance and their life would be devoted to hanging
16 out under the tree during the 21st Century, so we
17 know that we as a Black organization had to take
18 care of Black business, so at the same time we want
19 to interface with other organizations who are
20 responsible for conditions that we get them involved.

21 MR. LAWSON: I would like to say in
22 addition to what Johnnie just stated, many times we
23 stop and observe crime or let's say scenes involving
24 the police.

25 My answer to many of the officers who

1 ask, "Why are you here," I say, "I want to have
2 firsthand information if someone calls and says,
3 'I got a police complaint about something,' I can say
4 what I observed," whether it was a valid complaint or
5 just what the situation may have been, in addition to
6 just stopping to monitor situations, we have supported
7 in meeting with the mayor and other representatives
8 in terms of police substations in the City of Miami,
9 who is very supportive in getting the police
10 substations started.

11 In terms of having forums involving
12 crime in the Black community, we have initiated and
13 we have invited Metro, the City of Miami, Florida
14 Highway Patrol and other local police departments, and
15 many of them did participate in some of the forums
16 that we conducted.

17 We have made available our meeting
18 facilities to neighborhood crime watch organizations
19 to host their meetings. At the same time we recognize
20 it is not the responsibility of the NAACP to do police
21 work, but we do share a concern to the elimination
22 and mediation of crime in the Black community and do
23 what we can do, we are more than willing to do, but
24 at the same time the question has to go what has been
25 asked of us in addition to what we have tried to do?

1 MS. MC MILLAN: Yes, I do think that
2 the NAACP has quite a role to play if allowed to play
3 with the other side of the coin that talks about the
4 prevention of crime. I think we should be not only
5 in the business of addressing crime at the point that
6 it has happened, but what happens to bring persons to
7 this point.

8 Now, there are several things that
9 occur. One, you talk about crime of the youth. When
10 you talk about youth you are talking about the school
11 system, you are talking about making an effort to
12 work with the school system, and that effort has not
13 been made at this time, Mr. Rolle, I'm sorry to say.

14 It grieves me deeply that we have
15 youngsters skipping on Fridays, going to South Beach
16 and nobody has said to them that, "You better go
17 back to school."

18 Now, certainly if you have got
19 youngsters who ought to be in school and they are
20 drifting around in the streets, I don't know what you
21 can expect them to do other than to get into something
22 they shouldn't be involved in, so we are going to
23 have to take the responsibility, all of us, in
24 ensuring that we work with agencies to help get our
25 kids where they ought to be, when they ought to be

1 there.

2 In addition to that, we have got to
3 develop programs, if they are not in place, and I am
4 not aware of too many, that reaches the masses.

5 You see, one thing about us, when we
6 start developing programs--and I'm talking about all
7 of us in America--we generally develop programs that
8 tend to reach very few persons. We skim the top.
9 We just don't seem to be able to develop programs
10 that will reach the masses. Therefore, the programs
11 are designed to reach certain people that they never
12 get to, so somehow we got to begin to work to try to
13 reach those persons who are really, I should say--I
14 want to say prospective criminals, that is probably
15 no such police term, but anyway, whatever, they are
16 about to get into it before they get into it. It
17 looks like they are about to get into it. We know
18 those kinds of kids. We know them from birth almost.

19 You know, your parents can tell you
20 the child that is into something more active, I
21 should say than another child or one who tends to lean
22 towards certain kinds of activity, so yes, we do have
23 a responsibility, but I would like to work on the
24 preventive side.

25 MR. ROLLE: I would like to thank you

1 for those responses once again and indicate to you
2 that I am very impressed with the presentation.
3 I intend to speak with my colleagues here.

4 DR. CLARKSON: I have one question
5 that I believe I will direct to the president of
6 North Dade, but perhaps if other people are aware of
7 circumstances, you indicated a difference between the
8 Opa-locka Police Department and Dade County, and I
9 wonder if you could highlight either now or perhaps
10 later to the community where you thought were major
11 differences? Was it in internal review? Was it in
12 the community relations area? What were the areas
13 that were most identified in terms of the response?
14 I think that would be helpful to us.

15 MS. MC MILLAN: I was referring to
16 community relations angle. I was highlighting for
17 you an event that took place within the North Dade
18 area that precipitated an erosion, not that we thought
19 that we didn't have problems prior to that, when the
20 police station was moved into the Miami Lakes area.
21 I differentiated with the Opa-locka Police Department,
22 who, on the other hand, when problems arose made an
23 attempt to articulate with community groups inclusive
24 of the NAACP and asked us to enjoin them in
25 addressing the community and their problems, contrary

1 to the Metro-Dade-North Dade area police department.

2 Was I clear or not?

3 MR. DUE: For example, Chief Reaves
4 from the City of Opa-locka, I met with him when he
5 was captain in the City of Tallahassee, when he
6 participated in a work shop that we had at state level
7 on Police-Community relations, when we conducted the
8 hearings back in 1976, and produced this report,
9 "Police By The White Male Majority."

10 There was a look of emphasis of
11 recruiting Black officers, making sure that they get
12 them into command positions, but we are not talking
13 about that in 1988, because Metro and Miami have done
14 a lot of work in recruiting Black police officers and
15 they are getting into command positions, but I don't
16 see too much difference as far as Police-Community
17 relations.

18 What we expected back in 1980, that
19 these officers here in Dade County would be like
20 Chief Reaves, who would come out and reach out into
21 the Black community, so because that is why we said
22 we need Black police officers because they were
23 sensitive and they have a commitment to the Black
24 community. We do not need any officers, Black or
25 white, who is very passive, who is not involved with

1 the community.

2 I think this is the problem that the
3 NAACP has, PULSE has, the civilian agencies that we
4 have, the isolation that you talk about, racial
5 isolation in Miami.

6 I mean, you don't have to be Black in
7 order to deal with another person in an unfair way
8 without involving that other person.

9 The same thing with some of our Black
10 principals who are not involved in the community, they
11 leave at 3 o'clock and are not involved in the
12 community.

13 What I'm saying is that we need our
14 officers to assume that kind of role that we expected
15 in 1968; when we say we needed more Black police
16 officers in 1976, when we told you all back then that
17 we needed more Black police officers so that we can
18 have their involvement as far as leadership in the
19 community. That is not happening.

20 MS. MC MILLAN: To be more definitive
21 about your question and what--how I was trying to
22 respond to you, when the Opa-locka branch of the NAACP
23 had its mass meeting, and I have them, you know, every
24 month, I always try to identify certain sessions
25 strictly to deal with police concerns in your

1 community.

2 When I made the invitation, and I do it
3 twice a year, the Metro-Dade Police Department always
4 sends an individual to represent them, usually someone
5 of quite low rank, quite frankly, but the Opa-locka
6 Police Chief comes himself and that is the difference
7 in my way of thinking to the people, in terms of how
8 they feel. They feel they can talk directly with
9 persons in charge. That person can be responsive to
10 their concerns at that time, and that is important.

11 MR. BINKLEY: Ms. McMillan expressed a
12 concern over the fleeing felon law and made a
13 reference of changing state law. I wonder if she or
14 any other panel members would address more
15 specifically your concern with it and what you want
16 changed, what you have reference to.

17 MR. DUE: Okay. I think the year was
18 1973, '74, Chief of Police Witt, W-i-t-t, at the time
19 was a sergeant with the City of Miami Police
20 Department, but he was also the president of the
21 Florida Police Benevolent Association, and they were
22 able to lobby some legislative changes with
23 references to use of deadly force. What we are
24 talking about particularly, the FBI, for example, if
25 I recall, relating to the use of deadly force,

1 recommendations that deadly force should be used by
2 police officers or can only be used by police
3 officers to only save one's life or the life of
4 another; not necessarily, you know, prevent a person
5 who is fleeing from a felony that is not causing
6 immediate threat to one's self or to another.

7 As I understand, that used to be the
8 common law, you know, provisions, and what happened,
9 the Legislature passed a law which, as I understand it,
10 limited--I mean, expanded the use of deadly force,
11 that it could be used to stop fleeing felons, when on
12 occasion not to save the life of one's self or
13 another.

14 I understand that some municipalities,
15 however, still apply the common law version on it
16 or the FBI version, but again, the law is there and
17 that means that resources of NAACP had to be used to
18 stop municipalities from adopting the state law.

19 MS. MC MILLAN: We have been trying to
20 do that. What the Florida State conference has been
21 doing, it has been working very closely now. I think
22 we got a couple persons in the House to try to carry
23 that. I think some persons from the Legislature or
24 from the North area, I think Carrie Meeks carried it
25 once but it did not go through yet but the NAACP is

1 still trying to get that changed that John mentioned
2 so that it will not be interpreted by its common
3 interpretation.

4 CHAIRPERSON MOORHEAD: Thank you,
5 Ma'am. We appreciate your time.

6 I would like to call the next panel if
7 we could.

8 Is Ari Sosa present?

9 How about Larry Capp?

10 Mr. Brown, you appear to be the panel.

11 MR. BROWN: Thank you.

12 Chairman Moorhead and members of the
13 State Advisory Committee, and ladies and gentlemen.
14 Mr. Sosa was here earlier this morning, but felt that
15 he had to be present during the Free South Africa
16 demonstration in his staff capacity.

17 The Dade County Community Relations
18 Board consists of both a professional staff headed by
19 Dr. Sosa, and you have heard two of our very competent
20 staff people, Reverend Sims and Attorney John Due,
21 speak to you this morning, and also citizens who are
22 appointed to the board, and I have served as a
23 volunteer citizen appointed to the board and, of
24 course, we rely very heavily on our staff to keep us
25 informed on what is happening within the community.

1 On a personal note, it does seem very
2 unusual for me to be on the opposite side of the panel,
3 having served eighteen years on the State Advisory
4 Committee in Oklahoma and Massachusetts and chairing
5 Massachusetts for six years, so I welcome you here.

6 I think the unfortunate items that we
7 hear today are pretty much deja vu to most of us who
8 have been in the battle against racism. We
9 sometimes feel we are sitting at the beach with a
10 teaspoon trying to push the sand away.

11 I chaired one in New Bedford in the
12 early '70s on this issue.

13 You have heard Attorney Due speak
14 about the Florida Advisory Committee meeting in '76
15 on this issue. Unfortunately, this has probably been
16 a most difficult area of issues for the State
17 Advisory Committee and the Civil Rights Commission to
18 actually have concrete changes made.

19 Many other areas have been much more
20 successful in getting change than this one. I think
21 it speaks very much to the frustration that PULSE has
22 felt in dealing with these issues, that they felt that
23 they had to turn to the Civil Rights Commission in
24 the State Advisory Committee.

25 When those agencies that have more

1 direct power to effect change rather than to make
2 recommendations and write reports and advocate for
3 those changes had failed them in their eyes and they
4 had to turn to the Advisory Committee and Civil Rights
5 Commission, I appreciate PULSE's efforts to bring you
6 here as other people have said and urge you to become
7 strong advocates for your recommendations as well as
8 the committee that just makes them.

9 The Community Relations Board of Dade
10 County last fall established a Police-Community
11 Relations Committee, and I was asked to chair that
12 committee and we have taken very specific issues
13 relating to Police-Community relations to try to
14 pinpoint our efforts on, and I would like to bring
15 those forward to you today. One of them has related
16 to the Office of Professional Compliance within the
17 City of Miami. This is one of the agencies that has
18 been set up to examine citizens' complaints relative
19 to police. Since 1985 that committee has essentially
20 been nonexistent, that effort.

21 There is a police and corrections
22 officers bill of rights in Florida which states that
23 the law enforcement officer cannot be investigated
24 by anybody outside of that law enforcement agency, and
25 I will give you the record here with the citation and

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1 you can go look at that particular law, and the City
2 Attorney has ruled that the City of Miami Office of
3 Professional Compliance was then not able to deal with
4 these complaints the way they had done before because
5 they were outside of the police department, so it
6 has essentially been dysfunctional during this period
7 of time.

8 We have a certain staff within the
9 City of Miami that has also had our lawyers look at
10 it and we recommend that they could in fact actually
11 continue to work if they were placed in the police
12 department, reporting in terms of budget, in terms of
13 organization, but reporting outside of the police
14 department to the Department of Internal Audits and
15 reviews for supervision and for their career
16 advancement that would give them--put them legally
17 within in terms of making--meeting the constraints of
18 state law, but effectively outside of it in terms of
19 their career and supervision. This has not yet been
20 done.

21 We still are working to urge this, but
22 as of yet it has not happened.

23 We also recognize--recommend that they
24 establish a citizens' advisory board directly to
25 the Office of Professional Compliance so that their

1 work, although would be--of that avenue to the
2 community to ensure that open communication and
3 following of the work of that agency. We have not
4 spent the same efforts looking at the work of the
5 independent review panel, but there are a couple of
6 items that could be noted.

7 One, for example, that you are the
8 Commission in this hearing today recommend subpoena
9 power with that independent review panel. That
10 recommendation made a number of years ago has still
11 not been acted on.

12 The independent review panel has not
13 had subpoena power.

14 One thing that happens when people
15 call us and we ask people to report on their
16 complaints to the independent review panel, it is
17 very hard to find.

18 I ask each of you to try to remember
19 that that is the name of the agency that you would
20 make your complaint to, and I'm not sure you would.
21 I forget the telephone number sometimes and then try
22 to find it in the Dade County phone book. It is hidden
23 way in the bowels under a name that doesn't say
24 complaints, it says independent review panel which is
25 not necessarily, as I remember it certainly--if one

1 were really interested in getting and enhancing the
2 ability for that agency to get complaints, if you
3 look at the Dade County phone book you will see in
4 front of the large section that lists all the county
5 agencies, a little box up in front saying
6 "Frequently called numbers," but there is no
7 frequently called number placed up there that gives
8 the independent review panel unless people know that
9 that is where they can file complaints.

10 Also there is no citizens' advisory
11 committee, as we have recommended for the Office
12 of Professional Compliance, again, to assure that kind
13 of communication and enhancement communication with
14 the community.

15 The secondary that we have worked on
16 over the years and has been a concern long before I
17 became a member, with the general area of the
18 Police-Community relations and when I did come first
19 after coming on board with a large county-wide program
20 discussion of the report on Police-Community relations
21 to be held at the Kaleb Center in 1987, and it was
22 well-attended by representatives from police and much
23 of Dade County and various police departments, and one
24 of the stronger recommendations of that effort was
25 that if you were going to do effective workshops in

1 Police-Community relations you had to get down to the
2 local community level; that holding on an area as wide
3 as Dade County, which is bigger than the state of
4 Rhode Island and Delaware and more people than
5 several others, couldn't be handled unless we got
6 down and tried to do it at the basic community level.

7 Well, our staff worked on this, they
8 were able to obtain a grant from the Florida Human
9 Relations Commission and they targeted their first
10 area in Perrine, which is one of the pockets of our
11 community within Dade County. It is an area where
12 there have been concerns and it is expressed by the
13 community on Police-Community relations, and one of
14 the most particularly in terms of effectiveness of
15 dealing with the drug-related trades and problems in
16 that community. So we went ahead to set up and ran
17 into complete opposition from the police and
18 Metro-Dade at the levels that were effective in
19 putting it into place at the local community level,
20 and I again have a sheet of paper here that documents
21 that series of events.

22 It indicates that while if you deal at
23 the larger level, yes, it is easy to get people
24 together to work on community relations, but if you
25 get it down to the community level and try to get the

1 actual people who live in the local community and the
2 police working in that community together on Police-
3 Community relations efforts, it is not so easy.

4 The area that we have looked at with our
5 committee is obviously the effort that relates to the
6 employment of Black officers and Black officers at
7 senior level. In fact, we have commended Chief
8 Dickson and the City of Miami for their efforts in
9 getting people at the senior levels. We have seen
10 some improvements over the years with the Metro-Dade
11 efforts, although there is a concern raised in our
12 committee that we have not fully investigated yet, is
13 that what has happened is that we are not getting a
14 significant increase in officers in the senior ranks,
15 but senior Black officers who were some of the first
16 ones brought in when these efforts were made are
17 being just reshuffled around through the next important
18 command or detail concerned, and we will be looking
19 into seeing whether we are going to be sitting on the
20 practices that would continue to increase and enhance
21 the presence of Black officers in the senior areas.

22 With the Florida Highway Patrol, you
23 heard Reverend Sims mention that. We have had a
24 great deal of concern with the Florida Highway Patrol.
25 They have been under court order to hire. As a

1 result they brought people in but we only see two
2 Black sergeants in the entire state, and so they have
3 been essentially blocked in terms of promotional
4 activities.

5 The State Affirmative Action Report on
6 the Florida Highway Patrol shows that there is a
7 statistically significant difference in discipline
8 applied to Black officers as opposed to white officers.

9 So we question as to whether or not we
10 are getting a revolving door situation in which they
11 bring officers in and maintain their consent decree,
12 but nobody is able to keep moving them on up and
13 keeping them in the force.

14 This is based--while these efforts
15 are merited in their own right and the Department of
16 Justice and the local office of this Civil Liberties
17 Union and NAACP have been involved in trying to
18 address those, we are very much concerned from the
19 community relations standpoint.

20 Nobody could have spoken to that more
21 eloquently than Reverend Sims in terms of his
22 statement of wanting to not be stopped at a time in
23 the open highway by the Florida Highway Patrol.
24 Certainly with an image of an agency that is hostile
25 to Black officers, then what is the reaction of a

1 citizen when he sees a patrol coming in terms of
2 expectations that they may have? And sometimes with
3 these expectations you have a self-fulfilling
4 prophesy, by the way, that people react to those
5 expectations.

6 We are very concerned about the Florida
7 Highway Patrol and preparing a report on this aspect.
8 This will be available hopefully by the end of the
9 week that they will be presented to the Governor.
10 You will have that available to you as well.

11 Finally in the area, we have heard
12 most of our discussions relating to the very large
13 police departments, Metro-Dade, of course, the City of
14 Miami, but we also hear situations that occur
15 brought to us from other police departments. That
16 was mentioned in the previous panel, as well as the
17 NAACP, so we receive, for example, in the concerns
18 raised to us with the City of Miami Shores intending
19 to close down a 99-cent movie because undesirable
20 elements attended. We had written and asked the
21 Mayor of Miami Shores and asked that this community
22 relations board be informed of any meetings discussing
23 that issue so that our staff may attend because of
24 the impact on it, but it is only a small step from
25 that kind of a position on the part of the City and

1 that concern of quote, undesirable elements, and the
2 reports that Mr. Lawson made of police perhaps
3 harassing young people who were--Black youngsters who
4 were attending that 99-cent theater.

5 So it is important that one consider
6 all of the police and all the municipalities of
7 Dade County and not just those areas that have
8 significant Black populations.

9 It is very important to realize the
10 personal feelings that the people have presented here.

11 I have recently been involved with a
12 complaint that has been reported to me about an
13 interracial couple on Miami Beach who was harassed at
14 a Publix by an officer who was essentially employed
15 by Publix off duty, but was an official police
16 officer wearing their uniform. It is something that
17 we all have to realize.

18 Those of us who have been involved for
19 a long time, somebody who travels a great deal and
20 in interracial situations, such as I do, having been
21 arrested not in Dade County, but in the past for no
22 other reason than that, the kind of feeling that
23 someone gets when someone sees and overpasses them on
24 the highway, even when one is only going a couple
25 miles over the speed limit, is something that has to

1 be considered, and I know in viewing the hearings it
2 goes from that on up to the extremely serious reports
3 that we have heard here today.

4 Just as an aside before ending, I did
5 note earlier that someone asked if PULSE had white
6 members. PULSE is basically a very active
7 organization with membership through organization of
8 Black churches, but I would note that just that there
9 are Black members who go to predominantly white
10 churches, there are white members who go to
11 predominantly Black churches. I belong to the Church
12 of the Open Door, one of those that started to help
13 PULSE, and although I am not personally active, I
14 have been a delegate in my church for the annual
15 meeting for the past several years, so there is that
16 opportunity. The membership to those churches are
17 fully open to people in Dade County. So I thank
18 this community to speak to you this morning and I
19 wish the very best in your efforts to try to pull this
20 together and make firm recommendations and carry them
21 as an advocate for this community.

22 Thank you.

23 CHAIRPERSON MOORHEAD: We appreciate
24 your comments. If you will hold for just a second
25 for questions.

1 Any questions?

2 I would like to make sure that we do
3 get the report that is in progress on the Highway
4 Patrol.

5 MR. BROWN: Yes. I will see that our
6 staff sends it out. It is in draft form now. As soon
7 as it is finished typing and revised we will send it
8 to the Governor, we will send it to you.

9 CHAIRPERSON MOORHEAD: You anticipate
10 that within the next two weeks?

11 MR. BROWN: I anticipate it this week,
12 but unfortunately, when you deal with an agency that
13 is small staffed that has to deal with crisis responses
14 all the time, but we are close, so I expect fully to
15 know where we are within the next few days, yes.

16 We pay attention to our staff as we
17 work as a community board, so I will listen to my
18 staff who makes it a point that there is some very
19 serious issues in education in Dade County that you
20 ought to be concerned with, not the least was the
21 article in the paper yesterday that carried the report
22 of this hearing, and it talks about resegregation in
23 Dade County and we have to look at very clearly the
24 disparity of education in Black youngsters, and I
25 certainly support John Due in that as well.

1 CHAIRPERSON MOORHEAD: We are at the
2 point of breaking for lunch and we will reconvene at
3 2 o'clock.

4 (Thereupon, a lunch recess was taken
5 after which the following proceedings were had:)

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AFTERNOON SESSION

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2 CHAIRPERSON MOORHEAD: We are just
3 about at 2 o'clock and I would like to reconvene.

4 The next panel consists of three
5 individuals, two that will appear on your agenda,
6 Mr. Vincent Smith, vice president of the Fraternal
7 Order of Police, Lodge 20 in Miami, and is it
8 Officer Richard Lober?

9 MR. LOBER: It used to be Officer
10 Richard Lober. Now it is Richard Lober, general
11 counsel for the Police Benevolent Police Association.

12 CHAIRPERSON MOORHEAD: We don't have
13 the third person on your panel.

14 OFFICER HARLAN: I am Officer Sam
15 Harlan, Miami Community Police Benevolent Association,
16 which is primarily a Black police union with the
17 City of Miami Police Department.

18 CHAIRPERSON MOORHEAD: If you would
19 just spell your last name.

20 OFFICER HARLAN: H-a-r-l-a-n.

21 CHAIRPERSON MOORHEAD: You can proceed
22 in the order you desire.

23 MR. SMITH: Well, basically, I would
24 say, Mr. Chairman, what our function is. I am
25 president of the Fraternal Order of Police, which is

1 a bargaining unit for the officers in the Miami
2 Police Department. We also have other organizations
3 that are involved, but ours is the main organization,
4 and we represent all the officers within the
5 department, Blacks, Latins, females, everything, and
6 our job mainly is to bargain for the officers' rights
7 and if they have a situation which would relate to
8 today, with the internal complaints, we assist the
9 officers who are involved in the complaints. We
10 represent them, making sure that their rights are
11 upheld and also supply legal counsel in case it goes
12 further to arbitration or civil service, in case the
13 officer's job is in jeopardy, but basically we
14 represent the department and the internal security
15 investigation, which I would apply to what we are
16 talking about today.

17 MR. LOBER: I will go ahead and proceed
18 now.

19 Essentially, the Dade County Policemen's
20 Benevolent Association represents approximately--well,
21 we have approximately 4,500 members in Dade County.
22 That involves law enforcement personnel, as well as
23 support personnel. We represent primarily the
24 Metro-Dade Police Department which has over 2,800
25 officers, as well as other municipalities within

1 Dade County. In fact, I think we represent all the
2 municipalities in Dade County with the exception of
3 City of Miami, Miami Beach and Coral Gables.

4 As a result of that we are involved in
5 the representation of the officers really county-wide.

6 The purpose of our Association, it is
7 primarily a labor organization. We negotiate
8 contracts on behalf of the members. However, a part
9 of that has already been mentioned. It also includes
10 representation of officers whether they be involved
11 in civil matters, administrative matters or
12 complaints against them, as well as responding to
13 things such as police shootings, as well as mentioned
14 earlier in the presentation.

15 In negotiating a contract we include
16 a provision on behalf of our members which is a
17 nondiscrimination clause, and that makes it very
18 clear that we will not accept discrimination of any
19 form, whether it be race, sex, national origin,
20 religion, marital status, etcetera, by the departments
21 against our members and our members carry that over
22 in the way they deal with the community at large.
23 We have the same feeling in terms of maintaining those
24 basic rights.

25 What was interesting from this morning

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1 is some of the concerns that I heard raised are
2 shared by our members, and although certainly from
3 a different perspective. One of the concerns which
4 we can identify is the timeliness factor in terms
5 of investigations being handled. We would like to see
6 investigations done in a more expedited fashion.
7 However, we do recognize that in order to have
8 investigations done properly that they--have them
9 done properly and thoroughly and professionally, that
10 it takes time. We would rather not sacrifice the
11 thoroughness of the investigation for the sake of
12 expediting the process.

13 In addition, we understand that
14 criminal investigations also come into place when
15 allegations of brutality or police shootings are
16 involved. The primary investigation is the criminal
17 investigation and oftentimes the other investigation
18 that might arise, whether they be internal review,
19 independent review panel, often must be held in
20 obedience during the course of that investigation so
21 as not to jeopardize it, and most of the departments
22 handle their investigations that way.

23 I believe the independent review panel
24 handles it that way, that unless they get a green
25 light from the State Attorney's Office they will not

1 do anything which might unnecessarily impact a
2 criminal investigation and we share an understanding
3 of why that should occur.

4 Then, finally, I think the
5 unnecessary delays in investigations are probably
6 attributed to the bureaucracy that exists,
7 particularly in the larger departments in handling
8 investigations. I think what we have seen is right
9 now there is a number of review systems which are
10 available whenever an officer's actions are
11 questioned, whether it be a shooting or brutality.

12 First of all, the State Attorney's
13 Office is involved in independent investigation
14 either through their own investigators or having the
15 police departments do the investigation at their
16 directive.

17 Secondly, internal review will be
18 conducting an investigation either concurrently or
19 separate and apart.

20 In addition, civil suits may be
21 initiated, at which point in time again, the entire
22 incident will be subject to scrutiny through
23 depositions, through the discovery process of private
24 attorneys.

25 The independent review panel is another

1 form which provides an opportunity to scrutinize its
2 actions of the officer and oftentimes the newspapers
3 or television conducts their own independent
4 investigations to scrutinize the actions of the
5 officer, so I think one of the things that we have
6 come away with here, we also--our members feel that
7 there are certainly adequate review systems available.
8 However, I think a problem may be in how those review
9 systems are being conducted or are they being handled
10 or could they be coordinated in terms of the way they
11 are being handled?

12 Could there not be a central policy
13 since we know that probably at least three or four of
14 these different types of investigations will take
15 place, such as the State Attorney's Office, such as
16 internal review, such as independent review panel, and
17 have those things coordinated in terms of dealing
18 together, not totally handled basically ad hoc,
19 beginning from scratch, but trying to take advantage
20 of what information is already available.

21 The membership has basically a
22 perception that there is probably an overscrutinizing
23 of their actions, and, at the same time, there is a
24 perception from the people that were affected that in
25 fact not enough scrutinizing is taking place.

1 I don't think that the answer lies in
2 scrapping the system that we currently have in effect.

3 A theme that has come up again and
4 again is that the perception that our members have in
5 terms of challenging or questioning the needs to have
6 all these review systems essentially comes from lack
7 of knowledge. The more that our members have become
8 aware of what is being done and why it is being done
9 the more the members have come to respect the job
10 that is being done. The less skeptical they are of
11 what internal review does, and that is what I have
12 seen recurring again and again, is the more involved
13 we become in understanding the process the less
14 likely we are to become--to want to turn it off and
15 to want to--let's not use that or why do I have to
16 have my life, you know, laid out in front of me under
17 a microscope? And I think that is probably the better
18 approach because that is the approach that I have
19 seen used recently both between the Dade County PBA
20 and the Metro-Dade Police Department and other police
21 departments, to eliminate some of these false
22 perceptions because in many cases they are false, not
23 entirely, but in many cases, and I think the
24 perception of one of the things that have to be dealt
25 with is just the specifics.

1 Finally I would just like to state
2 that there are certain results that people expect
3 from any type of a review process. Obviously if you
4 file a complaint you expect the complaint to be
5 founded and you expect to have action taken from an
6 officer and they expect the complaint to be
7 investigated, and to be exonerated. I don't think
8 that you should make judgments on the system that is
9 currently being used here based upon your
10 disappointment with the results that have occurred
11 because I don't think you change or you improve the
12 system by doing that. I think that is somewhat of
13 what is being asked to be done.

14 What I would like to see done is
15 focus more on if there are specific cases that haven't
16 answered the question, either maybe the answer to the
17 question is not what you want to hear or that rather
18 than scrapping it let's take a look at what needs to
19 be done, become more directly involved in trying to
20 change that and not create just simply what might end
21 up being just another review system which no one will
22 be happy with two or three or four years from now.

23 Thank you.

24 OFFICER HARLAN: Primarily with the
25 MCPBA is number one, we are the oldest Black police

1 union in the United States of America.

2 Historically the MCPBA was formed due
3 to the fact that at the time before historically
4 Blacks weren't allowed to be members of the FOP or
5 the PBA. Since then that has been rectified and
6 changed.

7 Right now our president, who is out of
8 town, Sergeant Darling, sits on the executive board
9 of the FOP with the main bargaining agent. As a
10 result of that he has input into things that go in
11 the contract and specifically the affirmative action
12 for part of the program to which the MCPBA filed the
13 lawsuit challenging the promotion system and the
14 hiring system and as it pertains to minorities and
15 was in effect able to effect change in the justice
16 system to allow us to advance in the ranks under the
17 affirmative action program.

18 Primarily what we are is we act as an
19 informal benevolent association, meaning that in the
20 event that a particular incident happens or, for
21 instance, somebody does make a complaint or even a
22 complaint is generated internally on a Black police
23 officer, and if there is an allegation or even a
24 perception that this is not based on the guy's job
25 performance or his productivity, but simply because

1 a white supervisor or Latin supervisor or whoever he
2 is may not like him simply because he is a Black
3 person, and at that point we would try to--we would
4 investigate it to see if there is any merit.

5 If there is no merit we will tell him,
6 "Your allegations based on discrimination aren't
7 justified here, I see you came in fifteen times late
8 in one month."

9 However, if there is a legitimate
10 issue, then we have informal ways to address this
11 issue. Our president is allowed a weekly or monthly
12 or as often as needed an audience with the chief of
13 police so that he can point out these inconsistencies
14 in the discipline.

15 One thing that we also do is that
16 since we are Black police officers out in the street
17 and we are able to see some of the things that might
18 go on that might cause a potential problem we are
19 able to walk up to the guy that is posing a problem
20 and say, "Listen, everybody that lives in this
21 neighborhood is not a criminal. All right?"

22 And as long as you bother the criminals
23 you will never get a problem. The problem you are
24 going to get is when--you are going to take your time
25 and determine who in this community is legitimate and

1 who is not. You cannot walk up to everybody simply
2 because they are not dressed in a suit and tie and
3 tag them with the label criminal. A lot of these guys
4 work very hard for their money, they are very honest
5 men. They may not be professional people the way you
6 look at professional people, but most of them have
7 never committed a crime in their life. Simply because
8 they like to stand under a tree and drink a beer and
9 talk, that is culture, that is a traditional way our
10 culture is and you are going to have to deal with
11 these people. These people are the ones that control
12 the community, the legitimate entities in that
13 community, and primarily that is what the MCPBA does.

14 Chief Reaves is a member of that
15 organization from Opa-locka. We are in the southern
16 region of the national organization for Blacks in
17 law enforcement, and also I think as part of the
18 southern region we sit on the national chair of the
19 National Association of Blacks in Washington, which I
20 believe now that man who used to be here who now
21 lives in Texas, is the president of that organization.
22 I think nationwide we have about fifteen thousand
23 members.

24 Briefly, and just to my knowledge as I
25 have only been vice president for about six months,

1 we alternate these posts, we get elected from the
2 membership at large.

3 Locally here in the City of Miami
4 Police Department we have about one hundred fifty, one
5 hundred sixty members.

6 CHAIRPERSON MOORHEAD: Thank you.

7 Questions?

8 MR. ROLLE: Thank you for the
9 presentation, but I do have a few questions I would
10 like to raise.

11 Mr. Lober, in terms of the contract,
12 by chance would there be any kind of contractual
13 procedure within the contract for citizens to follow
14 with respect to complaints that are jointly agreed to?

15 MR. LOBER: The provisions we do--we
16 do have provisions in the contract which talk about
17 the interval review procedure. Essentially those
18 procedures are geared toward the county or the
19 departments handling internal review complaints. Most
20 of the procedures as far as how to handle the
21 citizen's complaints, specifically, have been developed
22 by the departments themselves, be it their policies
23 and procedures, so while they address themselves in
24 terms of that the name of the complainant will be
25 provided the officer and the specifics of what the

1 allegation is about will be provided. There is
2 nothing in the contract which talks to how the
3 complaint procedure can work. Most of the time that
4 has been developed by the department how they want to
5 handle that. The smaller departments can have a much
6 more streamlined process. The Metro-Dade Police
7 Department might have a much more complicated process.

8 MR. ROLLE: I am taking this tack
9 and maybe this is editorializing, and if it is, so be
10 it, but on this issue it seems like there is some
11 aloofness on the part of the union itself because
12 the men on the street belong to the union, hopefully
13 you communicate with your members, hopefully you also
14 have ways and means of working with your members and
15 I would hope that the union itself would consider
16 whether or not you could take the leadership on these
17 issues, whether they are perceived or real, but
18 sometimes we all know that perceptions sometimes will
19 be the reality. Whether it is reality, or not is
20 another issue.

21 For example, what do your men feel
22 about what the standards of conduct should be in terms
23 of dealing with the community? Have they been
24 involved in the process of developing a set of
25 standards that then could be codified in the contract

1 where everybody knows that this is what has to be done?
2 Obviously when that is not followed there is a
3 violation of the contract.

4 To make a long story short, I would
5 like to have your opinion as to whether or not the
6 union could be more of a moving party with respect
7 to showing that yes, we care about these allegations,
8 we are willing to work with our men, we are willing
9 to conduct seminars, rather than waiting for
10 management or a citizens' forum like this, to force
11 the issue. And your men are naturally not going to
12 feel good about it, I wouldn't feel good about it,
13 somebody is coming in saying, "Hey, you better do
14 this and you better do that,"but through the union
15 leadership if there could be some sort of collegial
16 situation set up where all these issues could be
17 addressed. I think that would be a step in the right
18 direction in terms of changing that perception.

19 I would like to have your response to
20 that. You know that you don't have to respond but I
21 would appreciate it if you did, and secondly, in terms
22 of the timeliness of the investigations, and I presume
23 you are a counselor?

24 MR. LOBER: Yes.

25 MR. ROLLE: Have you considered

1 developing any procedures that you could at least
2 recommend the state attorney regarding how to speed up
3 these investigations, particularly when there is a
4 criminal aspect? Because that process could be used
5 to delay justice which turns out not to be justice
6 forever because of the rules of procedures relating
7 to a criminal investigation. This may require a
8 little creative analysis on the part of not only the
9 union, but the state attorney and these parties within
10 the community. We have some great legal minds in
11 this community that will probably step forward to
12 assist in this process.

13 I will give you one more, if you don't
14 mind, just to have your opinion. What would be the
15 union's position if a recommendation came forth to
16 establish a special investigator, perhaps attached to
17 the manager's office or some sort of ombudsman
18 approach to try to avoid that bureaucracy that you
19 alluded to in terms of the process?

20 MR. LOBER: Let me try to address them
21 in order.

22 In terms of the union's involvement of
23 trying to aggressively deal with these things, some
24 things can be done by labor agreement and some things
25 cannot. I know that we have been involved in

1 assisting when particular problems come up like this.
2 There was a case discussed this morning where we
3 worked directly with the independent review panel to
4 try to have as many officers involved in that
5 particular case come in and give testimony to help
6 the independent review panel get at the truth and
7 help them also try to convince the people who were
8 involved, the complainant or whomever, that in fact
9 something was being done.

10 On many occasions officers are
11 reluctant to become involved in a third and fourth
12 forum for discussing the same matter after they
13 have already given two and three, and we became
14 directly involved in trying to facilitate the type
15 of thing because I don't know if it is called for in
16 every case, I don't believe it is necessary in every
17 case, but I believe in a situation where--but I
18 believe there are situations where the community at
19 large, where we can become very much aware of what
20 the response is by the community and in a particular
21 case.

22 We know that because they are knocking
23 down the doors of the police department, the political
24 officials or the newspapers, to try to be able to
25 get a voice because they feel their voice has not been

1 heard, and when we are aware of something like that
2 we have tried to become involved in it.

3 Now, we have not formalized the process
4 by collective bargaining agreement because we believe
5 that is meant to serve a somewhat different purpose,
6 but that doesn't mean that that is not something that
7 we believe--we are involved in day-to-day operations
8 and decisions with the department, but not everything
9 is by contract. Most of it in fact is by day-to-day
10 practical work as opposed to trying to put something
11 in.

12 MR. ROLLE: Given the current status
13 of the collective bargaining in this state, I think
14 it is fair to say that many, many jurisdictions have
15 moved away from the standard traditional approach to
16 bargaining, toward what I refer to as a more
17 collegial type relationship and I would hope that the
18 union itself would take the lead, not only in some
19 of the things that I have already mentioned, but for
20 example, given the groups that appeared here like
21 PULSE, I think the union is in a perfect position to
22 facilitate a round of discussions, maybe nothing will
23 be resolved, but at least if the union can have its
24 rank and file members there, people who are on the
25 street, people that these people are reacting to,

1 obviously in a controlled setting, we are not saying
2 bring in a million people to dump on the police, that
3 is not my point, but someway that there can be a
4 little more personalism involved in terms of the
5 officers coming to understand why some citizens feel
6 the way they do, and on the other side of that coin,
7 some citizens hearing from officers like the instances
8 when officers must protect themselves, and I think
9 that that could be very valuable and I would ask that
10 the union consider some of those points.

11 MR. LOBER: We have gone with that
12 and we have also on the timeliness issue we had
13 specifically tried--we are involved in negotiations
14 right now with Metro-Dade County in attempting to
15 streamline the process, and again, not necessarily
16 to achieve the same results, but certainly to
17 accomplish the same thing, which is streamlining the
18 process, number one, the primary concern being for the
19 officers, but anything that streamlines the process
20 and is an assistance to not only the officers but also
21 those who are making complaints, because again, we
22 are right now coming up with suggestions trying to
23 put in time frames or get different people's ideas
24 when they can get something done.

25 MR. ROLLE: Well, I have no right to

1 make a statement like this.

2 MR. SMITH: I would like to say one
3 thing, and I am representing FOP from the Miami
4 Police Department.

5 Based on your last statement, I think
6 the Miami Police Department does an outstanding job
7 in that relationship of getting people involved.

8 When I was in charge of training we
9 used to bring groups from various neighborhoods,
10 schools and everything else and bring them into our
11 training facility, survival school, basically, and let
12 them run through the exact programs that the officer
13 did, and their perception changes greatly because
14 then there is live action that they see and they are
15 actually managing a role in it.

16 The Miami Police Department is working
17 towards that. They have done an outstanding job.

18 CHAIRPERSON MOORHEAD: One would take
19 it that your collective bargaining negotiations are
20 ongoing throughout the running of the contract, not
21 just at the time of creating a collective bargaining
22 agreement.

23 MR. SMITH: That is correct. It is
24 year-round. We deal with the labor relations part
25 of the City and union and management of the police

1 department on a daily basis.

2 CHAIRPERSON MOORHEAD: How much does
3 that return to the internal review process?

4 MR. SMITH: We are on that on a daily
5 basis basically because we do represent the people
6 and when cases come up, and one of our things is on
7 timeliness, getting the investigation done because we
8 do have officers out there and whether the people
9 realize it or not, they do have a lot of anxiety
10 wondering what is happening to their case, they know
11 there is an investigation, but if it takes time they
12 want to know what is going on, so we do become
13 involved in that. We try to find out to speed the
14 process up.

15 CHAIRPERSON MOORHEAD: The natural
16 course of negotiations, either in the collective
17 bargaining process or the complaint resolution process,
18 your objective of course as a representative of the
19 officer is to do what is best for that officer.

20 The question I am getting at, in the
21 long run would some revisions of the internal review
22 process serve the officer's interest more even if it
23 became a process that was more detached from the
24 police departments themselves?

25 Could you envision that having the

1 potential for being an improvement in the process
2 while you are representing the interest of the
3 officers?

4 MR. SMITH: Who do you want to answer?

5 CHAIRPERSON MOORHEAD: I want both of
6 you in turn, if you will.

7 MR. SMITH: Go right ahead.

8 MR. LOBER: Essentially, right now--
9 I think the broad perception for most of the officers
10 is that their own internal review process is not a
11 friend, it is not something that is out there to help
12 them get through the system and it is kind of
13 unusual because there is another perception of internal
14 review process, which is that it is out there to
15 help clear the officer, and those who I mentioned
16 that are familiar with it feel that it provides a
17 more fair forum, certainly because the investigations
18 have to be--the investigations are so screened,
19 thoroughly screened down here by either the State
20 Attorney's Office or the IRP if they want to review
21 them or during the course of the civil suit, that they
22 really are--it is not a situation where we feel that
23 it is going to be an outside civilian investigatory--
24 internal review investigator is going to do one thing
25 or another to improve the system.

1 I don't think that would create a
2 perception of it being anymore biased one way or
3 another, so therefore, I don't know if I could see
4 that and if the officers would see that as an
5 improvement.

6 I think one of the things here in
7 terms of the bargaining process, and I want to just
8 make a quick clarification, is the collective
9 bargaining agreement can contain certain things.
10 It is a limited document, and as was mentioned,
11 collective bargaining is a much more alive process,
12 it is a continuing ongoing process.

13 When something simply is not in the
14 contract it does not mean that nothing is being done
15 on it. There is language in the contract, a very
16 small sentence, which might talk about promoting
17 affirmative action and we are involved on a regular
18 basis with the promoting of the affirmative action
19 process and procedures in the department because we
20 recognize that that is to the benefit of not only the
21 department, but our members are having more of a
22 cross section of the community involved.

23 The PBA itself brings in as far as
24 the executive board and the board of directors, brings
25 in its members from across the board, so I think when

1 we are talking about something in a contract as if
2 my answer is no, not to take that as a rejection by
3 the union or the department to include something, but
4 it is a much more alive process than that, and as I
5 mentioned, when we had a problem in a particular case
6 and the department or the IRP came to us we do
7 respond.

8 Now, in terms of some proposals being
9 definitively more innovative, is to go out
10 aggressively to these groups and find out if you can
11 help put out a fire, so to speak, and I couldn't tell
12 you that that is not something that hasn't been done
13 in circumstances or that we certainly would be opposed
14 to it.

15 I think what--and, you know, I
16 certainly think at the same time that it is a novel
17 approach because it is not something that unions
18 generally feel is the norm, but yet there are an
19 awful lot of things that the association does
20 informally to accommodate those things and in terms of
21 what is acceptable and not acceptable type of
22 behavior.

23 The union has informal means of not
24 allowing things to go on such as Sam described
25 earlier, in terms of going out there; but I think in

1 terms of a more formalized approach, that might be
2 something to be--to consider, although certainly it
3 would be somewhat dependent upon the department to be
4 able to find out what groups we do need to interact
5 with since if somebody does have a complaint with the
6 police, they don't usually call the PBA or the FOP,
7 so it would certainly be involved.

8 MR. ROLLE: The union has control down
9 there. What's wrong with you guys?

10 OFFICER HARLAN: There are some people
11 in the police department that would like to see the
12 internal security abolished. Certainly from an
13 officer's level or street level, they are not friends
14 of ours, that is how we view them, but we know their
15 job is necessary.

16 Major Ross is back there from the
17 City of Miami Police Department, is the deputy
18 commander of our internal security section, he's the
19 number two man there, he has been up there quite a
20 while and you are not going to slip too many silly
21 stories past Calvin.

22 If you did something and somebody
23 called you on the carpet for it it is more than
24 likely you're going to come and say, "Yes, I did that,
25 but every day when I come there there is this guy

1 standing out there, he is smacking his wife around,
2 today he came up there and he swung right in front of
3 me and I told him to stop and he did it again, then
4 he swung at me.

5 "You know, yes, my stick was in the car
6 where I left it, so I hit him, all right?"

7 Those types of things are acceptable
8 and nine times out of ten Calvin will say that you
9 did what you're supposed to do, but they will punish
10 you, but the punishment will be consistent with what
11 you did.

12 In terms of a civilian review panel
13 the police department was not designed, nor could it
14 be if it even wanted to, to control the community.
15 We don't have enough men. We are just the
16 auxiliary agents of social control. The primary
17 agents of social control are the people who make the
18 community work, who make the community what it is
19 supposed to be, doctors, lawyers, the schoolteachers,
20 the ministers, the football coach, high-school coach.
21 All these people are part of the community and all
22 the police are is a bunch of people we can call up
23 when you have somebody that is out of control, won't
24 listen to the reverend, won't listen to his mother,
25 he won't do nothing nobody tells him. Then you-all

1 have the luxury of activating us and saying, "Listen,
2 this guy is disrupting the community or these groups
3 of people are disrupting the community and they are
4 affecting our quality of life, you know, you guys
5 need to move in there, we are going to show you
6 exactly who they are, which one of them, we are
7 going to show where they are physically and where
8 his father and his mother have gone out and rounded
9 all of them up because they need long-term
10 rehabilitation, okay. We can't do nothing with him.
11 Take these people over to jail, start them down the
12 rehabilitation road."

13 That is primarily what we do. I don't
14 see any problem with people in the community,
15 legitimate entities like these ministers who are
16 primary agents of social control, have people go to
17 them and say, "I don't want to go through the
18 Governor to do this, come here, help us with this
19 problem, see what we can do."

20 I see no problem. That is a
21 legitimate request and I see no problem with people
22 who have a vested interest in that community wanting
23 to have some say-so in the police department.

24 CHAIRPERSON MOORHEAD: You have
25 described the discipline process as not being the

1 friend of the officer and often leading to sanctions
2 against officers.

3 The testimony that we heard this
4 morning focused on a subclass of those occasions and
5 that was a group of cases that involved the use of
6 lethal force, and we rather graphically saw a number
7 of people standing up who had an encounter with the
8 police, suffered physical harm as a result of that.

9 At that level there is a complaint
10 being lodged with the internal review process.

11 Would you make the same statement in
12 terms of the balance and the rectitude of that
13 process?

14 When the choice gets a lot more
15 difficult it becomes choice with very substantial
16 discipline on an offer or a contrary finding of no
17 fault upon the officer.

18 OFFICER HARLAN: When in the course of
19 a police officer's duties he has to resort, it should
20 be the last resort to lethal force, and I wouldn't
21 want to sit here today and second-guess any police
22 officer that has had to make that decision, because
23 usually unless you are on something like a swat team
24 where you are armed and your dangerous person is in
25 there, you are prepared prior to going in to use

1 lethal force, usually when a police officer is placed
2 in that position he is not prepared to use--he hasn't
3 planned that this is going to be part of the plan
4 that he might have to use. These things happen
5 spontaneously and it all depends on the
6 circumstances, it all depends on what is going on,
7 who is involved.

8 For instance, some officers might feel
9 comfortable. In among Black police officers it is
10 tradition with us that we pride ourselves on not
11 using lethal force. It is a big thing among Black
12 guys, Black police officers not pulling your gun
13 all the time, to be human enough and man enough to
14 take control of it. This has been passed down to us
15 and this is your last resort, and most of the time
16 Black police officers, just based on that particular
17 code, most of the time we have used deadly force we
18 really didn't have any other chance or any other
19 choice. That is not to say that is the case with
20 everyone else, but just germane to us specifically,
21 that is something that older police officers pass down
22 to us and we live and subscribe and try very hard to
23 live up to that.

24 However, whatever kind of police
25 officer you are, if you use deadly force on somebody

1 in the Miami Police Department there is going to be
2 no cover-up, because number one, homicide people
3 investigated it first because you have killed someone.
4 Number two, the internal security people will
5 investigate and the State Attorney's Office
6 investigates it. Now, if you are riding with a man,
7 another police officer and perhaps someone loses
8 their temper and pushes someone around and there may
9 be your version of the events if you are questioned,
10 maybe somewhat cloudy, just being realistic, but if
11 you are riding in a police car with another police
12 officer and somebody is killed you can bet that the
13 average police officer out there is going to say,
14 "Hey, listen, you did that? Okay, you shouldn't
15 have done it, I don't know why you did it and when
16 they ask me about it I am telling them that you are
17 crazy, okay? You shouldn't have done that and don't
18 expect me to tell a lie or anything," and that is
19 normally what happens. Okay?

20 Because they put you under oath.
21 Nobody is going to take that chance.

22 I don't want to be a conspirator to a
23 murder.

24 CHAIRPERSON MOORHEAD: I would like to
25 try one more question. This goes to a comment that

1 you made earlier, that a charge now exists against
2 the department for employment discrimination. What
3 is the status of that--

4 OFFICER HARLAN: I am not aware of that.

5 When we were going over the history
6 of the MCPBA, at some point during--that is one of
7 the lawsuits--one of the reasons why I am sitting
8 here today, because there was a point in time in the
9 history of the department when there was hiring
10 disparity and it pertained to Black people.

11 CHAIRPERSON MOORHEAD: That ended
12 where or at what point in time?

13 OFFICER HARLAN: The suit was settled.

14 MR. SMITH: Basically it had to do
15 with a consent decree that was settled a few years
16 ago and basically we have adjusted all hiring
17 practices. I think it is now 80 percent, 85 percent
18 minority hiring on the police department, and we don't
19 have problems that we have had in the past. That all
20 has been addressed to what--that had to do with
21 several officers, Black officers getting promoted
22 and that has been corrected since then.

23 MR. ROLLE: Let me ask Officer--I'm
24 sorry.

25 CHAIRPERSON MOORHEAD: I wanted to move

1 from that response.

2 The question, if we have had Black
3 officers feeling that there was discrimination in the
4 department and having that issue fairly recently
5 resolved, would that make very credible the charge
6 that when one is reviewing a police officer's
7 conduct, the use of lethal force in the Black
8 community, that the discrimination that may have been
9 involved in that employment case and checked at a
10 later point could still carry on?

11 This process where there is not an
12 internal representative, if you will, such as your
13 union addressing that issue from within the force.

14 OFFICER HARLAN: If I understand you,
15 are you saying that due to past discriminatory
16 practices in the police organization that a person
17 in internal security reviewing a case as it pertains
18 to lethal force on Black people might be prone to
19 apply discriminatory decision-making in that
20 practice?

21 CHAIRPERSON MOORHEAD: Even a step
22 before that, if the agency itself--I understand you
23 to say that Black officers felt that discrimination
24 existed, but some remedy has been provided, why is
25 it unreasonable, given the testimony we heard this

1 morning, for others to say that part of the
2 discrimination may have been dealt with, but in
3 terms of the use of force against the Black
4 community we haven't moved that to some forum where
5 we can get it resolved yet and it is still to be
6 taken?

7 OFFICER HARLAN: In light of past
8 events, McDuffie situation, Neville Johnson
9 situation in the city of Miami, I would doubt that
10 any right-thinking person in the Metro-Dade Police
11 Department and in the City of Miami Police
12 Department in a microscope to which we are under in
13 terms of what we do have before us, the use of lethal
14 force, you have to be some kind of mental incompetent
15 to go out there and deliberately effect some kind of
16 violent act on someone.

17 To further summarize, there is the
18 philosophy that says all people have color and people
19 that don't look like me and you you think should be
20 eliminated.

21 CHAIRPERSON MOORHEAD: That is one
22 extreme, but discrimination comes in lesser
23 extremes than that.

24 OFFICER HARLAN: I understand that.
25 I would say to you that, you know, I

1 come into contact with a lot of people from the
2 Metro Police Department and the City who happen to be
3 white and I don't really think they are overtly
4 racist. I think it is one of not--they haven't had
5 the exposure to the other person, and, for instance,
6 it gets back to when you are on the beat.

7 For instance, we have white officers,
8 white police officers in our police department who
9 are much loved in the Black community simply because
10 they have been there a long time and they know who is
11 who. If you know someone you are more prone to say,
12 "Well, that is so-and-so over there and I ain't going
13 to take him to jail today, I am going to take him
14 home to his father because he threw this rock, I am
15 going to take him home."

16 You know who he is, where to take him,
17 you know what is going to happen; whereas if you
18 don't know anybody there and you see some person
19 walking down the street you might say, "Hey, man,
20 what are you doing over there," even if a call just
21 went out, right? A man just robbed somebody and here
22 is a white police officer or Spanish police officer
23 who never had that much exposure to Black people
24 and you are walking around there in their community,
25 believe me, you are liable to stop anybody out there.

1 You don't know these people, who they are, why, and
2 you think, "I am going to stop him and identify him,"
3 all that.

4 Anyone of those reverends will
5 probably be very indignant if a police officer stopped
6 him on the street and said, "Okay, reverend, sir, a
7 robbery just took place, I want your name and all
8 that just to make sure you didn't do it."

9 He probably would be indignant and
10 there may be some kind of verbal confrontation.
11 It may escalate into a pushing match, okay, and
12 again, they don't know who they are dealing with and
13 I see no problem.

14 CHAIRPERSON MOORHEAD: Is that likely
15 to occur with a Black officer in a Hispanic
16 community or a white community?

17 OFFICER HARLAN: I don't know about
18 the Anglo community because we are pretty able to
19 determine who is legit there and who isn't legit.

20 In the Spanish community it is much
21 harder for us simply because there is a language
22 barrier.

23 Now, overt people who are overtly into
24 criminal activity, nobody has any problem
25 identifying him. Some of the most sophisticated types

1 I would probably have a problem doing that in terms
2 of understanding some of the issues that are germane
3 to me and to those people there.

4 Oftentimes when I worked in their
5 community I would find that the bottom of the root
6 cause of a disturbance would be some decision that
7 was made by President Kennedy or by
8 President Eisenhower and people would have the
9 documentation to support their decision and we don't
10 understand why they are mad.

11 So they deal--Latin police officers
12 deal better with them because they understand some
13 of the root causes of their problems.

14 CHAIRPERSON MOORHEAD: My last
15 question, you said Blacks--Black officers generally
16 use deadly force less than other officers. Why is
17 that so and how can the ability to do that be shared
18 with others?

19 OFFICER HARLAN: In light of the
20 current situation, especially--there is one thing
21 that maybe a couple people touched on here, the drug
22 situation, and most of that street-level activity is
23 confined for the most part to the Black community,
24 and on that point, the opportunity or the eventuality
25 that a police officer will confront a violent person

1 and the root of that violence will be because if he
2 is addicted to drugs or trying to escape after he
3 has engaged in a drug transaction and maybe he has
4 been caught five or six times before and the judge has
5 told him, "Next time you come back, that's it," so
6 the violence as it relates to our drug history here,
7 the situation is going to cause you to run into more--
8 to get back to your question, because I am getting
9 off it, is how can you share that with other people?

10 Well, how come--not how come, but
11 there is not that much white on white police
12 brutality. There is not that much Anglo on Anglo
13 police brutality and there is not that much Black on
14 Black police brutality, so it is one of those things
15 that is an ethnic thing that people feel more
16 comfortable dealing with who they are dealing with
17 if the person is familiar or the same as they are.
18 They know how far they can go.

19 One of the primary--some of the
20 vestages of segregation are still here, you know,
21 people aren't familiar, they are just apprehensive,
22 and I rode with a white partner in a Black section of
23 the city of Miami for two years.

24 In the beginning he was somewhat
25 apprehensive, somewhat afraid. I would get him out of

1 the car and say, "Go over there, talk to these
2 people.

3 "I can't talk to them.

4 "Why can't you talk to them?

5 "Every time I come over here they give
6 me a hard time."

7 I said, "Well, why?

8 "Well, you know how it is.

9 "No, I don't know how it is.

10 "They give me a hard time and I put
11 them in jail all the time and if they really want
12 to act out they will act out on me."

13 Most of the time you will find that
14 Black criminals do not want Black policemen working
15 in their neighborhoods or their communities. The
16 legitimate people want Black policemen, but Black
17 criminals don't want no part of the Black police.
18 They would rather have white police running around
19 all day long because people can point out who is
20 legit and not legit and these guys will be long gone.
21 They love white policemen that are in their
22 neighborhood. Okay?.

23 Usually they are people that spark
24 the complaints to the internal security are not for
25 the most part criminals, they are people who have been

1 just walking around their neighborhood, normal
2 people. The police officer in the course of his
3 duties is trying to determine whether he is a
4 criminal or not and has accosted one of these people
5 who does nothing but work, comes back home every day,
6 so one of the reasons we probably don't have that
7 problem that they have is that I can just look at a
8 Black person, I can just look at him and tell who is
9 a criminal and who is not a criminal, and it saves
10 me that hassle I don't have to bother with.

11 MR. MARIN: I have a question,
12 Mr. Chairman.

13 You made a statement a moment ago
14 about stopping Black citizens and asking them for
15 identification. One of the problems we have is
16 dealing with negative perceptions on both sides.

17 How often does that occur, sir, and
18 how can it be avoided through training?

19 OFFICER HARLAN: That is a pretty big
20 question for me.

21 MR. MARIN: I mean, you made a
22 statement. I am only asking the question.

23 OFFICER HARLAN: My statement reflects
24 a reality.

25 MR. MARIN: Well, based on that

1 reality, sir, I mean you were making an example of
2 stopping, let's say a reverend because he seemed to
3 be under the category of suspicion, apparently.

4 I mean is that inbred within new members of the
5 police force? Could that be avoided through some
6 type of training or do you have to go through the
7 experience of stopping Black citizens on the streets
8 until you learn?

9 OFFICER HARLAN: Well, as it stands
10 now, the latter is the case, but in the Miami Police
11 Department we are undergoing and have been for some
12 time our version of "glasnost."

13 I mean, we are so open that everybody
14 is floating around in our department. Sometimes I
15 see people floating around there, I say, "Well, who
16 is this guy?"

17 I don't know he is some member of the
18 community that is just floating around in the
19 building. Okay, and I think that these reverends, as
20 a group of people, these ministers, I can't fathom
21 why they haven't been allowed--I am not blasting
22 or smashing or slamming anyone, but I can't imagine
23 why they haven't been allowed access to the police
24 facility. Everybody in those particular neighborhoods,
25 those police officers there should know who these

1 men are and who these men, the reverends, should know
2 who the policemen working in their zone are.

3 When I got my beat the first thing I
4 did, I went to the local churches and shook the hand
5 of the minister and said, "I am Officer Harlan here,
6 anytime somebody gives you a problem or you have a
7 problem, you contact me, here's my number at the
8 station, here's how you do it."

9 So I made the point to introduce
10 myself to them, but if that is not the case I'm sure
11 that these guys--they are not going to steal nothing
12 out of there. I mean, they are going to go there
13 and probably once the other guys get to know these
14 guys that problem will dissolve and there won't even
15 be any need for any kind of special person to look at
16 anything.

17 MR. BINKLEY: I have a couple questions,
18 Mr. Chairman, if I may.

19 The representative--is it Mr. Lober?

20 MR. LOBER: From the PBA, yes.

21 MR. BINKLEY: Did you say you had
22 members from a variety of organizations in the County?

23 MR. LOBER: From a variety of police
24 departments in the County I think probably nineteen or
25 twenty-one.

1 MR. BINKLEY: Does that include the
2 Florida Highway Patrol in this area?

3 MR. LOBER: No, it doesn't.

4 MR. BINKLEY: Do they have their own
5 organization?

6 MR. LOBER: They are a part of the
7 State organization which combines several units with
8 it.

9 MR. BINKLEY: I would like to ask all
10 of you gentlemen to comment upon what percent the
11 membership you have represents the potential
12 membership in your constituency, if I am making that
13 a clear question?

14 If all of the officers are one
15 hundred percent, how many of a percentage do you have?
16 Forty, five, ninety?

17 MR. LOBER: Dade County PBA has
18 approximately ninety-two percent membership.

19 MR. BINKLEY: And the Brotherhood?

20 MR. SMITH: We probably have about
21 ninety-five percent of the people on the department.

22 MR. BINKLEY: This leads me to another
23 question I was going to ask. I assume you keep
24 statistics of your members who are charged with the
25 use of excessive force and other complaints, am I

1 correct?

2 MR. SMITH: The FOP, we don't keep
3 it in our files. If we want access to it we can go
4 to the security or we can go to planning inspection
5 and get records of whatever we need. They would be
6 able to supply us with how many officers were
7 involved and complaints and a breakdown.

8 MR. BINKLEY: What I am leading up to
9 is this question, what percent if you know are the
10 charges divided between black and white officers?

11 What percentage of the charges are
12 of Black officers with use of excessive force and
13 what percentage of those members who are white
14 officers?

15 We can ask the same thing with the
16 representatives of the public officials when they
17 come.

18 MR. LOBER: I think you would probably
19 get the more accurate results because of the ability
20 to have access to all the information. We haven't
21 been able to take computer files or have that out.
22 If we did a search of something like that we might
23 have been able to do some type of analysis, but I
24 know the departments do that type of analysis. I know
25 we don't have that specifically. We do have files

1 whenever an officer requests assistance from us for
2 help involved in a shooting or complaints regarding
3 brutality, but the specifics of that as far as all
4 the cases we don't have.

5 MR. SMITH: One of the groups that
6 will probably address you later does have the
7 information that you will need as far as breakdown
8 on that. You got to remember, too, a lot of our
9 units that ride on the street are mixed, we have both
10 black and white officers riding in various areas so
11 when there is an allegation both their names would
12 be involved because they are riding a two-man unit.

13 MR. BINKLEY: Okay.

14 MR. SMITH: To better answer the
15 gentleman's question before, I would like to address
16 that on training to we do as far as stops with the
17 officers, we do--that's why we assign new officers
18 with senior officers to prevent that problem.

19 A lot of people, you know, don't
20 understand the procedures that work in the police
21 department. A lot of people call in and say there is
22 a suspicious person walking the street or walking
23 the neighborhood and they don't want to give their
24 names, so we don't contact them but we contact the
25 person and we try to, you know, start it off by

1 telling him, "Well, the reason we are here is because
2 somebody called reference you doing something in the
3 neighborhood."

4 They say who, and we say we don't know,
5 so right away there is a particular thing, but we
6 try to address it in training by putting junior
7 officers with senior officers so they would get to
8 know the neighborhood through somebody else who has
9 been there a while.

10 MR. ROLLE: I have one further point
11 here, Officer Harlan.

12 Earlier today we heard what I think
13 we heard you also say, was that Black officers never,
14 never use lethal force. First, is that true?

15 Secondly, are there really some
16 special techniques that the Black police officers
17 use that are strange and foreign and unknown to the
18 white police officers?

19 And the last part of this, since we
20 have three unions, you know, you don't need
21 management sanctions, you know, we have got a current
22 problem and I'm sure you gentlemen are just as
23 concerned as we are about doing whatever we can to
24 ameliorate those problems, so the question is this:
25 If there is any validity to the fact that somehow the

1 Black police officers are able to manage without
2 creating problems, would your organization be willing to
3 formally approach these other two organizations and
4 arrange some rap sessions with the rank and file
5 numbers? Not in a formal institute or big program
6 for credit, but just to talk things out and see where
7 things stand and where you can't understand each and
8 maybe help each other to get at the problem,
9 internally from among the rank and file as opposed to
10 something we might say or management might say.

11 OFFICER HARLAN: In answer to your
12 first--first part of your question, I didn't say we
13 never, I said we seldom.

14 MR. ROLLE: I'm sorry. I didn't mean
15 to imply you said that but I heard something like
16 never somewhere.

17 OFFICER HARLAN: We seldom use force,
18 deadly force. That doesn't mean we don't get into a
19 lot of fights, which we do. However, we more or less
20 try to really understand because most of us--you know,
21 sometimes if you come into the police station and
22 you are a Black guy, you are dressed with your hat,
23 you know, you are a Black police officer, you are
24 dressed with your hat and your jeans and all that,
25 one of the guys will say, "You look like just one of

1 those guys in Liberty City."

2 We say, "Well, I am, that's where we
3 got it from and if I was rich and had a limousine
4 and stuff I wouldn't be here fooling with you. I
5 would be somewhere on the Riviera."

6 So I am one of them and I know what
7 is going on up there. You see, I have lived out
8 there all night where people are shooting up in the
9 air, you can't go to sleep or some guy robbed you,
10 took your money, so I know what is going on up
11 there, I know what is going on, who is doing stuff.
12 The people up there know that I know this, too, and
13 they feel safe coming to me and telling me stuff, so
14 a lot of times when we walk up to an individual that
15 is causing trouble in the community I don't have to
16 say, "Well, what are you doing there?" I can say,
17 "You know, I heard every day at 6 o'clock you come
18 around here and pull up your truck here and load it
19 up with a thing full of dope and then you park your
20 radio out in front of this lady's window and blast it
21 all night long, okay?"

22 "I am telling you, you know, you better
23 not do that again or you are going to jail."

24 This guy obviously knows, "Well, geez,
25 this guy knows everything I do and he is never around

1 when I am doing it, so somebody must be telling him,
2 so I can either do one or two things, I can pack up
3 my shop and move it somewhere else or I can wait
4 here until he comes back, and if he is consistent
5 with the rest of the policemen that I have talked to,
6 he is going to take me to jail."

7 And a lot of times that is how we
8 prevent problems, because nine times out of ten all
9 of our information comes from people in the community.
10 We couldn't do nothing without these people.

11 If somebody runs through an alley and
12 I am chasing him and I lose sight of him, somebody
13 will holler out the window, "He went there, that
14 way, he is around there, he is still over there."

15 We look like we are some busy
16 policemen around there, but that is not the case
17 because we couldn't function, as I said before,
18 without the people in the community, because that
19 person is not causing the police a problem, he is
20 causing these people a problem and if you ride out in
21 Dade County if you are not from Florida some of these
22 people, these ministers say they are under siege in
23 these neighborhoods, they can't go to church without
24 these guys lined up selling drugs, shooting at night.

25 Traditionally, Black people respect

1 old people, but these guys today, an elderly Black
2 person comes out and says, "Boy, what are you doing
3 making noise in front of my house," the guy might
4 pull a gun on him, he might go there to knock her
5 down, so sometimes people have to respond a little
6 bit heavier than they traditionally would because we
7 are dealing with a different kind of person.

8 MR. ROLLE: How about informal rap
9 sessions?

10 OFFICER HARLAN: We do that a lot,
11 believe it or not, because in the city of Miami we
12 really communicate a lot because, you know, we are
13 all in that thing together in the city of Miami.
14 We are the old saying, "You guys all hang together
15 now or you hang separately later, okay?" We try to
16 all hang together all the times.

17 Sometimes somebody does something
18 that we find as a group of policemen unacceptable.
19 We will address that issue with him, we will say,
20 "Listen, you don't do that, you came by here, this
21 wasn't your call, we didn't ask you to jump on that
22 guy's face and inflame and escalate this thing and
23 stuff, you almost got me killed; the next time you
24 pull that we're going to leave you out there with
25 this great big guy yourself to see what you do then."

1 MR. ROLLE: Thank you.

2 CHAIRPERSON MOORHEAD: I thank all of
3 you, appreciate your time.

4 The next panel is Fred Taylor, Chief
5 of Police, Metro-Dade Police Department.

6 If you would, if you would just go
7 across the panel and have each of the officers
8 identify themselves.

9 MR. MORRIS: Wil Morris, Assistant
10 Director for Police Officers of Metro-Dade Police
11 Department.

12 CHIEF REAVES: Floyd Reaves, Chief
13 of the City of Opa-Locka.

14 MAJOR ROSS: Calvin Ross, Major,
15 City of Miami Police Department.

16 CHIEF BOEMLER: I am Larry Boemler,
17 Assistant Chief of the City of Miami. I would like to
18 welcome everybody on behalf of Chief Dickson who
19 can't be here because he is at the National
20 Organization for Black Law Enforcement and dealing
21 with many of the same issues on a national level that
22 we are dealing with here today.

23 CHAIRPERSON MOORHEAD: If you have an
24 agreed upon order that you wish to go in we will
25 follow that.

1 CHIEF TAYLOR: I made some notes I am
2 trying to find. I did have a prepared statement and
3 if you will, I will pass on that. I am going to come
4 back to that for a couple of remarks, but while I
5 sat here today I made some notes on some things that
6 came to my mind. I would much rather deal with that
7 because I am sure they are on your minds, too, since
8 they have been discussed today.

9 First, let me say that I am the
10 Director of Metro-Dade Police Department, I am the
11 Assistant of Dade County, to get involved in the
12 community I live in. I have been here all my life,
13 twenty-six years on the Metro-Dade Police Department.
14 I answer my phone calls myself, I read my mail, and
15 I will meet with any citizen or any group at any
16 time at any place, and that is my policy and all my
17 managers do understand that and they have to have the
18 same type of philosophy or they are not going to be
19 a manager with their department.

20 We run the Metro-Dade Police Department
21 a little bit differently than other police departments
22 run. I am the appointed sheriff of Dade County, for
23 half of Dade County. We are the local police
24 department. We have seven district stations and we
25 run it like you would run any other local police

1 department.

2 Being sheriff of Dade County I have
3 things that I have to do county-wide for 22 of the
4 cities in Dade County. We do most of their major
5 crime work. We do their communications, we do their
6 crime laboratory, so we have a whole part of the
7 department that deals with assisting other cities.

8 We are glad to be here today. I have
9 been asked today did I feel there was a need for this
10 meeting today. I think my concern is should there
11 ever come a time when we can't meet like this and
12 lay the facts on the table and talk about them, then
13 I think we will have problems.

14 Some things I would like to talk on
15 that have been talked about today. One is about the
16 shooting teams, about how we deal with it when we
17 have a policeman that has to use force or use deadly
18 force.

19 We were the first in the country to
20 develop the way we do this. We went to great pains
21 to make sure that we don't have a closed society.
22 We have the Medical Examiner, we have the State
23 Attorney, we have an involved community. We insisted
24 on going to an inquest, where all this is aired as
25 soon as possible in a court publicly.

1 If there is a way to improve that we
2 would like to know that. We would like to work on
3 that. Why we have done this is because we want to be
4 as open and above board as we can and we solicit
5 your input. We think it has worked fairly well.
6 There have been officers that have used force
7 inappropriately and they have been dealt with.

8 One that I know of has just gotten
9 out of jail and served time. It was a really
10 inappropriate use of force, but the act of one
11 individual does not mean that that is institutionalized.

12 I think I would like to discuss today
13 what has this department done in the last ten years
14 to make sure that that is not the case. We supplied
15 your staff with all of our policies and those kinds
16 of things. It is quite a large book and I know that
17 you have had this and I will be glad to respond to
18 any remarks that you have about that.

19 Just this month the Police Foundation
20 released a study on the Metro-Dade Police Department,
21 I have a copy here for the panel, on police
22 confrontations with the citizens and how we could
23 better prevent violence that occurs.

24 Let me talk just a little bit about
25 this study. We opened our doors, the Police

1 Foundation came in. They hired students to ride with
2 our officers. We took a look at one hundred
3 incidents that had occurred in our jurisdiction where
4 we felt we could have done better and we looked at
5 the types of calls that they were and we looked at
6 the alternatives that we could have used to have
7 prevented either a complaint or inappropriate use of
8 force, and we developed training to deal with that,
9 so that when certain officers were called to a scene,
10 that they had an alternative and they had a way to
11 deescalate a situation instead of escalating it, and
12 we trained a number of officers on the department
13 in those techniques and then they went out into the
14 field and we compared the results that they got from
15 the results of a control group that didn't have the
16 same type of training, and this is what this study
17 is all about.

18 I think you will find it interesting,
19 I think you will find some things in there that we
20 were surprised to find. We were surprised to find
21 that we don't contact the public as much as we
22 thought we did. They found out that we were not as
23 aggressive as most other police departments. I think
24 the answer to that is because we are stretched a little
25 thin now in the last two to three years, and a lot of

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1 our officers are going from call to call to call and
2 have little time to self-initiate activities, but I
3 think the study has shown that you can train to
4 deescalate that, you can train to deal with
5 potentially violent situations in a way that leads to
6 fewer complaints, less use of force and all those
7 other kinds of things, and I am going to in the next
8 year--we are going to train all of our officers in
9 the techniques. We are going to begin as soon as we
10 can.

11 We didn't know before that these
12 techniques could work as well as they have shown
13 that they can work. The control group of officers
14 had very few complaints, had to use force very
15 little. We are going to learn from that. That is
16 one thing. I will be glad to talk about that and I
17 know you haven't had time to look at the results, but
18 I will be glad to respond back to you. In fact, we
19 are just beginning to do all the analysis on the
20 complete work there.

21 On the use of deadly force, I would
22 like to talk a little bit about that.

23 Five or six years ago the Dade Chiefs
24 Association came out with a model policy that had
25 been developed nationally on the use of force.

1 Our rules that we use in our
2 department and in the city and all the other
3 departments in Dade County are much more stringent
4 than the state law. They are more stringent than
5 the decision in Garner v Tennessee, which is a
6 Supreme Court decision. We think we have used the
7 model policy. That is the one we teach, that is the
8 one we train and that is the one we use. So I would
9 ask you to look at the policy and if we can improve
10 it, fine, but I think you will find it is a model
11 policy.

12 There was some conversation about us
13 moving a station in the north end of Dade County
14 away from the people and into Miami Lakes, which is,
15 I guess, a more uptown kind of community. Let me
16 just set the record straight.

17 We moved there because the population
18 in Dade County had begun to move west in that part of
19 Dade County. We are now studying where we are going
20 to put another district station, and you will be glad
21 to know that we are meeting with the ministers and
22 with the people in the community, and we found a
23 location that approximates and solves the problem
24 that they were talking about today. That station will
25 be built in two to three years, but we found the

1 site for that and it is in the community.

2 We did not take the--we took the
3 station from where it was at before because it didn't
4 make sense geographically for the growth of this
5 county to place that station where we are now going
6 to place the third station, and this was a long-range
7 plan that we have been involved in for some time, so
8 we are going to have a station back in that
9 community that it was talked about.

10 Our community advisory groups. The
11 way we run the Metro Police Department is in our
12 seven stations the commander of those stations is
13 like a police chief. He is responsible for all the
14 crime that occurs in that part that he has. We have
15 a citizens advisory group in each of those stations
16 to assist him. We do not appoint members of that,
17 they are appointed by the County Manager. To my
18 knowledge I have never had anybody turned down that
19 would like to be on that group. We solicit, we ask
20 for those members of the community to come and be
21 part of it. In fact, in our northwest station we just
22 recently had taken and really drew boundaries in the
23 community so that we could have input from every
24 little part of that community because we felt we
25 didn't have it from all of it. We meet monthly.

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1 I read all the reports, I can't go to all the meetings,
2 but I read all the reports and believe me, they let
3 us know what is going on in the community. If there
4 is any group or any individual that feels like they
5 have not been made a part of that process, I implore
6 them to let me know. I will make sure that they are
7 a member of that committee.

8 I won't make the recommendation to the
9 County Manager that they become part of that. That
10 is what they are for, to let us know how we can
11 better serve them and if we have not used that to the
12 greatest extent, that is what we want to do, so I
13 will be glad to take those recommendations and deal
14 with them. To my knowledge we have never turned
15 anybody down and we have solicited from all parts of
16 the community.

17 Internal review. From the time a
18 complaint is lodged there's two things that begin to
19 occur: One, is the clock starts to run. State law
20 in this state says that we must complete that within
21 60 days and at the end of that time we have got to
22 be able to publicly disclose that file. This does
23 not occur to my knowledge anywhere else in this
24 country. When I talk to my peers from around the
25 country they don't understand how we can survive with

1 that kind of a system. My response is why should you
2 make--why shouldn't you after 60 days be able to take
3 that review file and let the public look at what you
4 have done? I think it gets rid of a lot of
5 perception that occurs by having a closed system.
6 A lot of police departments in this country do not
7 have to show their files and they never do. So the
8 clock starts to run. So we have got to get that done
9 in that 60 days or show cause why, then we have to
10 make it public. These are not closed files. This is
11 a state that has a Sunshine Law.

12 Secondly, the thing I would like to say
13 about this, my big criticism of the way we have done
14 this in the past I think is because we try to do a
15 positive thing. The way we handled complaints ten
16 years ago was that internal review would do a case
17 or do an investigation, it wasn't a public record,
18 then they would send that file to the supervisor of
19 the officer to make a determination if this case was
20 sustained or not, and I think you will find that
21 fifty to sixty percent of the cases at that point in
22 time were sustained and no one could see those files.

23 Today we put in another step, we do
24 not send the completed file to the supervisor, we
25 send it to a panel of command officers that are not

1 in the chain of command and they make the decision
2 and that has taken some time and I have just taken
3 steps within the last month to see that those
4 decisions are made in 20 days.

5 We found that it was taking the panel
6 two to three months with their caseload to catch up
7 with that. I have tried to deal with that. It was
8 an administrative problem. Our sustained rate on
9 major complaints is about a third, it is about
10 thirty-three percent. It has been that way for five
11 or six years.

12 We take the complaints of the citizen
13 seriously. We find in their favor and we act on that.
14 We have done everything from firings to reprimand, to
15 training, to counsel, all of those kinds of remedies.
16 We take it serious. It is not a thing that we take
17 lightly.

18 I think we have the support of the
19 officers on the department. I don't think they
20 condone the kinds of things that might have been
21 condoned in years past.

22 I think the last thing I would like to
23 say, then I will certainly be open for questions, is
24 that I think the department is beginning closely to
25 represent the community. We started seven or eight

1 years ago in our hiring process to hire only the most
2 qualified. Each class that we run has to be fifty
3 percent Hispanic, twenty percent Black and women
4 have to be represented among all three of those groups.
5 We have done that consistently for the last seven
6 years. We intend to do it for the years to come.

7 I think you can see what the results
8 of that will be. I think if you, have seen the
9 numbers that were really in our report I think you
10 can see that we do represent the community, not to
11 the extent we will ten years from today, but it is a
12 slow process and we have tried to make it that way.
13 We want to hire the qualified. We want them to gain
14 experience. We are proud of what we have been able
15 to accomplish in that area, and I think I would close
16 with one other remark, and that is that I think you
17 heard the police lieutenant a little while ago state
18 that they get out in the community and they talk to
19 the people in the community. I think that is
20 important. We have team police. We are beginning to
21 do more of that.

22 In fact, in the next two years one of
23 our stations, our south station will be divided up
24 into smaller groups and we will have the same
25 officers working that area day after day after day and

1 it will be their responsibility to meet with all the
2 citizens and that part of the community will be their
3 responsibility and they will have to know all the
4 people in the community. That is not just an
5 experiment but we have done it in the past. It has
6 been successful and we are going to expand on that.

7 I guess one really final thing, the
8 sense I get from the people of Dade County in my
9 mail and in my calls is they really want us to do
10 more in the community. They want us to take the
11 street back from the drug dealer, crack cocaine is
12 a problem that is unprecedented in this country.
13 We are very careful when we go out there to do those
14 kinds of things, to make those kinds of arrests in
15 all of our communities, that we carefully do the
16 police work required to do that so that we don't
17 leave the perception that we are just doing sweeps
18 and grabbing a lot of people off the street because
19 of the color of their skin or those other kinds of
20 things. We are very careful when we do a reverse
21 sting. We don't basically do sweeps, we don't do
22 those kinds of things because of the perception that
23 might occur in the community itself.

24 My sense is that this community wants
25 more police work done in the community, that we have

1 been not able to do enough and in my budget talks
2 this year I have gone and asked for more officers so
3 that I can respond to the community, and that is
4 my sense of what they want in the community, they
5 want more police work done in their town.

6 CHAIRPERSON MOORHEAD: Thank you,
7 Director Taylor.

8 Can I just ask you to give us one more
9 bit of information, then we will continue with the
10 panel?

11 Could you give us a capsular
12 description of the internal review process and who
13 staffs that process, how is it composed?

14 CHIEF TAYLOR: In fact, we just made a
15 change. We used to have minor complaints that used
16 to go to the station and would be done at the
17 station, then they would send a report back to
18 internal affairs. Now we have changed that because
19 there was a perception that this was not really
20 looking at the situation, so now that is going to be
21 done in internal affairs. We are staffed with police
22 sergeants that do that work. They work in internal
23 affairs. In internal affairs we have a corruption
24 unit that deals with alleged crimes of police
25 officers, so we have two different sections.

1 One deals with complaints from
2 citizens and one deals and is involved with
3 allegations of criminal acts and they are done by
4 police supervisors.

5 CHAIRPERSON MOORHEAD: Thank you.

6 OFFICER BOEMLER: Before I start I
7 would like to introduce the members of the Miami
8 Police Department you haven't already met.

9 Calvin Ross.

10 I would like the others to stand up
11 as I call them.

12 Ron Morris. Sergeant Luis Gonzales
13 from internal review. Harley Holiday, she is our
14 training officer.

15 Wanda Rambo, my executive assistant;
16 community involvement specialist. Robert Turner,
17 our emergency planner. Kathleen Day, a staff
18 analyst, and Barbara Wade, our gang expert. She
19 deals with juvenile gangs.

20 One thing is a frequent question that
21 comes up and I have even seen surveys on it, a survey
22 starts out, "Do you want effective police work," or
23 "Do you want good community and police community
24 relations or mutual exclusion of police and the
25 community?"

1 Most people believe the two not only
2 can coexist, but must coexist. They are like fingers
3 on a hand, they have to work together for either one
4 of them to be successful.

5 I am going to speak a little bit
6 about some trends and about some training and so on,
7 then Major Ross is going to talk to you about some
8 of the programs that we have and the internal
9 investigative complaint policies and procedures.
10 We will talk more about some minority hiring and
11 some community relations programs, but I would like
12 to just kind of set the stage.

13 Can everybody hear me if I talk a
14 little bit louder?

15 I would like to start off by talking
16 about some trends, just put things in a kind of
17 perspective, I don't want to bore you with a lot of
18 facts and figures charts because sometimes people
19 throw charts at you and you feel that they are trying
20 to mislead you, but generally speaking, this goes
21 from 1975 to 1988, and I have had to adjust those
22 scales somewhat because otherwise when I talk about
23 crimes later on those would be up on the fourth floor
24 if I didn't divide those by one thousand.

25 We had a decline in the number of

1 police officers until about 1980, and everybody knows
2 that we went into a massive hiring. Some people say
3 that there is some problems with the hiring and we
4 didn't hire quality people, but I think that you will
5 see later on the ones that we did hire have done
6 some outstanding work and, as a matter of fact, almost
7 all the recommendations have been made in the past
8 by the Civil Rights Commission the Miami Police
9 Department has followed up on and I think you will
10 see that it has made a difference.

11 We went into massive hiring. We
12 loose about five officers a month and we are hiring
13 just about enough to keep up. We are dropping a
14 little bit off. The blue line is kind of a real
15 crude measure of productivity. This is the number
16 of index crime arrests we make, murder, rape,
17 robbery, aggravated assault, burglaries and auto
18 theft. We report these to the FBI and all these
19 statistics will come from them.

20 We started off kind of low, started
21 making a lot of arrests in '79, dropped off in '80
22 and we picked up in the last three years, we have
23 picked up dramatically in the number of arrests that
24 we have made.

25 On top of that chart this purple line

1 here represents the number of violent crimes, and I
2 had to divide it by one hundreds so it would fit on
3 the chart. Of course, you see a rapid rise in crime
4 back here in 1980, it has dropped off, then we have
5 gradually picked up to about the point we were back
6 in 1980.

7 The brown line here, the FDLE didn't
8 start capturing data for specific departments until
9 about 1978, but these are assaults on officers with
10 guns, knives, and other dangerous weapons. This
11 has increased about three times, where we had about
12 fifty a year back in 1978, we had about one hundred
13 fifty last year, but one of the things that I found
14 of interest was that the brown line and blue line,
15 which was the number of arrests, seem to be a very
16 close correlation.

17 As far as when we would make it for
18 about every one hundred index arrests we make,
19 there is about one assault on an officer with a
20 deadly weapon. There is a lot of other comparisons
21 that we can make and there is some interesting things
22 we can see here, but generally these are all major
23 indicators of police officers, use of force and
24 police use of deadly force. With more cops you are
25 going to have more force, more crime, more violent

1 crime, you are going to have more force used.

2 Assaults on officers. The internal
3 department policy statements, the ones that
4 Chief Taylor talked about, would allow police officers
5 to fire their weapons in each of the situations.

6 Then, of course, lastly, more arrests,
7 generally speaking, you are going to have more force
8 used and more deadly force, so of those you would
9 expect the police use of force and deadly force to
10 have increased.

11 I would have liked to ask you which of
12 the lines you think would parallel, but I won't do
13 that. Instead, I will just show you that these are
14 the numbers of discharges of firearms that are
15 reported by the Miami Police Department. We are
16 very strict as far as reporting requirements. Even
17 if it is an accidental, if nobody is hit, if nobody
18 is hurt, you still have to report it, it still has
19 to be investigated, and you will see that this has
20 declined by about half of what it was back in 1975.
21 We started making a lot of changes and we have made
22 changes in virtually every area in the police
23 department.

24 So all these other indicators are
25 up double, triple and the number of cops are up

1 fifty percent.

2 You can see there is tremendous
3 restraint I think being shown by the police officers
4 in some we have studied, which to me we look at
5 whether or not there is any one particular group that
6 uses more force more often than any other group in
7 the police department, and we found that it is pretty
8 well evenly spread out. We don't see any
9 disproportionate impact.

10 The last chart I will show you
11 follows a similar kind of a trend. The orange line
12 is the number of complaints that are received for
13 excessive force. You will see that not unlike what
14 some of the testimony has been here earlier, that
15 peaked following--it peaked in 1980 when we had the
16 riots, and it even went up some in 1981. This is
17 right about the time here that Chief Dickson was put
18 in as the major of patrol, and some of the other things
19 that we have done, the red line shows when we have to
20 control a person which means any force used more than
21 the mere guiding of someone, that has to be
22 reported and that has to be investigated.

23 That line has followed an interesting
24 kind of a pattern, but that is dropping off
25 significantly.

1 There is kind of correlation between
2 these two lines and it seems like for every ten uses
3 of force we have one complaint that the force was
4 excessive, but of these two hundred instances where
5 we had to use force, that represents two hundred
6 incidents out of forty-two thousand total arrests
7 that we made last year, so I don't think that that
8 is a bad record at all.

9 One of the other things that we
10 talked about, our affirmative action program.
11 I would like to tell you that that progress has been
12 dramatic. Like I said before, that has not come
13 to experience any kind of quality of our personnel
14 as I think all the indicators that I showed you
15 there will dictate.

16 Back in May of 1974 our police
17 department was 78 percent white male for the sworn
18 ranks. That has gone down in March of '88. There is
19 currently 31 and 1/2 percent. You will find a lot of
20 those figures on page 2 of the Coins Report, which
21 is in the package that I handed out, and some of the
22 data that we used to prepare this chart will be
23 towards the back of that handout also. It will be two
24 computerized kinds of printouts.

25 In the promotional area since 1974 we

1 have made dramatic improvements, one of about ten
2 percent of the department I would say from the
3 ranks of sergeant to chief for minority officers.
4 It is currently 42 percent of those ranks of all
5 supervisory and command ranks are minorities in
6 women. That we would find on page 4.

7 We have done an awful lot of work.
8 We have gone into targeting recruiting at the major
9 colleges. We have gone into minority radio stations
10 and we have initiated psychological evaluations.
11 One of the earlier reports talks about psychological
12 evaluations, either outmoded tests or tests that were
13 so new that they had not been validated. We use
14 only validated tests and they are fairly current,
15 the CPI and the MMPI.

16 We have recently sent out bids for
17 the job task analysis, a new police exam, and we want
18 to validate the assessment center.

19 Let me speed this up a little bit.

20 As was stated before, we are extremely
21 open to the community. Our community relations
22 board--correction--community relations section, the
23 people that are in that section are virtually on every
24 board inside the City of Miami. They participate.
25 We have people in all the time, we have an area-wide

1 subcouncil which is divided into twelve different
2 groups, which represents, if I am not mistaken, about
3 eight hundred people which belong to that which is
4 not a subcouncil, it is controlled by the police
5 department. We act as liaison to them. They meet
6 twice a month with a major of community relations.
7 They make suggestions and those suggestions are almost
8 always followed up on. They get rapid response and
9 it has been a very successful program for us. Most
10 of the people that belong to that are also part of
11 our crisis response team.

12 The crisis response team is available
13 to go to virtually any crisis, civil disturbance, a
14 hurricane, an airplane crash, and they spread out and
15 contact the community and put out accurate timely
16 information so that you don't have the problem of
17 rumors getting out of control, and, at the same time,
18 if there is a concern or if there is a problem where
19 people don't want to deal through regular police
20 channels, they are out there and they can bring that
21 information back to us.

22 When Chief Dickson started the
23 sting operations there was a concern since they were
24 going to focus primarily in the Black communities,
25 because that is where, as Officer Harlan said, that

1 is where the marketplace is for a lot of street-level
2 sale of drugs, and we agreed that there might be some
3 kind of a backlash from it.

4 The exact opposite; we found out that
5 people up there would say, "Please come back again
6 and again," and "You missed one, he is over there, I
7 know where he hid his drugs," and we send community
8 relations people out. They go out after the fact to
9 see whether or not there were any problems, any
10 excessive force that was used, and we have never had
11 any complaints on any of that with our sting operations.
12 It has been a fantastic program.

13 As far as training, we went some years
14 ago into the simulator. That was a very contro-
15 versial program here. We have had some mechanical
16 problems with it, but the whole idea has remained and
17 we have shifted our emphasis from officer survival
18 kind of things, which I think were discussed here
19 earlier today, into the kinds of things that
20 Director Taylor was talking about as far as being
21 able to deescalate a situation and being able to
22 take control and be able to continue to perform the
23 police mission without having to resort to deadly
24 force, and if the situation went beyond the point
25 where it could be controlled, then an officer would

1 be able to minimize injury to other persons or
2 himself.

3 We have had about seven hundred fifty
4 of our officers going through a community awareness
5 program, a week-long program, where they are exposed
6 to different cultures, and the last day they go out
7 and ride on an assignment, they meet with the
8 community and each one of them pairs up with
9 someone who is active in the community or who has had
10 some kind of problem and they go through a dialogue
11 and they meet one another and they exchange views
12 and ideas. It has been extremely successful.

13 We do an awful lot of training in
14 human awareness. We have had a lot of programs that
15 help officers cope with their individual stress.
16 There is concern that sometimes an officer may go
17 out and because of some family problems or some
18 administration problems, he may take some of his
19 problems out on the community, and we work very
20 closely with this. We work with a psychologist, we
21 have chaplains on board; we teach them how to control
22 their stress.

23 There is about fifteen or sixteen
24 different programs that we have dealing with that
25 particular stress aspect.

1 Major Ross can tell you a little bit
2 more about the early warning system that was
3 recommended by the Civil Rights Commission. We have
4 implemented that and it has been a very successful
5 program for us. We have fewer officers on that now
6 than we have in the past. That is not to say that
7 officers that get on there are necessarily wrong,
8 but it just gives us an indication that this is
9 something we could monitor and we could watch to
10 prevent any kind of problems.

11 Sometimes a change in assignment will
12 help improve that. We have very strict controls on
13 officer's behavior. We ensure that everything is
14 reported. We ensure that it is investigated, it is
15 followed up and people know what is going on.

16 I think that the main thing to remember
17 is the police department has the ability to police
18 itself. I think you will see with this recent
19 River Cops situation and so on, that with the help of
20 the prosecutors and the federal agencies, throughout
21 internal security and our own investigative efforts
22 we were able to pretty much weed out, not only police
23 corruption, but officers who are abusive or who are
24 less than professional. We have got a very good
25 working relationship with our Office of Professional

1 Compliance, and you will hear Dr. Hattie Daniels and
2 her staff from the Office of Professional Compliance.

3 I would like to ask Major Ross now
4 if he would go into a little bit of the details
5 about the internal review process.

6 MAJOR ROSS: For the sake of time and
7 to make sure that I am not going to ramble on and on
8 and on, I have prepared some notes, so I will just go
9 ahead and use those notes so that we can go through
10 this.

11 The community has placed in the police
12 the highest level of trust and the police in turn
13 must uphold that trust. We need not look very far
14 to see that there is a lack of trust within the
15 community with the police. Certainly we need not
16 look at, we have seen today outside of these walls.
17 Police and citizens must work together as partners,
18 and it is only possible if a mutual respect and trust
19 are present. Now, in order to do this, in order for
20 the police to uphold that trust, that the community
21 has placed within it, the police department must
22 maintain a system that promotes discipline among its
23 members.

24 The police department must realize that
25 its sole purpose of existence is to serve the public

1 and it is them, the public, that they, the police,
2 must be accountable too.

3 The complaint process and the police
4 department is keen in holding that department
5 accountable for its actions. Citizens must have some
6 assurance that all complaints will be investigated
7 by the department in an objective and fair manner.
8 The community must feel that they can go into the
9 police department and freely file a complaint and be
10 assured that there will be an objective
11 investigation.

12 In doing so the community will be less
13 likely to turn towards alternative means of problem
14 solving, i.e., civil unrest, and officers are less
15 likely to engage in acts of abuse when they realize
16 that the department objectively deals with
17 complaints.

18 As deputy commander of the internal
19 security section in the City of Miami, I assure you
20 that the City of Miami is thinking of objective for
21 the Miami police internal security section. The
22 Miami police internal security section is charged with
23 the responsibility of investigating all complaints of
24 police misconduct and investigating them objectively.
25 To do this, all complaints are documented when they

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1 are recorded to the internal security section. The
2 complaints are taken by phone, they are taken by
3 letter, they are taken in person; they are taken from
4 anonymous phone callers, they are taken from
5 arrestees, and if complaint information is of a
6 noninvestigable nature, the complaint is still
7 documented and it is filed regardless of whether it
8 is investigable or not.

9 A citizen can complain directly to
10 the police department seven days a week, 24 hours a
11 day, during the hours that internal security is open,
12 can walk into the internal security section zone or
13 any other means that I mentioned or during the
14 nonduty hours, the working hours of internal security,
15 they can report directly to the police department
16 and make that report to the Information Desk.

17 Now, some of the investigations by
18 internal security are self-initiated by the police
19 department. Some of the investigations that
20 Chief Boemler talked about in terms of corruption or
21 discharge, discharge of firearms rather; however, as
22 to the investigations conducted by internal security,
23 State Statute provides that complaints filed against
24 law enforcement officers or complaints that are
25 taken within internal security, that the law

1 enforcement agency pursuant to such investigation,
2 the complaint shall be confidential until the
3 conclusion of that investigation or at such time
4 that the investigation seeks to be active without
5 findings relative to probable cause.

6 Now, the department requires a prompt,
7 thorough and objective investigation of each complaint.
8 Cases are referred to the State Attorney's Office if
9 the investigator even suspects that criminal charges
10 can be filed. Upon completion of each investigation
11 each investigation is subject to an intense review
12 by the employees and the involved employees'
13 commanders, as well as the commanders within the
14 internal security section. The entire staff of the
15 Miami Police and internal security section
16 intensively looks at every complaint that comes in and
17 is investigated within the department.

18 At the conclusion the complainants
19 are notified by letter and are phoned of the findings
20 of each case that is investigated by the Miami Police
21 Department. If a violation is cited the member that
22 is cited may receive written reprimand which becomes
23 a permanent record, loss of time, forfeiture of
24 earned overtime; suspension may result, which is
25 removal from work for a period of time without pay,

1 demotion, lowering in rank or dismissal, termination.

2 There was a mention of shootings or
3 discharge of firearms. Internal security responds to
4 every discharge of firearm incidents, whether the
5 officers intentionally or accidentally discharged his
6 firearm, whether it is on duty or off duty, the
7 police department internal security investigators do
8 investigate that particular incident.

9 The investigator also acts as a part
10 of the department shooting team in the event there is
11 an investigation to be had or made on a shooting
12 where an officer discharged his weapon and struck
13 someone.

14 In addition, afterwards an IS is done
15 or internal security is done, which investigates on
16 the discharge by a discharge of firearms committee
17 headed by an assistant chief which convenes to review
18 all reports and investigations on the discharge.

19 Now, in the event that that discharge
20 of firearm by the officer results in someone being
21 struck or killed, obviously the state attorney is
22 also involved in that, as you have heard
23 Director Taylor refer to. However, in the event that
24 no one is hit, the investigator in internal security
25 takes a look and investigates that discharge. After

1 he is done and it has received the intense looking at
2 by the internal security staff, that report is then
3 sent to the discharge of firearms committee, which is
4 headed by an assistant chief. Also in the committee
5 is the patrol commander and a staff duty officer.
6 This particular committee convenes to further
7 scrutinize or look at the investigation done by
8 internal security, as well as any other reports
9 relating to that particular discharge.

10 They will make their determination as
11 to the compliance with State Statute, Civil Services
12 Rules and Regulations, Department Rules and
13 Regulations, Departmental Orders, Standard Operating
14 Procedures and Departmental Policy. They make a
15 determination as to whether or not the discharge
16 occurred in compliance with all of those rules.

17 After they reach that conclusion the
18 report is then sent to the suspect officer's division
19 chief. If there is discipline to be meted out, it
20 will take place in that particular chain.

21 There is a great emphasis placed on
22 the preservation of life by the Miami Police
23 Department.

24 As Director Taylor stated, the
25 discharge policy is probably one of the most stringent

1 that you will find within the United States.
2 Certainly we are much more stringent than State
3 Statute allows. Officers are in compliance and if
4 they are not in compliance they are dealt with
5 disciplinarily.

6 The Chief mentioned that we have an
7 early warning system. Now, some time ago the police
8 department noticed that of the significant incidents
9 involving police complaints less than five percent
10 of the organization officers were responsible for
11 twenty-five percent of its complaints and this was--
12 they are significant. In order to deal with that,
13 in order to take that particular group and to maybe
14 design some type of system for counseling and
15 training, additional training was first necessary to
16 identify this particular group of officers, thus the
17 early warning system.

18 The early warning system is one of the
19 many tools that the police department uses to ensure
20 that fair and effective law enforcement is provided
21 to the citizens to the City of Miami. Reports are
22 designed to increase awareness, a potential problem
23 area so that corrective action can be taken before
24 they become critical issues. This system monitors
25 the frequency officers are involved in incidents that

1 result in complaints. That particular system is
2 called the early warning system one or EWS 1.

3 Officers that receive five or more
4 complaints within a two-year period are placed on
5 the EWS 1 or the early warning system one. That
6 report goes to his commanding officer who sees to it
7 that an evaluation of these complaints that were
8 generated in this officer is done. After that, it is
9 mandatory that this officer receives some type of
10 psychological debriefing. Depending on the
11 magnitude of these complaints, there may be
12 additional psychological workup required.

13 EWS 2, early warning system two,
14 whenever there is a need to physically control a
15 prisoner or a person being taken into custody beyond
16 just the mere guiding, leading or directing, there is
17 a need to complete what we call a control of persons
18 reports. Each time one of our officers have to make
19 more than five of these reports in one year, then his
20 name goes on EWS2, indicating that this particular
21 officer and in a 12-month period of time has had to
22 make five control of persons reports, and it may be
23 a red flag, there may be a reason why to take a look
24 at why this person has made five control of persons
25 reports in one year; so this officer receives the same

1 type of evaluation from his superiors and ultimately
2 it is mandatory that he receive the psychological
3 debriefing, why this officer has made five of these
4 types of reports and these types of systems are in
5 place in order to identify and deal with problems
6 before they become critical.

7 Now, Chief Boemler mentioned earlier
8 that there were certain programs within the Miami
9 Police Department, innovative programs, that allows
10 the doors of the police department to be opened to
11 the community.

12 We have one of our community
13 specialists, Ron Morris, and for the sake of time
14 I won't ramble on and on, I am going to have him
15 briefly just mention the programs that are available
16 within the Miami Police Department, but the police
17 department has opened its doors under Chief Dickson
18 to the community. What the police department is
19 doing by way of news media, opening the doors to the
20 community. I think that this administration has been
21 more open than any other administration that I know
22 of within my tenure of the Miami Police Department,
23 and I think that a police department must operate
24 opened to the community. Certainly we are the
25 community and we must be open to the community and

1 the Chief has done that through media relations and
2 his openness to the community.

3 CHAIRPERSON MOORHEAD: I am going to
4 ask in the interest of time that you be as focused
5 as you can.

6 OFFICER MORRIS: I will be very short.
7 I don't like to have the chief standing behind me,
8 I am taking his chair, so I will be--I think the thing
9 that is important that I see in working community
10 relations section, and I have done it for many years,
11 is the total involvement of the Miami Police
12 Department in all aspects of the community that we
13 serve. We have police officers in community
14 relations and other areas of the police department
15 where we get involved and sitting on boards for the
16 Dade County Board of Education, we sit on boards with
17 the community relations section and other citizen
18 groups all over the city of Miami.

19 We respond to all meetings, every public
20 meeting that a group has. If they would like to have
21 us as the police department to be in attendance we
22 do cooperate and attend and sit on boards of these
23 particular organizations so that we can have input
24 to and listen to what they have to say and try to
25 respond.

1 Every week we make a written record
2 of the complaints that the people have and suggestions
3 that they have. If it is something that we can
4 handle internally with community relations, we do it.
5 If it is something that we can't handle, we then
6 forward that written report to the proper agency
7 within the city. Even if it isn't a police
8 department problem, then we wait for the response
9 and then get back with the people that are involved
10 in that so they know that the police department is
11 involved.

12 What you have been seeing recently
13 with the crack houses in Miami and the requests to
14 have them bulldozed that you have been seeing some
15 of our commissioners involved in, one of the groups
16 of people that got very involved with that with the
17 subcouncils that we have within the police department
18 that the chief alluded to, the subcouncil program.

19 The subcouncil program originally
20 started out as a federal grant. It started out as an
21 idea to get the people who live in this community
22 organized so that they would in turn give us
23 information about what their concerns were and we
24 could address those. The grant finished, all the
25 other participants and the other cities that have

1 programs similar to this, their programs went kaput.
2 The City of Miami has gone on individually and made
3 this an integral part of the police department of
4 the area-wide subcouncils, independent entities that
5 meet with our community involvement specialists and
6 our police officers assigned to community relations
7 and other members of the police department to address,
8 as I say, community concerns.

9 They are not necessarily organized
10 groups, but they could be. They attend these
11 meetings. They are open meetings to everybody who
12 lives or works in the area of concern. It is well
13 known that the meetings are going to take place.
14 These meetings that take place, any subject is open
15 for discussion. It might be police brutality, it
16 might be a specific incident that takes place, but all
17 these things are addressed at those particular
18 meetings, and we try to come to resolution. The
19 subcouncils themselves, the individual subcouncils
20 have their own chairpersons and they meet at the
21 police department on a regular basis, the commanders
22 of the community relations section, the project
23 directors. They sit down with them, with members of
24 the community relations staff and other guests and
25 the chief of police many times, and discuss issues

1 with them that we can resolve in a community-wide
2 basis, but one of those issues was crack houses and
3 in the city of Miami and trying to--they take on
4 projects themselves and then we assist them with those
5 particular projects. I think that is very important.

6 We have programs in the schools, we
7 have officers that work daily and in all the 38
8 schools in the city of Miami, strictly active. We
9 meet with all the PTA's, we have taken on the schools
10 as partners, where we actually participate in all the
11 activities in the school and PTA meetings, things
12 like that, to reach another segment of the community
13 that we don't even meet normally in our subcouncils.

14 I am going to--really going to stop
15 here. Inside your package you have five pages of
16 programs that we have instituted within the Miami
17 Police Department. All the agencies that we sit on
18 the board with are not listed here. Without any
19 kind of problem I could probably give you two pages
20 full just of the ones that three or four people that
21 I know in this section, including myself, sit on on
22 a regular basis, everything from setting up programs
23 with the National Conference of Christians and Jews,
24 for a conference on police go in our changing society.
25 Many of these things are actively involved, so if you

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1 have a specific question when you look through there
2 you can address it to me and I will let you go on with
3 the rest of the panel.

4 CHAIRPERSON MOORHEAD: Chief Reaves.

5 CHIEF REAVES: Yes, Mr. Chairman,
6 Mr. Moorhead. I am going to be as focused as I
7 possibly can, but by the same token I am going to
8 demand equal time as the Miami Police Department, but
9 in all sincerity I do want to take the opportunity,
10 Mr. Chairman, to thank the U.S. Commission on Civil
11 Rights for inviting the Opa-locka Police Department
12 to participate in this forum, and above all, commend
13 you on the courageousness to conduct this forum.

14 I do want to thank PULSE,
15 Reverend Jackson, Reverend Graham and the entire
16 Association for I guess making it possible for this
17 forum being conducted. Certainly I want to thank the
18 community for coming out and having the patience to
19 sit here all day long to share in the dialogue for
20 us, for all of us that are participating in this
21 workshop.

22 I think certainly the subject is
23 certainly fitting and apropos dealing with the issues
24 of excessive force as well as dealing with police
25 brutality.

1 A couple days ago I did get a call from
2 The Miami Herald. One of the questions a reporter
3 wanted to know was whether or not excessive force or
4 police brutality existed in the Opa-locka Police
5 Department. Certainly it does not exist because if
6 it did, if it existed at the present and if it was
7 happening I would have been out there doing something
8 about it, so my response to that question was no,
9 police brutality does not exist, but I think the
10 question more appropriately should have been raised
11 does it happen and the answer does police brutality
12 happen, certainly it does happen and we have to do
13 what we can to prevent it from happening and from
14 reoccurring.

15 Certainly the police in our society
16 are vested with more power and more authority than
17 the United States President. We are the only body
18 that has the authority to deprive a person of their
19 life and of their liberty based simply on probable
20 cause, so certainly there must be a defense
21 mechanism to prevent the abuse of police authority,
22 and I certainly recognize the fact that all of us
23 do, I'm sure, that there are some defense mechanisms
24 in place.

25 There has been a great deal of

1 discussion today regarding independent panels, but we
2 do have internal control in law enforcement agencies
3 to deal with the abuse of authority, to deal with
4 excessive force, to deal with police brutality and
5 the internal controls are an absolute necessity.
6 They are department policy, written policy and
7 procedure certainly in all of the agencies in Dade
8 County that regulates the abuse of authority, that try
9 to control police brutality in our agencies, but in
10 addition to that we also have an internal review
11 section that sincerely and honestly conducts
12 thorough and detailed investigation that are filed
13 by the citizens that complain of police misconduct.

14 In addition to the investigation of
15 those complaints that are sustained, certainly the
16 Opa-locka Police Department takes the action that we
17 feel to be appropriate to prevent it from happening,
18 to solve the problem and hopefully as well as
19 preventing it from recurring, but in addition to the
20 internal control there also are external controls as
21 well, and I think the exclusionary rule is a typical
22 example of external controls that prevent the abuse
23 of police brutality and the abuse of authority.

24 We have the federal laws that deal
25 with civil rights complaints. They are handled by the

1 Justice Department and that conducts the Federal
2 Bureau of Investigation to also eliminate and
3 prevent police brutality and excessive force and
4 other complaints of that nature, and, of course, by
5 the same token, and Director Taylor alluded to that,
6 as well as the Miami Police Department and also
7 criminal proceedings. In many instances police
8 officers are charged with criminal offenses when
9 they violate the law as it relates to excessive force,
10 as it relates to police shootings, but in addition
11 to the criminal procedures there is also the civil
12 remedy that the public has to--that is available to
13 them to aggressively regulate the abuse of authority
14 by police officers. It is to prevent police brutality
15 and excessive force, and certainly the Opa-locka
16 Police Department is no exception to any other police
17 department.

18 We receive complaints for police
19 brutality, for excessive force and abuse of authority,
20 just like any other agency in Dade County and
21 throughout the state of Florida, as well as
22 throughout the entire continent of the United States
23 of America, but we do put forth a concerted effort to
24 prevent.

25 There is case history where we have had

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1 incidents where complaints have been filed with us
2 regarding officers using a shotgun without
3 justification and those instance complaints were
4 sustained, so it does happen and there is a
5 possibility of it happening in the future. We have
6 had other instances where officers in our department
7 have used excessive force and have been terminated, so
8 I think the internal control within the system does
9 work. We have cases now that are pending that we are
10 looking into, and, by the same token, some of the
11 complaints that are filed by citizens against police
12 officers alleging police misconduct and alleged police
13 brutality and based on facts of our investigation we
14 find that the officer was justified in the force that
15 was used at the time, when in many instances force
16 was not used at all, and based on those facts
17 obviously the officers acted properly and they were
18 exonerated. By the same token I think that I would be
19 remiss and I think this panel would be remiss if we
20 did not also recognize the fact that there are police
21 officers that are injured by the public and in some
22 instances they are fatally wounded by members of our
23 society, by members of our community, and in the city
24 of Opa-locka in 1986 we had a police officer that
25 was slain in the line of duty by a citizen. We have

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1 to give some attention to that. We have had police
2 officers that were injured in the line of duty.
3 This Commission has to pay some attention to that.

4 So I think we have to address the
5 problem from both sides of the spectrum and I think
6 this forum just by the mere fact of having this
7 dialogue creates an opportunity to keep the police
8 from being abused by the public, while at the same
9 time, keeps the public from being abused by the
10 police. Certainly there is a need to bridge the gap
11 that exists between the police and the community.
12 Certainly the only way a law enforcement agency can
13 be successful in our society, there must be a
14 coordinated effort on the part of the police and on
15 the part of the community, plus other organizations
16 working in conjunction with each other, coordinating
17 our efforts, getting them in the same direction and
18 working towards a common goal to make our society
19 more viable to live in, to work in, as well as to
20 play in, and I think this forum brings about the
21 better understanding between the police and the
22 community. I think it builds better police-community
23 relations between the police and the community and
24 ultimately society benefits because we create a
25 better society.

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1 In closing I just want to again thank
2 you for the opportunity for affording the Opa-locka
3 Police Department to participate in this forum.
4 Certainly we will try and get better on a day-to-day
5 basis if we solicit the recommendation of this
6 Commission and members of the public that they feel
7 they can make to the Opa-locka Police Department and
8 help us to be more effective, while at the same time
9 build a better relationship with the police and the
10 community. Certainly we are looking forward with
11 working with PULSE, NAC, SCLC and the U.S. Commission
12 on Civil Rights and other citizens of our community
13 who do not belong to any association, and, again,
14 thanks for having us here today.

15 CHAIRPERSON MOORHEAD: Thank you.

16 I want to without approval from the
17 body at this table assembled ask a question, on the
18 basis of a response determine how we should proceed.
19 We picked up a great deal of data today and
20 Director Taylor said we have a notebook already that
21 we haven't completely digested. Would it be possible
22 for us to get a transcript, which we are going to
23 have I think a very quick turnaround on, review your
24 testimony, and pose additional questions to you in
25 writing as opposed to an extended dialogue at this

1 point that maybe some questions that our panel members
2 would want to raise? But would the department be
3 responsive to that?

4 CHIEF TAYLOR: Fine.

5 CHIEF BOEMLER: Certainly as an
6 addition, it would seem that we would be in a position
7 to explore and research answers as opposed to some
8 extemporaneous type of answer.

9 MR. BINKLEY: I have one question.

10 Did Chief Reaves bring data or reports
11 like the other departments did?

12 CHIEF REAVES: Why do you put me on
13 the spot like that. I did not bring data today but
14 I will be happy to provide you with some.

15 OFFICER BOEMLER: Chairman Moorhead
16 just took you off the spot.

17 MR. ROLLE: I would like to thank all
18 of you gentlemen. I feel that you have been very
19 thorough, I think very responsive and maybe even
20 somewhat comforting, and I want to make this first
21 statement because earlier when Mr. Tom Battles
22 testified he indicated that great strides had been
23 made and I raise the point of what evidence is there
24 for that statement.

25 Assuming that everything that I have

1 heard from this panel could be corroborated, I would
2 say indeed this is progress. For example, and just
3 so we begin to get into the corroboration process a
4 little bit here, Director Taylor, you said you are
5 willing to meet with anyone, any group, any time,
6 under any conditions. I would assume that that also
7 means with or without press coverage.

8 CHIEF TAYLOR: Exactly.

9 MR. ROLLE: Am I correct?

10 CHIEF TAYLOR: Yes, sir.

11 MR. ROLLE: All right.

12 We have representatives of PULSE still
13 in the room, along with the NAACP and other groups.
14 They were the moving party to bring about this
15 hearing. It also seems to me that there are a lot of
16 procedures that have been established and policies
17 and maybe all the community needs to know is that
18 there is somebody who can provide other things
19 regarding implementation and enforcement of those
20 policies.

21 So one of the points I would like to
22 ask is this: Based on what we have heard today so
23 that we clear the air in this community as quickly as
24 possible, since it took so long to get to this point
25 and since the information in my view as an individual,

1 they may not agree, but we can find out whether they
2 agree, but in my view the information that you have
3 presented here seems to indicate that we have the
4 structures to deal with all of these problems, and
5 if there is a list of specific cases that are still
6 kind of muddled, we have all the chiefs here, you
7 have all of your staff, can't we supply these groups
8 in this community with what is the status, what is
9 the resolution, where does it stand and what does it
10 look like right now so that we can clear the air,
11 that we don't have to continue to feel that we are
12 being--I mean, the community is being ignored and
13 not receiving responses that there are abuses?

14 We are all human, which means we are
15 not perfect. I notice that the statistics over on the
16 chart in terms of the number of arrests versus the
17 instances of force total, and that is in my view, a
18 low percentage, and I am still speaking as an
19 individual, not attempting to make any prejudgments
20 for my colleagues on the Commission, but I feel I
21 need to say that given some of the other points that
22 I have raised throughout the day, and I am very
23 pleasantly surprised, maybe that is confessing a
24 bias and I really don't have a bias, but I think you
25 have been responsive, I think the ingredients are

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1 present right now to bring this matter to some kind
2 of a head and to set up a continuing structure
3 where there can be involvement of community groups
4 along the lines that the NAACP proposed, get these
5 people involved with yourselves, councils and let's
6 get it together here and make sure we have
7 community support, openness and communication.

8 Maybe that is the key. People are
9 not aware of all these things that are going on, and
10 I don't know where the blame is and I am not going
11 to try to find it, but we have the opportunity right
12 now to ameliorate this problem, eradicate it.

13 Let's communicate and get this
14 message out, respond to the specifics that these
15 people are concerned about and let's keep going.

16 One specific question, is there any
17 kind of extraordinary appeal procedure for a citizen
18 who has gone through the process that you have and
19 is still unsatisfied?

20 CHIEF TAYLOR: Well, in any particular
21 case there is two. They can go to the IRP and they
22 can lodge the complaint there. Of course, they can
23 go into the court system and deal with it there and,
24 of course, they can go to the state attorney and try
25 to have the state attorney look at the case and make

1 some kind of decision, so there are several courses.

2 One of the things that does occur,
3 and I could just quickly make a point of this, is
4 that you think you have heard a lot about the cases
5 that we sustain. We sustain more than we have ever
6 sustained in the past because we are really
7 concerned about this and we are serious about it
8 and we exonerate officers, but there is that group
9 in the middle of those cases that are not sustained
10 that are one-on-one that you don't have hard cold
11 facts and police officers are entitled to the same
12 legal rights as all of us are as citizens, and one
13 thing I think was addressed here a little bit was
14 the early warning system. We have to look at that
15 group of individuals that seem to waver their way
16 through the system and we have the same thing, we
17 look at every 90 days and we look at it each year and
18 that is what takes care of that gray area and we do
19 what is a complete psychological profile. We look
20 at performance, we look at any of a number of things
21 for those individuals who seem to be involved in one
22 situation that we can't resolve one way or the other.

23 I think that is an important thing
24 that we do down here that needs to be looked at.
25 That helps a lot. So, yes, there is a recourse,

1 number one, an internal one that looks at those groups
2 of officers who seem to get by with no sustaining
3 where we can't prove or not prove.

4 There are the courts, state attorney
5 and there is the IRP, which you are about to hear
6 from today.

7 OFFICER BOEMLER: And the FBI.

8 CHIEF TAYLOR: And other federal
9 agencies, the Civil Rights Commission, all those
10 other kinds of agencies.

11 MR. ROLLE: I would hope that you won't
12 find me presumptuous on this, but it would sure make
13 me feel good that if today after the parties leave
14 that there is an agreed upon mutually convenient
15 meeting date with this citizen group and this panel
16 of chiefs to at least have a planning meeting for a
17 future meeting as to how you can arrange it and get
18 together and let's get the media to help us get
19 this information out. You might want to speak with
20 Chairman Moorhead here in terms of how we might
21 be facilitative of the process. I would really feel
22 great if that could happen today.

23 CHAIRPERSON MOORHEAD: We won't look
24 for a response.

25 OFFICER BOEMLER: I think that is an

1 outstanding suggestion. I think we could probably
2 set a date.

3 MR. ROLLE: Beautiful.

4 CHAIRPERSON MOORHEAD: We really
5 appreciate your time and the information has been
6 extraordinarily helpful and we will be getting back
7 to you.

8 We are going to stand up for about
9 three minutes in place before the next panel.

10 I made an oversight after lunch that I
11 would like to correct.

12 Mr. Gustavo Marin, who is a member of
13 the Advisory Committee, could not be here this
14 morning. He joined us after the lunch hour and the
15 record should show that he is here. We are moving
16 toward the home stretch. We have scheduled
17 individuals who participate in the internal review
18 process and Metro-Dade sitting in and the City of
19 Miami. We are going to turn to them next and then
20 we are going to go back and pick up one witness who
21 we did not catch this morning, Mr. Larry Capp, and we
22 shall round it off with Mr. Capp's testimony.

23 Would you care to introduce yourself?

24 DR. DANIELS: Dr. Hattie Daniels,
25 Director of the Department of Internal Audits and

1 Reviews. Under that department in addition to
2 internal audits, we have an affirmative action
3 division, where I am responsible for implementation
4 of the City's affirmative action program and the
5 consent decree and we also have a division of The
6 Office of Professional Compliance, which is a civilian
7 oversight agency.

8 The panel I think originally asked
9 regarding the City of Miami's affirmative action
10 program and the police department and the status of
11 that. I would like to respond to that question
12 because I don't think that that was adequately
13 addressed.

14 There were two consent decrees. One
15 was a consent decree entered into in 1973, which
16 only addressed the concerns of Black officers in the
17 police department. That particular consent decree
18 has been resolved with a promotion of certain Blacks
19 in the department, but we have also entered into in
20 1978 the U.S.A. v The City of Miami consent decree.
21 That consent decree is still in effect.

22 The latter part of '86, 1987, the
23 Fraternal Order of Police petitioned the Court under
24 U.S. Justice James W. Kehoe to release the police
25 department from the consent decree. He denied that

1 petition basically saying that the mandate and the
2 goals of the consent decree had not been met, and
3 as such, the City of Miami Police Department would
4 still be under that consent decree, so we are still
5 functioning and reporting to the U.S. Justice
6 Department on those particular goals.

7 Regarding the Office of Professional
8 Compliance, in 1978 and '79, responding to
9 citizens' complaints regarding the--what they saw
10 as misconduct regarding the police department,
11 excessive force, questionable shootings, and another
12 concern about the closed nature of the process, it
13 was citizens complaining that they were not informed
14 about their complaints and that they heard nothing
15 for a long period of time and that festered, that
16 perception that there was a cover-up.

17 The City basically undertook a study
18 and appointed an advisory committee. That committee
19 was made up of a representative from the City
20 Manager's Office, there was a representative from
21 the Fraternal Order of Police and I believe that was
22 Richard Witt that you mentioned earlier today.
23 There were two citizens on that particular advisory
24 committee and they studied for over a year various
25 kinds of oversight agencies and eventually settled on

1 the model that was used initially for the Office of
2 Professional Compliance.

3 We began operation in 1981 under
4 Ordinance 9127. That basically provided for a
5 director of the office, three representatives or
6 investigators, one Black, one Hispanic, and one
7 Anglo to represent each one of the communities.
8 There was also six outreach centers.

9 We staff various community agencies
10 throughout the city, basically available to take
11 complaints from citizens that feel intimidated
12 about going to the police department and speaking
13 directly to internal security. They can go to us
14 directly at those outreach centers. We have
15 currently an office in the police department and
16 also one in internal audits and reviews department.

17 Originally as we were set up we were
18 reporting or--not actually reporting, but rather
19 housed in the police department and reporting to the
20 City Manager. In that way there was an independent
21 function.

22 From the inception of the complaint
23 to the final conclusions of that investigation the
24 OPC office was basically involved. When a citizen
25 made a complaint we could basically sit in on those

1 witnesses as they gave those statements to internal
2 security, listening to those, basically making our
3 own investigation simultaneously with the police
4 department, and that is basically the way that we
5 operated initially.

6 The latter part of 1985, after four
7 years of independently investigating simultaneously
8 with the police department, the City Attorney ruled
9 that that particular process violated Florida
10 Statutes Section 112 as regarding the confidentiality
11 provisions, basically because we were not a law
12 enforcement agency and because we were not considered
13 to be attached to a law enforcement agency.
14 Basically they ruled that OPC was in violation of
15 State Statutes.

16 Beginning '86, OPC began to be
17 excluded from those investigations, starting with
18 homicide, where we could go out. Whenever there was
19 a discharge of firearms we were excluded from sitting
20 in on the statements first of the officer, then of
21 witnesses. Then it became that we were excluded
22 from any kind of complaints. We usually investigate
23 all excessive force complaints, abusive treatment,
24 harrassment and false arrests. We also go out on any
25 kind of discharge of firearms if an officer is hit or

1 if someone is hit or killed. We have someone on
2 24-hour call that goes out to that scene.

3 In addition, we are also involved in
4 any type of civil disturbance. Besides making
5 those particular investigative reports, we also
6 make special reports, such as being involved in the
7 INS demonstration back in--I think it was '82 or so.
8 We were involved in the Neville Johnson incident
9 and basically making a special report to the police
10 department, and most recently we were in the Haitian
11 disturbance in 1986.

12 Basically we are there not only to
13 look at standard operating procedures, but also to
14 be able to inform the police department about special
15 community or ethnic and multi-cultural kinds of
16 concerns that might impact on those particular
17 decisions. Currently we have not been able to
18 resolve that particular issue. We are, I would say,
19 monitoring investigations after they are closed.
20 We cannot work along with the police department while
21 those investigations are open because of the City
22 Attorney's ruling. We have been excluded from that.

23 I would basically say that we have
24 seriously been impeded from doing the job that we
25 originally intended. In 1986 the Office of

1 Professional Compliance merged with affirmative
2 action and internal audit, and I think that the
3 creation of that department and further separation
4 from the police department exacerbated that particular
5 problem. We have not been able to resolve that but
6 we have been able to see from both sides the
7 investigative technique as compared to a review
8 agency, and we would say that we feel very strongly
9 that the City of Miami, the community and, in fact,
10 the police department would best be served by the
11 original model in which we are involved from the
12 inception of a complaint to the conclusion.

13 CHAIRPERSON MOORHEAD: Thank you.

14 MR. POMEROY: My name is Wes Pomeroy,
15 I am Executive Director for the Independent Review
16 Panel.

17 This is a Dade County ombudsman-like
18 entity that has jurisdiction over all county
19 departments including the Metro-Dade Police
20 Department in terms of investigating complaints
21 against those departments and employees in those
22 departments.

23 We respond to complaints. We do not
24 initiate investigations that are of our own about
25 specific behavior. We do initiate activities on our

1 about improving systems and auditing the way the
2 departments do their business generally. The panel
3 was created in 1980 in response to community concern,
4 and a perception by the community of police conduct
5 and we had to do something about it. I don't mean
6 "we," I wasn't here at the time; it was a wide
7 discussion about what kind of civilian oversight
8 entity it ought to be and what kind would be created.
9 Eventually it was decided on this model.

10 In that discussion community groups
11 were involved, the County was involved, County
12 government administration was involved, the courts,
13 judges, U.S. Department of Justice, community
14 relations service, the police, both administrative
15 levels and rank and file. It was a general-wide
16 discussion among the people to be affected by this
17 new entity.

18 It works like this: There are six
19 members of a panel that serve without compensation.
20 Five of those members are nominated by members from
21 the Bar Association, Dade County Bar Association, the
22 League of Women Voters, community relations service--
23 I mean Community Relations Board, Community Action
24 Agency and the Dade County Chiefs of Police.

25 A Chief of Police is appointed.

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1 He cannot, of course, be the head of the Metro-Dade
2 Police Department. Six members of the panel are
3 appointed from the County Manager from a member of
4 his staff. The executive director of the position,
5 which I fill, is appointed by the Chief Judge of
6 the County. That is another measure of independence.

7 When it first started out the panel
8 had a part-time director. The part-time director
9 was an attorney who served on an hourly basis.
10 As the workload built up and his backlog built up,
11 I found out when we got here, he decided to have a
12 full-time director. I am the first full-time
13 director, having served since December 15, 1983.

14 The staff capable of work has only
15 five people in it and I am one of those five people.
16 One of the others of the five people is my chief of
17 assistance who is on maternity leave and will not be
18 back until October, so there are four of us handling
19 the workload, two, quote, professional, unquote, and
20 two clerical.

21 When the staff was geared up to do
22 the best work, I think, when it started cleaning up
23 the backlog and had some time for investigation the
24 DAO called for six people, four professional staff and
25 two clerical.

1 This is the way in brief it works, I
2 won't go into too much detail because I suspect you
3 may have some questions and I sat through all the
4 dialogue all day today, when we get a complaint
5 from a complainant we take the complaint, we do some
6 preliminary investigating to make certain that as
7 much as we can there is enough reason for the
8 complaint to be pursued. We refer the entire
9 complaint to the department that is involved and
10 identify and tell the department who the complainant
11 is, ask them to do a complete investigation and when
12 they are completed to give us the full copy of the
13 investigation and to report back to us and to the
14 complainant.

15 When we get the investigation back we
16 look at it to see that everything has been done and
17 we are monitoring some of that as it goes along.
18 If more needs to be done we ask for it to be done.
19 If there are difficult turns in the investigation we
20 ask for that to be done. Then we give it to the
21 complainant and ask the complainant if they are
22 satisfied.

23 If they are satisfied that may be the
24 end of the matter but it may not. It may be that the
25 complaint had an issue complained about that is dealt

1 with but there may have been that we have found that
2 there are other issues that ought to be dealt with
3 and policy and systemic response.

4 If the complainant is not satisfied
5 we hold what we call a subcommittee meeting that
6 consists of one member of the panel and members of
7 my staff, which is formal. The complainant is--
8 can bring anyone he or she wants, the department
9 head or his or her representative will appear at the
10 subcommittee meeting and we ask what the issues are,
11 "What are you not satisfied with," and we write them
12 up and say, "We think this ought to be talked about."

13 We get a dialogue back and forth and
14 we try to resolve the matters as much as we can there
15 if there are matters to be resolved. If there are
16 not, one or two things happen. One is that new
17 issues turn up and we will do some more investigating
18 and another most likely result is that we will have
19 other information to make a recommendation to the
20 full panel which meets once a month along with a full
21 review of what the department has done, and
22 analyzing of their conclusions we disagree or agree
23 with them and we recommend--make recommendations of
24 our own, the subcommittee does to the full panel,
25 who then makes a decision.

1 Of course, anyone may appear at any
2 stage of the proceedings and the complainants are
3 invited to appear and register any complaints that
4 they have with our result.

5 Some of our meetings are substantively
6 lively. We have one next Tuesday at 2:30 at the
7 County Administration Building, we invite anyone to
8 come, 18th floor. It will be lively because the
9 subcommittee recommends to the panel that several
10 actions be taken and we will have some response to
11 those. Some action that will generate response.
12 Many times they don't.

13 The theory under which the way we are
14 set up and the theory on the Throngbozi decision
15 underlying all of this is that the department and
16 the county should do their own investigation and
17 should do it well and they should be held accountable
18 to that investigation and we should be able to not
19 only monitor that but to criticize and cause any
20 changes to be made.

21 The panel has the authority under
22 county ordinance to enter any premises of any
23 department in the county, to inspect all records, to
24 be given every assistance by any department head
25 that we want. We also have the authority to request

1 assistance from some department not under
2 investigation to give us resources to help
3 investigate another one. That in brief is how we
4 function.

5 CHAIRPERSON MOORHEAD: Thank you.

6 MR. SEROTA: My name is Joseph Serota
7 and I'm a member of the panel, vice chairman of the
8 panel that is here. I would like to just make a
9 couple of comments which was laid out on how the
10 panel operates. I would just like to give you a
11 couple coments from a board member's perspective.

12 I think, first of all, that the
13 Dade County community owes the PULSE organization a
14 great debt of gratitude for their efforts in pursuing
15 matters that they do before our panel. In particular,
16 I was a chairman of the investigation into the matter
17 involving Nercius Cincyr which is one of the
18 individual matters raised by PULSE this morning, I
19 understand, and in which is one of the several
20 matters that may have precipitated this meeting today.

21 I know that as a result of PULSE
22 efforts in pursuing that particular investigation,
23 the panel came up with specific recommendations
24 which have since been implemented by Director Taylor.
25 Those specific recommendations that we made that we

1 discovered deal with such things as the speed in
2 which investigations are made, internal review
3 investigations, the communication of internal review
4 investigations with the individual and groups which
5 are interested in that investigation, as well as how
6 the internal review process finds witnesses and
7 investigates those witnesses.

8 The several specific recommendations
9 that were made as a result of the Cincyr
10 investigation which Director Taylor has considered
11 and has implemented, and, as I say, I think but for
12 PULSE efforts in investigating that particular
13 matter I think that these changes probably would
14 have occurred but not nearly as quickly as they did.

15 I will also make a couple comments
16 about dealing with the police. It is somewhat
17 frustrating as panel members at times when you are
18 investigating police, claims of police conduct,
19 misconduct, not to be able to talk directly to
20 police officers and that is something that, as I say,
21 is frustrating, but again, I recognize as was--has
22 been mentioned this afternoon, that police officers
23 have constitutional rights and the advice that they
24 get from their counsel is not to speak in a public
25 forum and to explain their side of the story, and we

1 respect that, but I can't tell you that it is not
2 at times frustrating when you are trying to
3 understand exactly what happened not to hear it from
4 the officer directly, but again, this is something
5 that we accept and we understand.

6 On the other hand, we do get a great
7 deal of participation and cooperation from the
8 police department, and often what we get is other
9 officers who are not the so-called target of the
10 investigation to come forward, as we did in the
11 Cincyr matter, where we had many officers, as well
12 as witnesses, talking about the case.

13 As far as how the IRP can be improved,
14 I think that any panel can be improved and certainly
15 there are things that would be helpful in this case.

16 For one thing, I think that subpoena
17 power under certain circumstances to eliminate--
18 we would use it only in limited circumstances, I
19 think would be helpful. That we don't have, although
20 I understand that many comparable panels across the
21 United States and in other parts of the world do have
22 subpoena power. It is something again in this Cincyr
23 matter in some of our larger investigations would
24 be helpful. I think another thing that would be
25 helpful that we do not have is a full-time

1 investigator. Mr. Pomeroy has laid out to you the
2 staff that we do have, which is a limited staff.

3 We have complaints that need to be
4 investigated and we try our best with the limited
5 resources we have to investigate, but I think that
6 one thing that would be helpful to us which would
7 speed our process and get to the truth more quickly
8 would be a full-time investigator who could actually
9 go out, speak to witnesses, take statements if
10 statements are necessary and come back to us, because
11 I think that many of the complaints that we get
12 are not well-founded and by getting to the bottom of
13 them early on we can do away with them.

14 On the other hand, the other
15 complaints that we get that are well-founded that
16 require and necessitate investigation would be
17 facilitated by that, and other than that I have no
18 other comments and certainly we will be happy to
19 answer any questions you have.

20 CHAIRPERSON MOORHEAD: I think we will
21 pose questions at this point, then we are going to
22 Mr. Capp after those questions.

23 MR. ROLLE: Mrs. Daniels, did I
24 understand you to say that when this procedure began
25 you were able to work side by side with those doing

1 the investigation?

2 DR. DANIELS: Yes, that is correct.

3 MR. ROLLE: Then there was a ruling
4 by the City Attorney which indicated that you could
5 no longer do that?

6 DR. DANIELS: Right.

7 MR. ROLLE: When was that ruling made?

8 DR. DANIELS: The ruling was made in
9 1985 and since that time we have been working more
10 as a review body after those particular cases were
11 closed.

12 The only information that we receive
13 initially is the name of the party and the kind of
14 complaint that has basically been made. In the past
15 when we receive that information we would also get
16 the name of the officer, the internal security
17 officer doing the investigation, the name and address
18 and so forth of the complaining party. We would
19 immediately notify that individual by certified letter
20 that we were also investigating that case. When
21 the statement of that complaining person or witnesses,
22 the officer was taken by internal security our
23 investigator would also be present to listen
24 directly to basically what was being said. If we
25 had questions that we wanted to pose we would pose

1 that to the internal security who would ask that
2 question.

3 MR. ROLLE: I have a series of
4 questions that I feel I need to ask you on this
5 matter.

6 When the attorney made this ruling
7 did he indicate the basis for change? What happened
8 in 1985 that was not the case in 1984?

9 DR. DANIELS: I was not the director,
10 and to tell you the truth, I have never been able to
11 find out what really precipitated that. One of the
12 attorneys in the City Attorney's Office basically
13 says as a routine monitoring of the Office of
14 Professional Compliance they found that State Law 112
15 was basically being violated. There was nothing
16 else. So that particular question as to what
17 precipitated them to monitor us, to make that
18 particular ruling is still not clear.

19 MR. ROLLE: Do you know if this
20 restriction is in place, say in the City of Miami
21 with this review procedure or the City of Opa-locka?

22 DR. DANIELS: We are somewhat unique.
23 They are all over the country, New York, Atlanta,
24 in any number of places that have them.

25 MR. ROLLE: I am restricting this to the

1 state of Florida. The same law should apply, should
2 apply to--

3 DR. DANIELS: I don't believe what
4 Mr. Pomeroy has said. The cases have been closed
5 there. These are open cases that we are working on,
6 they are open cases. The difference is that what
7 they are telling us now that we can do is to look
8 into the matter after the case is closed.

9 MR. ROLLE: What I am trying to
10 determine is whether or not there is in fact a
11 legitimate valid legal basis grounded in statute for
12 that ruling to have been made.

13 DR. DANIELS: That is made--basically
14 what they are saying is that in State Statute 112
15 basically says that unless you are a law enforcement
16 agency or you are attached to a law enforcement
17 agency you are precluded from looking at anything
18 pertaining to an open case complaint against a police
19 officer, so they are basing it on Florida State
20 Statute.

21 MR. ROLLE: I would hope that at some
22 point there could be a review and further
23 clarification on that particular statute, and I need
24 to ask another question.

25 Are you considered to be--

1 MR. BINKLEY: I don't know whether it
2 is more pertinent to finish your question or to
3 pursue this subject, but I would like to ask
4 Mrs. Daniels.

5 MR. ROLLE: I am still on the same
6 subject.

7 MR. BINKLEY: You are going to pursue--

8 MR. ROLLE: I am trying to find out
9 about this ruling. I hate to play lawyer because I
10 am not and I could be mistaken, but isn't 112 the
11 Public Records Law where the Legislature was
12 concerned about the public's right to know what is
13 going on and how their business is being conducted?

14 DR. DANIELS: Yes. It goes on to 119.

15 MR. ROLLE: I know there were some
16 examples, but I thought that is restricted to
17 actually reviewing the personnel file.

18 DR. DANIELS: No. This speaks to--
19 Section 112 speaks specifically to investigations of
20 police officers and those open cases. Now, since
21 that time we have had a couple of meetings in which
22 the City Attorney feels that she can resolve this or
23 she has tried to resolve it. Well, she is no longer
24 with us but she did draft an ordinance that
25 basically provided that we would function out of the

1 chief's office which would give us that attachment
2 to the chief's office and police agency, yet remain
3 independent, reporting through internal audit and
4 reviews, and that she feels would resolve it.

5 MR. ROLLE: Because that was the next
6 question I was going to ask you. Have you or do you
7 consider the attachment of that office?

8 DR. DANIELS: We are not at this time.
9 We are under ordinance 10071. We put the Office
10 of Professional Compliance strictly under the
11 Department of Internal Audits and Reviews, but
12 should we implement the ordinance that she has
13 drafted, which would give that dual type of role,
14 the involvement with internal audit with independent,
15 yet the functioning out of the chief's office would
16 attach us to the police agency and which would
17 resolve the dilemma posed by 112.

18 MR. ROLLE: If I might ask Mr. Pomeroy
19 a question, please--

20 DR. DANIELS: Before I relinquish the
21 podium I would like to at least introduce one of the
22 OPC representatives, which is Miss Shirley Ervin,
23 who is sitting here with me and also bring your
24 attention to one of the annual reports from this
25 office that I believe has been provided to you, which

1 is an annual report, and in that particular report
2 the complaint process is explained and how those
3 complaints are filed and other significant
4 activities.

5 In addition to a section that deals
6 with our statistical review of the kinds of
7 complaints and the numbers and of the officers that
8 have been involved and, you know, all that kind of
9 analysis.

10 CHAIRPERSON MOORHEAD: Can we get
11 your colleague's name once again?

12 DR. DANIELS: Shirley Ervin,
13 E-r-v-i-n.

14 MR. BINKLEY: Could I ask
15 Mrs. Daniels a question, Mr. Chairman?

16 Are you through?

17 MR. ROLLE: No.

18 MR. BINKLEY: Go ahead. I thought
19 you were going to the next panelist.

20 MR. ROLLE: If you want to ask her--

21 CHAIRPERSON MOORHEAD: Ask her a
22 question if you will, sir.

23 MR. BINKLEY: What would it take to
24 move the ordinance you have referred to that the
25 previous City Attorney drafted that would deal with

1 this situation, Mrs. Daniels?

2 DR. DANIELS: Well, I think that, to
3 be honest, we have been working to resolve this on
4 the wrong level. We have--my office and--we have
5 met with the chief and members of homicide and
6 internal security and the lawyer for the police
7 department and things get muddled. I think that
8 where this needs to be resolved is in the City
9 Manager's Office, that it would take a mandate from
10 the City Manager to say that we want to operate as
11 originally intended, that the City Attorney has
12 drafted an ordinance that would resolve this
13 problem and to get that expressed basically by the
14 City Manager and I think that the people that need
15 to be involved in that meeting would be the Chief,
16 the City Manager, myself and perhaps the City
17 Attorney.

18 MR. BINKLEY: Sitting in you could then
19 submit it to the City Board?

20 DR. DANIELS: The City Commission
21 would basically have to ratify that.

22 MR. BINKLEY: Thank you.

23 MR. ROLLE: May I have the floor back,
24 sir?

25 Mr. Pomeroy, you have heard as well

1 as I have through all that has happened this morning,
2 one of the critical concerns coming from the
3 community per se is the right to be assured that
4 things sitting the way they are, are proceeding the
5 way they should and maybe there should be some
6 oversight involvement, observations, if you will, of
7 how these investigations are conducted and how
8 meetings are presented and what actually happens in
9 terms of the kind of questions that are asked of
10 people who are faced with complaints, that
11 opportunities are given for the complainant to be
12 heard during a hearing and so forth.

13 Now, we witnessed that the police
14 officials from the City of Miami and Opa-locka and
15 Metro-Dade indicated total willingness for
16 responsible citizens groups to be involved in the
17 process and the things that they are concerned with.

18 Now, this panel is official, charged
19 with the responsibility to protect the public interest
20 to the extent that we can, and we have organizations
21 like PULSE, NAACP, and others who would like to be
22 involved in that process.

23 I am not prepared at the moment to
24 suggest a specific manner of involvement, but I
25 would like to know from you is that possible? Are

1 there any legal restraints that would prohibit
2 the involvement that they have sought and further,
3 could you suggest some form or mechanism whereby this
4 matter could be ironed out with PULSE and the other
5 groups that are concerned?

6 For example, NAACP--

7 CHAIRPERSON MOORHEAD: Let him respond
8 to that.

9 MR. ROLLE: Proposed citizens be
10 involved in this review process.

11 MR. POMEROY: All of our proceedings,
12 all of our records, everything we do is completely
13 open and we do have citizen involvement. If you are
14 suggesting that we create citizen advisory panels to
15 advise the panel, I suppose that can be looked at
16 and see how it could happen.

17 One of the things that we suffer
18 from or have a lack of is community exposure. We
19 don't have the resources to let people know who we
20 are and what we are and where we can go; but try to
21 get out to meetings, but there is so few of us we
22 can't hardly do that.

23 The greater involvement we can have
24 the better we would be off. Individually we are
25 involved in community activities and continue to be.

1 It would be welcome to see many specific suggestions
2 and I know the panel would be amenable to consider
3 that because we are open and we intend to be open,
4 we want to be open and we want everyone to know what
5 we are doing and tell us how they would like us to
6 do it better.

7 MR. ROLLE: When you finish with the
8 case where does it go from there if there is still
9 dissatisfaction?

10 MR. POMEROY: If there is still
11 dissatisfaction? Well, it depends on what it is.
12 There are always civil courts available. There is
13 always--they could go to the County Manager if they
14 haven't already if it does involve one of the
15 departments.

16 MR. ROLLE: My last question, in terms
17 of getting to hear from officers in those instances
18 where the complaint is against an officer, is it
19 possible to allow the officer to appear with counsel?

20 MR. POMEROY: Of course it is.

21 MR. SEROTA: Generally, though,
22 appearing with counsel is not--doesn't do anything.
23 As soon as the officer begins describing his version
24 of the incident he is open for anything he says to
25 be used against him either in a civil or criminal

1 proceeding, so whether he has counsel there, we
2 certainly don't stop anybody from appearing.

3 A little bit more to respond to what
4 Mr. Pomeroy stated, we have an open meeting and
5 anybody who wants to speak up and anyone who has any
6 comments, makes those comments. When we have a
7 subcommittee meeting investigating a complaint we
8 permit everybody to come and everything is under the
9 Sunshine Law and in the investigations that PULSE has
10 pursued we have done the same thing. When we have
11 done an investigation we say, "Is there any other
12 witnesses you want to present? Is there any other
13 testimony that you have? Is there any other evidence
14 that you have?"

15 When you talk about having a citizens
16 advisory committee on top of what I believe is
17 representative of both county and citizens, and I know
18 that may be something that poses questions, but I
19 believe that it does represent the community, you're
20 talking about another blanket--another level of
21 bureaucracy on top of another level of bureaucracy.
22 I don't think it is necessary.

23 I think it is a concession that we are
24 not open or that we are not representative. That
25 is something that we need to work on because we need

1 to convince people that we are representative and
2 that we are open, but I think that a better direction
3 would be to work with us to alleviate any concern
4 that PULSE or other groups might have as opposed to
5 adding another level of bureaucracy and making things
6 that much more difficult.

7 We only have a small staff now. You
8 are looking at another level on top of that. I don't
9 think that is productive.

10 MR. ROLLE: How many members are there?

11 MR. POMEROY: The staff or panel?

12 MR. ROLLE: The panel.

13 MR. POMEROY: Six.

14 MR. ROLLE: Six, and five of those
15 are appointed by the Bar Association?

16 MR. POMEROY: No. Each of the Bar
17 Association and the League of Women Voters and the
18 Community Relations Board, Community Action Agency
19 and the Chiefs of Police Association submit three
20 names to the County Commissioners and then they
21 appoint for a year. We are trying to get that
22 changed.

23 MR. ROLLE: Just for whatever it is
24 worth--

25 CHAIRPERSON MOORHEAD: I want to follow

1 up on two questions. I think we have a little
2 surprise for you after that.

3 Is there a set of internal procedures?
4 I am talking about the statute that authorizes your
5 existence. Could you make a copy of that?

6 MR. POMEROY: Yes. You have before you
7 this package and the largest section, the first one
8 is the PULSE report on the Cincyr case. That was
9 one we were interested in and you can see what was
10 alleged and what we did and what came out of it.

11 The next section involves naming
12 the ordinance that created us, our rules of
13 procedure and organizational chart, and then the
14 third has the several examples, including examples--
15 or reports of several other kinds of investigations
16 we have done. One other involves Metro-Dade Police
17 Department, the other three involve other county
18 departments so that it gives--we think this gives a
19 sense of what our scope of activities are--is, and it
20 tells what our origin is, how we operate and how we--

21 CHAIRPERSON MOORHEAD: We don't want
22 to get into individual cases, but one of the cases
23 that I wanted to raise a question about and just on a
24 rapid rundown of the table there, I don't see it, is
25 there a recusal procedure specified in this process?

1 MR. POMEROY: There is no procedure
2 but recusing has occurred from time to time. It is
3 hard to define someone's ethics for them, to pump
4 some kind of conscious into the head of someone who
5 doesn't have it, and so we do rely--I recused myself
6 once and the former director recused himself a
7 couple times and one of the members as well.

8 CHAIRPERSON MOORHEAD: By recusal you
9 mean a complete removal?

10 MR. POMEROY: Complete withdrawal.

11 In the case where I recused myself I
12 didn't look at anything, I got away completely from
13 it, I announced to the panel that I had and I didn't
14 know what happened until my assistant processed it.

15 CHAIRPERSON MOORHEAD: Thank you.

16 MR. POMEROY: I think that is the way
17 we ought to operate. I can't--I cannot always regulate
18 everyone else's behavior.

19 MS. LITTLER: Just one point of
20 clarification for the record. Your office is located
21 at 73 West Flagler Street, Room 1902?

22 MR. POMEROY: Yes, it is.

23 MR. BINKLEY: Mr. Chairman, may I ask a
24 question?

25 CHAIRPERSON MOORHEAD: Yes.

1 MR. BINKLEY: Mr. Pomeroy, I believe
2 you were here this morning when you heard the panel
3 PULSE make its presentation. I think among other
4 things they recommended that your panel have subpoena
5 power and one of the members of the board there
6 joining you now, Mr. Serota, has said he thinks that
7 they should have subpoena power also. I believe he
8 said limited use or something of that nature.

9 What is your view of that?

10 MR. POMEROY: I believe that subpoena
11 power would be useful to us occasionally. In the
12 last couple of years we have needed it to compel the
13 attendance of civilian witnesses. We have had no
14 problem in getting cooperation from county
15 departments. It has limited--where I was before with
16 the Detroit Board of Police Commissioners, they have
17 subpoena power and, as I recall, we never used it in
18 the couple years I was there.

19 I just recently did a survey or doing
20 a survey of the members of the International
21 Association of Civilian Oversighted of Law
22 Enforcement, which is an international organization,
23 and asking some twenty of their members about their
24 subpoena power. So far about half of them report that
25 they have it and they find it with some limited use,

1 but we have--the last case I can think of--that I
2 know of is a case where there were three tow truck
3 drivers whose testimony would have been very valuable
4 to us and they simply wouldn't come to talk to us.
5 That was very frustrating.

6 MS. LITTLER: This would require an
7 amendment to this--what is it, a county ordinance or
8 statute?

9 MR. POMEROY: Yes, it would.

10 MS. LITTLER: Do you anticipate much
11 resistance to that? Has it ever been tried? Maybe
12 I should ask that.

13 MR. POMEROY: No. We are looking at it
14 now. If the panel decides it wants to pursue that,
15 then our process will be to talk and to negotiate
16 and bring in the police department and the PBA and
17 the other constituents to talk about how we are
18 going to do it, because--then we will see where we
19 stand with it. Total subpoena power would be useful.
20 That would depend upon our discretion.

21 I'm sure the bargaining agents would
22 like to see something in the contracts, but I think
23 before you make that kind of a change you have to
24 involve everybody. That is the way it would work.

25 MR. BINKLEY: Can I ask Mrs. Daniels,

1 the Office of Professional Compliance, do I have that
2 right?

3 DR. DANIELS: Yes.

4 MR. BINKLEY: Do they have subpoena
5 power?

6 DR. DANIELS: No.

7 MR. BINKLEY: Has there been a problem
8 with it? Have you thought--

9 DR. DANIELS: I think perhaps if our
10 structure changed that might be something that we
11 would use, but if we were to operate as we were
12 originally intended that doesn't seem to be necessary
13 at this point.

14 MR. BINKLEY: You don't think it is
15 necessary?

16 DR. DANIELS: Not as we originally
17 operate because we are sitting in on those statements
18 as they are taken originally, so we are present for
19 that.

20 MR. BINKLEY: Thank you.

21 CHAIRPERSON MOORHEAD: Thank you very
22 much.

23 MR. ROLLE: I am really not this verbose,
24 but on the representative of this panel, based on the
25 description one from the Bar, one CRB, one CAA, one

1 from the Chief of Police, one of the League of Women
2 Voters and the County Manager, correct so far?

3 MS. LITTLER: Yes.

4 MR. ROLLE: In terms of the concerns
5 that have been raised what would be your position and
6 response if I said that this doesn't appear to be
7 representative in terms of the current problem because--
8 okay, the Bar is independent, outside of the
9 structure, my view is the CRB is not outside of the
10 structure, nor is the CAA, certainly not the Chiefs
11 of Police, League of Women Voters I guess independent,
12 and certainly not the County Manager, and my point
13 here is that a part of the concern that has been
14 raised is whether or not the community per se is
15 representative and further the segment of the
16 community that has impacted or at least at this
17 juncture more than any other aspect of the community
18 and in terms of question of representativeness I am
19 not sure, but I would like to hear your assessment or
20 perception of that.

21 MR. POMEROY: Okay. The county
22 ordinance describes these as "community-based
23 organizations," which is their designation and not
24 mine. If you ask me in the abstract what would make--
25 would be truly representative of the community I think

1 that we all know how big a problem that is, that may
2 not be representative of the community.

3 I think the point you raised is a very
4 good one and it is one that is worthy of discussion
5 and examination.

6 Let me also say that the panel
7 probably would not be in existence if those
8 compromises and--if they must have been compromises
9 have not been worked out at the inception of the
10 panel and we work with what we have. That was a
11 broad policy decision involving large segments of the
12 community when it was discussed, so it is a valid
13 point.

14 There are some--I don't know what the
15 difference would make in the composition of the panel.
16 I would suspect that the County Manager's
17 representative would be on there as a real plus for
18 us because it brings with it an implicit sort of
19 acceptance by county heads, department heads, and I
20 would like to say that the representative
21 Cynthia Curry, who is on there, is a strong competent
22 person. I am glad she is there.

23 MR. SEROTA: Before her was Dewey
24 Knight, who is also a very strong representative. So
25 just on follow-up I certainly would be open to

1 whatever PULSE would recommend, as other groups, and
2 I think that, as we said, that should be discussed,
3 but other things that we are talking about, the
4 Chief of Police, for example, maybe in the abstract
5 you say, "Well, why should you have one-sixth of
6 the panel to represent the Chief of Police?"

7 Well, number one, it gives the panel
8 great credibility and helps us within the law
9 enforcement. Number two, it gives us three sides and
10 knowledge of that area of law enforcement. Again,
11 that is only one member.

12 As Wes points out the County Manager
13 having a representative that is Dewey Knight, it is
14 now Cynthia Curry, it just happens that the
15 representative has been Black but other than that it
16 was a very good representative, it guarantees us
17 tremendous access to the county community and the use
18 of county departments, so these things are important
19 and as Wes says, a good idea.

20 I personally think it works this way.
21 I would be open to other things, but you can't just
22 say that these numbers are associated with the County
23 and therefore don't serve the purpose. I think you
24 really have to look a lot deeper than merely what is
25 in the surface association to determine whether there

1 is an effective way to have the oversight panel.

2 CHAIRPERSON MOORHEAD: What is your
3 quorum requirement?

4 MR. POMEROY: Four.

5 CHAIRPERSON MOORHEAD: Four rather than
6 five?

7 MR. SEROTA: Six.

8 MR. POMEROY: The department
9 representatives from these organizations do not have
10 to be members of that organization. The Community
11 Relations Board representative is an Hispanic
12 psychiatrist, not a member of the Community Relations
13 Board.

14 MR. ROLLE: You have been responsive.
15 Thank you very much.

16 CHAIRPERSON MOORHEAD: Thank you.

17 Dr. Capp, my apologies.

18 DR. CAPP: Thank you. I appreciate
19 your indulgence. I realize it has been a long day.

20 I just want to state that I represent
21 Metro-Miami Action Plan, which like the independent
22 review panel, is an organization that came about
23 following some of the civil disturbance that we had
24 here in Dade County during the earlier part of this
25 decade.

1 Our mission is to serve as a catalyst
2 in eliminating disparity that exists in the quality
3 of life between the Black community and other
4 communities here in Dade County.

5 We have several action committees, but
6 we have one in particular in the area of criminal
7 justice since testimony is relevent to our
8 proceedings today and has been one that has been
9 concerned since 1982 with the whole issue of Police-
10 Community relations.

11 We have worked very closely with the
12 police department. They have participated in research
13 and studies that we have been conducting and we have
14 also worked very closely with the Independent Review
15 Panel in the Office of Professional Compliance, at
16 times providing them with funding and other kinds of
17 support.

18 I think that one of the important
19 things that you should take with you as you conclude
20 the hearing today is to really take note historically
21 of the fact that we have undergone some very, very
22 important and dramatic changes in this community with
23 respect to Police-Community relations and the nature
24 of the policing that we now receive.

25 The issue of communication has been

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1 talked about in various ways throughout the day, and I
2 think that is certainly a big change that has
3 occurred. I have been to--I have been born and
4 raised in this community and have the opportunity to
5 see a lot of changes, particularly over the last
6 several years, and I guess one conversation that I
7 had with one of the high-ranking police officers and
8 one of our major departments really summarized some
9 of the changes that have occurred, and he told me that
10 many years ago the basic attitude that permeated the
11 particular police departments and several others was
12 that the job of the police were to police the
13 community and the community's job was to shut up and
14 let the police do their job.

15 That particular attitude obviously has
16 not owed well or communication or dialogue which is
17 what we have been hearing a great deal of today, and
18 what we have seen turned around completely in I think
19 all the police departments here in Dade County.

20 We have seen a dramatic shift in
21 attitude and in mind-set that has led to a great deal
22 more in terms of receptiveness, a great deal more in
23 terms of openness, a great deal more in terms of
24 access, and I think you saw that in the police chiefs
25 that were represented here today and the kinds of

1 statements that they made are valid and are borne out
2 by all the policy changes and procedural changes that
3 you have heard about, and my organization has been a
4 part of many of those things and we have been an
5 advocate and lobbyist for many of those changes.

6 We support the activities of the
7 Office of Professional Compliance and the
8 Independent Review Panel.

9 We applaud the efforts and the changes
10 that have occurred in our police departments.

11 We feel that certainly the levels of
12 distrust, the levels of tension that existed in the
13 earlier part of this decade do not exist
14 significantly to those levels anymore, and it is
15 because of this community coming together, recognizing
16 that we had a very, very serious problem, it came
17 about as a result of goodwill by many good persons,
18 including the police chiefs that you have heard from
19 today, including a lot of citizens that are here
20 today, so that we have formed a coalition, we formed
21 organizations, formed procedures and mechanisms to
22 sort of safeguard the bond and the implied contract
23 that exists between the police and the community.
24 I think the safeguards are in place, I think that
25 certainly there is always room for improvement because

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1 we aren't perfect and our institutions are seldom
2 perfect, but I think we have certainly come a long
3 way over the past several years and I think that you
4 ought to be applauded and commended for again
5 bringing this community together in the kind of
6 coalition that we see here today.

7 I think that we have made very good
8 progress and I think that more progress is going to be
9 made. I don't need to go into detail. You have heard
10 about affirmative action progress, psychological
11 screening, recruitment, all those things that have
12 happened as a result of the great need for change that
13 was recognized and responded to, and I think we have
14 had changeover in attitude, changeovers in personnel
15 at our police departments, especially Metro and City
16 of Miami at the very top, and I think the
17 philosophies that those men have exposed today is very
18 real and it has filtered down through the ranks and
19 has filtered down to the community in terms of their
20 attitude in the changes and their participation.

21 My concluding remarks are that we need
22 to see more of that. I think we have come a long way
23 and with your help and efforts and the continued
24 goodwill of all the participants here today we are
25 going to see even more in the future. Thank you.

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1 CHAIRPERSON MOORHEAD: I would like to
2 thank you for your comments. They seemed
3 particularly fitting at this point in the program, so
4 we benefited from the fortuity of your coming at the
5 end. It has covered the program well. We appreciate
6 your thanks to us. We certainly thank all of you.

7 I think we owe a special debt to PULSE
8 for its leadership role in getting this process in
9 place. Now there is a great deal of work that we have
10 to do. We are going to try to do that in the shortest
11 possible time frame.

12 There is little doubt in my mind that
13 we are going to be coming back to some of you to
14 follow-up on points made today, but if there are no
15 other questions--Mr. Pomeroy, are you willing to
16 return to the table for a moment?

17 MR. POMEROY: Yes, sir.

18 CHAIRPERSON MOORHEAD: Very brief.

19 MR. POMEROY: Very brief.

20 CHAIRPERSON MOORHEAD: Dr. Capp, while
21 he is taking a seat, Mr. Rolle is trying to keep a
22 perfect record, he wants to ask a question.

23 MR. ROLLE: Dr. Capp, I am looking at
24 the agenda for the meeting about the Criminal Justice
25 Action Committee and there is a long list of action

1 status reports. Are these things completed and in
2 what form are they and could we have access to--you
3 have a lot of them down here.

4 DR. CAPP: What is the date of that
5 report?

6 MR. ROLLE: This is the agenda of the
7 Criminal Justice Sensitivity Committee, Conference
8 Workshop, June 10, '88, Dr. Marshal Smith, Chairperson,
9 and in the lefthand column it says recommended action
10 status reports.

11 DR. CAPP: This is a summary. These
12 activities have been implemented, but what I can do
13 is go back and make sure, have staff prepare a
14 summary report for you that would be more definitive
15 so you know exactly where we are.

16 MR. ROLLE: Thank you.

17 CHAIRPERSON MOORHEAD: Mr. Pomeroy, a
18 question has been raised about the manner of
19 appointment of the Internal Review Board. You
20 indicated the organizations that were involved in
21 putting together nominees that went ultimately to the
22 County Commission for appointment.

23 Would you describe that process once
24 more so we can make sure we have it clearly and would
25 you have the site of the ordinance?

1 MR. POMEROY: I can't give you the
2 section but it is in your packet.

3 CHAIRPERSON MOORHEAD: It is in the
4 packet, okay, great.

5 MR. POMEROY: I will tell you what the
6 ordinance says and I will tell you how it works.

7 The ordinance provides that each of
8 these constituent agencies provides three nominees
9 to the Board of County Commissioners each year and
10 that they be appointed--they appoint one of those for
11 a one-year term.

12 The way it has worked ever since I have
13 been here is the constituent agency will submit one
14 to three names and they will say, "We would like you
15 to appoint this one," and that is the one they appoint.
16 It is a pro forma sort of an appointment, the
17 Commission never expressed any interest in exercising
18 any political control over it and they accept the
19 recommendations of those agencies.

20 CHAIRPERSON MOORHEAD: Thank you.

21 MS. LITTLER: How does the League of
22 Women Voters choose the names?

23 CHAIRPERSON MOORHEAD: Would you know
24 what criteria each organization uses?

25 MR. POMEROY: I really don't know.

1 I think it is as different as the organization.
2 I do know in the Bar Association it is considered a
3 very prestigious appointment and there is competition
4 for it. They seem to highly regard the appointment.
5 I don't know just how they go through the process.

6 CHAIRPERSON MOORHEAD: Thank you very
7 much.

8 We stand adjourned. Again, we
9 appreciate your coming.

10 (Thereupon, the hearing was concluded.)
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CERTIFICATE OF REPORTER

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STATE OF FLORIDA:
COUNTY OF DADE: ss.

I, the undersigned, hereby certify that the foregoing transcript, pages 1 through 264, is a true and correct transcript of the Police-Community Relations Forum, at Jury Assembly Room, Federal Courthouse Square, 301 North Miami Avenue, Miami, Florida, on Saturday, June 25, 1988, commencing at 9:10 a.m., and concluding at 5:30 p.m.

IN WITNESS WHEREOF, I have hereunto affixed my hand this 18th day of July, 1988.

Conrad G. Kohler
Conrad G. Kohler, Registered Professional Reporter.

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