



Miami Police Department
Independent Reviewer
Seventh Report
October 2018 - January 2019

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Introduction

This is the seventh assessment report, covering four months of activity, completed as a component of the Agreement entered into by the Department of Justice and the City of Miami in April of 2016. The Agreement is the result of a request, by the Miami Police Department and others, to have the Department of Justice review a series of police shootings that occurred between the years of 2008 and 2011. Not only were the uses of force examined, the associated investigations and relationships with the community were considered as well. The investigation resulted in the Agreement referenced above that mandates the Miami Police Department to satisfy clear and measurable requirements in a number of delineated areas within the organization and out in the community. While the obligations are clear, the Miami Police Department retained the flexibility to design, develop and implement solutions appropriate for the community they serve. The Miami Police Department took advantage of the time span between investigation and finalization of the agreement to implement a number of changes that would begin to satisfy some of the requirements. The overarching goal of this Agreement is to ensure “that police services continue to be delivered to the people of the City in a manner that fully complies with the Constitution and laws of the United States, effectively ensuring public and officer safety, and promotes public confidence in the MPD”.¹

As the Independent Reviewer, I am tasked with overseeing the successful implementation of the Agreement. As stipulated in the Agreement, compliance with a material requirement mandates that the City has: (a) incorporated the requirement into policy; (b) trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; (c) verified that the requirement is being carried out in actual practice. In the final analysis, MPD bears the burden of demonstrating compliance with the Agreement.

The Agreement also required the City to assemble a Community Advisory Board (CAB), consisting of a cross section of Miami residents, to “provide oversight and feedback on policies and practices pertaining to use of deadly force to the MPD and to the Independent Reviewer”.² The CAB was created shortly after the Agreement was instituted and holds public meetings in a different area of the city each month, in addition to regular committee meetings. The CAB continues to develop and evolve in its stated role. The CAB has expanded their role beyond the use of deadly force, taking an active part in learning about the varied roles and responsibilities of the MPD. This information is in turn communicated with the public through the aforementioned regularly scheduled and publicized meetings, as well as through their daily interactions with citizens. Rodney Jacobs, an attorney for the Civilian Investigative Panel continues to perform in the role of liaison and administrative support for the board.

¹ City of Miami Legislation; Resolution R-16-0206 Agreement Between DOJ/City of Miami

² Agreement United States Department of Justice and City of Miami

Through individual and group meetings with board members, I have found those who volunteer their time and effort to serve are truly dedicated to the stated mission of the CAB. There have been a number of changes in board members, as individuals leave for a variety of reasons, but there has not been a lack of engaged and dedicated citizens to fill open positions. Conversely, board efforts to involve and gain the interest of the community have not resulted in robust participation. In fact, there have been few citizens in attendance at the CAB meetings I have attended.

This report contains progress made between October 2018 and January 2019 in the areas of Policy Review and Implementation, Supervision, Specialized Units, Training, and Community Oversight.

Compliance Ratings

As indicated, the Agreement mandates that the Independent Monitor provide a report every four months outlining MPD's compliance with Agreement requirements. The ratings below represent the current assessment of compliance and are included to provide MPD and the citizens of Miami with a clear and accurate summary of the progress to date, as well as any areas that may remain in need of attention and action.

The definition of each rating is as follows:

- Substantial Compliance – indicates that most or all components of a specific category or requirement have been satisfied.³
- Compliance Rating Pending – indicates that significant progress has been made, but additional time may be needed for assessment in the specific area.⁴
- Partial Compliance – indicates that compliance has been achieved on some components of the requirements or category, but significant work remains, or extended time is needed for audits.
- Non-Compliance – indicates that most components of a requirement or category have not been met.

³ The MPD/DOJ Agreement states that the Independent Reviewer shall exclude assessments of the sections that have been determined to be in Substantial Compliance. This does not preclude re-visiting those areas if, after discussion with MPD/DOJ, the Independent Reviewer deems it necessary. Audits will continue as needed.

⁴ This compliance rating was added in the Fourth Report. The sequence of ratings has been changed to more accurately reflect progressive achievement.

<u>Settlement Agreement Area</u>	<u>Status of Compliance</u>
II. POLICY REVIEW/IMPLEMENTATION	Substantial Compliance
a. Revision and Development	Substantial Compliance
b. Action Plan	Substantial Compliance
c. Training	Substantial Compliance
III. OFFICER INVOLVED SHOOTINGS	Compliance Rating Pending
a. Firearm Discharge Review	Substantial Compliance
b. Administrative Investigations	Compliance Rating Pending
c. Incident Tracking System	Compliance Rating Pending
d. High Liability Board	Substantial Compliance
IV. SUPERVISION	Substantial Compliance
a. Accountability	Substantial Compliance
b. Tactical Operations Section	Substantial Compliance
c. Span of Control	Substantial Compliance
V. SPECIALIZED UNITS	Substantial Compliance
a. Assignment Criteria	Substantial Compliance
b. Documentation	Substantial Compliance
c. Oversight	Substantial Compliance
VI. TRAINING	Substantial Compliance
a. DOJ Training	Substantial Compliance
b. Firearms Training	Substantial Compliance
c. In Service Training	Substantial Compliance

VII. COMMUNITY OVERSIGHT	Substantial Compliance
a. Create Community Advisory Board	Substantial Compliance
b. Facilitate Activities and Communication	Substantial Compliance

Work Completed During Seventh Reporting Period

October 2018 - January 2019

Work completed by the Independent Reviewer includes the following:

- a. Participated in conference calls with DOJ, allowing for updates on progress and issues concerning Agreement. There was a break in communication during the government shut down.
- b. Continued close working relationship with Agreement Compliance Coordinator Major Mike Gonzalez.
- c. Completed two site visits.
- d. Continued to review updated policies and procedures.
- e. Met with command staff and stayed in contact with Chief Colina.
- f. Received Body Worn Camera updates from Special Projects Coordinator Orlando Aguilera.
- g. Updates from Internal Affairs staff on a number of issues including the Independent Assessment completed by Hillard Heintze.
- h. Completed ride alongs in various sections of the city.
- i. Received update on MAT/MAST from Training personnel.
- j. Attended the listening session for the National Public Safety Partnership program in Miami.

The following site visits were completed during this review period;

October 30-November 1, 2018 and December 4-6, 2018

It is the opinion of this Independent Monitor that the Miami Police Department has achieved Substantial Compliance in the majority of categories outlined in the Agreement. All members of MPD have worked diligently to satisfy and maintain all requirements in each category of the Agreement. Major Gonzalez of the Professional Compliance Section has remained a consistent point of contact and oversight. MPD's Chief Colina is open and accessible, meeting with me on

each site visit and remaining accessible telephonically. Every member of the MPD that I have come into contact with is helpful, transparent about issues and impediments, and eager to make their organization the best it can be.

The DOJ continues to provide Agreement oversight, although there was a lapse in contact throughout the government shutdown. Patrick Kent and Cynthia Coe remain consistent members of the DOJ team.

Work completed this evaluation period involved document review, including updated, revised and newly created polices. Time was spent interviewing supervisors and riding along with officers to gauge their observations of training and supervision, as well as to determine how policies and practices have been received and implemented at the patrol level.

The Miami Police Department requested to become a part of the National Public Safety Partnership (PSP) in late 2018. This program allows cities to consult with and receive coordinated training and technical assistance and an array of resources from DOJ to enhance local violence reduction strategies. This model enables DOJ to provide data driven, evidence-based strategies tailored to the unique needs of participating cities to address serious violent crime challenges tailored to their unique needs.⁵ The PSP Listening Session was held in Miami on October 30, 2019. In attendance was Cornelia Sigworth, Bureau of Justice Assistance Associate Deputy Director; Kristie Brackens and Teddy Miller, National Public Safety Partnership Co-Directors; and Gil Kerlikowske, Strategic Site Liaison from the PSP team. The U.S. Attorney Miami Division, FBI, DEA, U.S. Marshal, State Attorney, Florida Department of Law Enforcement and the Miami Police Department were also present. Having participated as a PSP Strategic Site Liaison for several years, I can attest to the value of this program in bringing all available local resources, best practices, peer exchanges, strategic assessments and information sharing tools together in an effort to make Miami a safer city. Areas of focus include federal partnerships, crime analysis, gun violence, criminal justice collaboration, technology, investigations and community engagement.

Updates were received from Major Ibalmea of the Internal Affairs Section on the assessment completed by Hillard/Heintze. A copy of the final report was obtained and highlights will be discussed in the body of this report. The EI Pro software, that tracks early warning and intervention data and which is an extension of IA Pro, was discussed in further detail.

Body Worn Camera Project Manager Orlando Aguilera provided an overview on progress to date.

An update from the Training Section was received, including reports from their quarterly training meeting and BWC video reviews. The MAT/MAST continues to be highly valued by all personnel who attend.

⁵ Paraphrased from <https://www.nationalpublicsafetypartnership.org/#about>.

Supervisor and officer interviews continued in an effort to determine that training is being provided in the districts and applied in the community, in addition to ensuring there is adequate supervision and oversight out in the community.

Remaining issues include continued assessment of supervisory compliance as it pertains to the Agreement and additional officer interviews to measure effectiveness of training and supervision. Audits of training, specialty teams and departmental compliance will also continue. Progress in the BWC program will be monitored, as will policy updates and implementation of the Axon video review system.

Agreement Progress to Date

In this section the progression, setbacks and observations will be discussed for six of the areas covered in the agreement:

II. POLICY REVIEW AND IMPLEMENTATION:

The MPD continues to develop, update and implement policies based on constitutional policing principles and best practices. During this evaluation period, additional new or revised policies were reviewed to include: Rules and Regulations (revised D.O. 1, Chapter 16), Professional Compliance Section (revised D.O. 2, Chapter 4) Internal Investigations (revised D.O. 2, Chapter 2) Body Worn Camera (revised D.O. 4, Chapter 6), Strategic Planning and Performance (revised D.O. 5, Chapter 5), Military Leave (D.O. 6, Chapter 9), Special Victims Unit (revised D.O. 9, Chapter 2), Incident Command System (revised D.O. 10, Chapter 8), Arrest Procedures (revised D.O. 11, Chapter 16), Personnel Assignment Procedures (revised D.O. 11, Chapter 17), Foot Pursuit (revised D.O. 11, Chapter 22), and Bias Based Profiling (revised D.O. 15, Chapter 4).

The Professional Compliance Section has a robust cadre of officers that guide the process of policy and procedure reviews, updates and creation. The PCS also oversees the High Liability Review and the Firearms Review Board presentations. These reviews are discussed in detail further into this report. The PCS also continues to oversee the accreditation process for both the Communication Section and the Training Section.

A number of meetings with officers and supervisors, as well as ride alongs were completed during this evaluation period in an effort to ensure that the appropriate level of training on new and revised polices is being provided and that there is a practical level of understanding and implementation in the community. In ride alongs with officers, in a variety of districts, all indicated there is regular roll call training on a myriad of topics, including high liability issues, and that the presentations are practical and applicable to their daily patrol duties.

An update was received from Orlando Aguilera on progress made in the Body Worn Camera (BWC) program. All officers below the rank of sergeant in the Patrol Districts have been issued BWC's and have received training in their use and the associated policy. Supervisors have received training on the nomenclature and policy associated with the cameras. The BWC policy has been amended to require 'portal to portal' coverage, meaning officers will be obligated to activate BWC's, per policy, on their way to and from work. In addition, BWC's are required for any extra duty work assignments and by detention officers from the time they take custody of a subject until they are booked into jail.

Public Record Requests for BWC video footage have increased dramatically. The MPD fielded approximately 2,000 requests in 2018. The majority of the requests came from the State Attorney's Office, however, there has been a substantial increase in requests for video footage from the scene of traffic accidents by attorneys handling those cases. The MPD has done an excellent job of keeping up with these requests despite the continuing struggle to hire Video Retrieval Specialists.

As previously indicated, supervisors are required to review one video per officer under their command per month. In addition, supervisors must watch all video footage associated with any Response To Resistance incidents and officer involved traffic crash footage associated with officers under their command. The Virtual Policing Unit reviews all video pertaining to Public Records Requests that come through that unit. If a violation of policy or unsafe practices are observed, the video is forwarded to the officer's supervisor or the Internal Affairs Section as practical. The Internal Affairs Section personnel review all BWC video associated with complaints and the Training Section reviews video associated with actions or practices that are judged to be unsafe, as well as monthly random reviews.

A form has been developed to allow officers to self-report any violations of the BWC Policy, including failure to properly activate the camera, inaccurate video classification, malfunctions, etc. An additional form has been crafted to memorialize required supervisory review of subordinate videos – BWC Supervisor Compliance Audit Form.

The MPD was looking for assistance in tracking BWC usage and reviews, specifically a software compliance program that would randomly assign and monitor the required monthly supervisory reviews of video, compare Computer Aided Dispatch (CAD) calls to video activation, time/date stamp video uploads, and provide a robust system to track all video reviews and public records requests in a searchable system. As a result, MPD was named as a participant in a pilot program for Axon Performance, a compliance software system developed to handle the above listed tasks.

Officer feedback on BWC usage during my ride alongs included observations that it was much easier for new officers to acclimate to automatically activating the cameras than it was for more seasoned officers. Most officers remembered to activate cameras in short order but felt that it would take longer to become a rote function. An officer was terminated during this evaluation period for a series of violations, several of which included the body worn camera.

The Internal Affairs Section and the Training Section are working to develop instruction based on the most common citizen complaints, repetitious violations, and officer safety errors encountered through video review and complaint tracking.

Officers are sent to the Virtual Policing Unit for remedial training when they violate the BWC Policy by not activating the camera, not buffering, incorrect categorizing, etc. Violations are decreasing as officers get used to the equipment and processes.

It is the opinion of the Independent Monitor that MPD has met the threshold for Substantial Compliance in the area of Policy Review and Implementation. This area will continue to be audited to ensure sustained compliance moving forward.

III. OFFICER INVOLVED SHOOTINGS:

As a reminder, the High Liability Board (HLB) is a function of the Professional Compliance Section (PCS) and is an example of MPD's continued commitment to review established policies and training curriculum for compliance, non-compliance and/or the need for revisions to improve police service to the community. Participants include staff members, commanders from the Professional Compliance Section, Training and Personnel Development Section, the Legal Advisor, and a rotational supervisor. Personnel associated with the incident are also in attendance, most often with the exception of the actual officers involved. In an effort to be more efficient and mindful of staff schedules, Major Gonzalez has added additional reviews and changed the meetings to quarterly, allowing the same number of cases to be reviewed, just in a compressed format. The following HLB's were held during this evaluation period;

On August 9, 2018 two officers and a trainee were dispatched to a disruptive person at a restaurant. Once contact was made the subject became verbally and then physically aggressive. The incident escalated into a physical altercation during which the subject grabbed for an officer's ECD. The second officer attempted to discharge her ECD at the subject, but it failed to activate. As the struggle continued, she again activated the ECD and they were able to subdue the subject and take him into custody. The HLB concluded that the incident complied with departmental policy and training, however several areas for improvement were identified that could be addressed through training and were outlined in the report.

On August 15, 2018 officers were dispatched to an apartment building regarding illegal drug use and sales from a vacant apartment. Officers found a subject sleeping on a mattress inside the apartment. Officers ordered the subject out of the apartment, patted him down for weapons and ordered him to sit on the steps. Once the apartment was cleared officers gave the subject his cell phone and allowed him to put his shoes on. One of the officers left the other officer to watch the subject while he ran a warrants check. The second officer was smoking an e-cigarette when the subject began to anxiously move around. The subject ignored orders to sit down and fled from the scene on foot. Both officers pursued the subject

with one officer activating his ECD at him, which was effective, and he was taken into custody. The HLB found a number of officer safety errors, although there were no policy violations. Training was advised to address obvious lapses in officer safety.

The Firearms Review Board (FRB) is also a function overseen by the PCS. FRB's are attended by MPD staff members who review officer involved shooting incidents for violations, officer safety issues, equipment or training needs, investigative breakdowns and supervisory oversight. In addition, personnel from training attend to observe for any future training needs, as well as breakdowns between past training and officer practice.

Two FRB's were held in August of 2018 and were not included in the previous report. They are reviewed below;

On April 14, 2015 an officer was dispatched to the Miami Springs Taxi Depot in reference to vandalized taxi cabs. As the officer arrived the suspect drove by him and the officer activated his emergency equipment and initiated a traffic stop. The suspect exited his vehicle and immediately began to shoot at the officer, through a black bag, with a 5.56/.223 Rem Kel Tec Pistol. The officer took cover and returned fire at the suspect. The suspect entered the officers patrol car and fled. The officer used a citizen's car, who stopped to assist, and pursued the suspect. The suspect was eventually taken into custody. The FRB found the officer's actions to be in compliance with departmental policy, training and state statute.

On January 21, 2016 an officer was advised that there was a disorderly customer inside the Magic City Casino Poker Room. The subject was asked to leave the casino and as he approached the exit, he turned as if to return to the Poker Room. The officer re-directed the subject and was slapped by him, as the officer tried again to re-direct the subject he threw a large amount of money in the officer's face. A struggle ensued and both men fell to the ground. As the officer was trying to handcuff the subject, a second man tried to intervene. During the distraction, the original subject pulled out a knife and lunged towards the officer, stabbing him in the right side of his face. The officer unholstered his side arm and shot the suspect once in abdomen. The FRB found the officer's actions to be in compliance with departmental policy, training and state statute.

A final FRB held on December 2, 2018 reviewed an incident that occurred on May 9, 2018. Miami Dade Police Narcotics Detectives requested the Miami Dade Robbery Intervention (RID) detail to assist in the apprehension of several subjects believed to be armed with a rifle. RID requested the assistance of the MPD's Tactical Robbery Unit (TRU). A briefing was conducted and units responded to the suspect's location. Upon officer's arrival the suspect fled and officers, including Officer Joseph, ran after him. During the pursuit Officer Joseph accidentally discharged his AR15 rifle but failed to report the discharge as required by policy. A perimeter was set for the suspect that officers believed had fired at them, but he was not located. Following this incident a review was conducted of body worn camera footage as well as Shot Spotter (equipment used to detect the location of firearm

discharges) information. Through investigation and interviews, it was determined that Officer Joseph had discharged his firearm and he ultimately admitted that he had done so. The FRB found that the officer's firearm discharge was an accident and that it was not in compliance with departmental policy, nor state statute. The FRB recommended discipline up to and including termination of employment.

There were two Discharge of Firearms reviews this evaluation period.

On September 20, 2018 officers located a subject wanted in an armed home invasion robbery that had been classified as a hate crime. When officers approached the suspect's vehicle he began shooting at the officers, who returned fire as the suspect fled. Members of MPD, Miami Dade Police Department and the FBI all pursued the suspect as he continued to shoot at them. The suspect crashed and officers from all three agencies fired to address the threat. The suspect was pronounced dead at the scene.

The five MPD officers who discharged their firearms during this incident were cleared for return to duty on October 1, 2018. A return to duty requires that the officer(s) attend Post Traumatic Incident Counseling, attend refresher training if indicated and complete a post incident briefing with the Florida Department of Law Enforcement.

On January 2, 2019 an officer who had just completed his tour of duty as a two-person unit returned to the station. As he was rearranging items in his trunk he retrieved his AR-15 and, believing the chamber was empty, pulled the trigger while aiming the firearm safely. A round was discharged into a tree. No one was placed in danger.

As outlined in the last report, the MPD hired an independent firm to conduct an assessment of the MPD's Internal Affairs Section (IAS). As a result, representatives from Hillard Heintze conducted a high-level review of the IAS's policies and practices to assess functionality and identify potential areas for improvement. The final report included eleven key findings;

- 1). The MPD is a professional agency led and represented by many highly capable individuals who recognize and support the department's commitments to its many constituencies.
- 2). The IAS leadership and personnel are hard-working, supportive of each other and open to recommendations for improvement.
- 3). Although the staffing and workload ratio for the IAS is appropriate, reassessing and reassigning some duties may be needed.
- 4). IAS staff members are often called upon to conduct criminal investigations that should be handled by the appropriate members of the Criminal Investigations Section.
- 5). IAS case investigations have significantly improved over time.
- 6). The MPD should develop a disciplinary policy including a disciplinary matrix or disciplinary guidelines to ensure consistency, appropriateness and transparency in the disciplinary

process.

- 7). The MPD needs to review and revise its IAS's Standard Operating Procedures Manual.
- 8). Training for IAS personnel should be completed prior to full-time assignment when possible.
- 9). IAS investigations can be further improved regarding consistency, thoroughness, timeliness and quality.
- 10). The IAS currently does not conduct periodic reviews or audits of IAS investigations and disciplinary outcomes.
- 11). The MPD does not appear to be using its IA Pro and Blue Team systems to the fullest extent possible.

The Early Warning System dashboard designed by the Internal Affairs Section personnel has been put into use department wide. The MPD sent IAS personnel to an IA Pro seminar where they learned how to maximize use of the system, in addition to being educated on the EI Pro system which is an 'off the shelf' early warning system. EI Pro is "An advanced early intervention tool designed to enable frontline supervisors to identify and monitor outliers in the organizational areas under their purview. The core of EI Pro is an advanced, real-time peer group analysis engine. Employee outliers are identified empirically and are emphasized to indicate that closer observation and/or assistance by their supervisor may be required."⁶ The MPD is currently seeking pricing and implementation steps to determine feasibility of utilizing EI Pro as an early warning solution for their organizational needs.

There was an approximate 20% increase in complaints taken by the Internal Affairs Section in 2018.⁷ Many of these were a result of body worn camera reviews.

The Officer Involved Shootings section remains 'Compliance Rating Pending' based upon open administrative investigations from years past. It is anticipated that substantial progress will be made in this area during the upcoming evaluation period.

IV. SUPERVISION:

Several supervisor interviews and ride alongs with officers were completed during this evaluation period. Each Patrol District visited had a log of roll call training conducted to include the policy or incident reviewed and a log of personnel in attendance. There was no doubt that this form of training is an ingrained process within the MPD. All officer and supervisor interviews substantiated the comprehensive roll call training program in place to ensure policy review and

⁶ EI Pro EarlyIntervention.com

⁷ Internal Affairs Section reported a 17% increase as of November 2018.

incident examination and assessment.

All personnel contacted in the Patrol Districts continued to praise the MAT/MAST (Miami Assessment Training and Miami Assessment Supervisor Training). Specifically, the de-escalation training was praised and all officers spoken with desired more of the scenario based training, as they felt it was very effective. Every officer encountered in patrol, throughout the city, agreed that supervisors are engaged and responsive. All confirmed that sergeants and lieutenants respond to all calls involving a documented use of force. In the ride alongs that I completed, supervisors were engaged and present on any calls that involved the potential for danger or were outside the normal call for service, thus indicating that supervisors are monitoring the radio and abreast of activity within their area of responsibility. It was apparent that engagement by the supervisors had not been staged, as there was a consistent ease and familiarity between supervisors and officers.

Documentation reviewed during this evaluation period showed no violations of span of control and in-person observations continued to indicate that there are often layers of supervision in the patrol districts visited. First line supervisory positions remain staffed and each supervisor oversees a maximum of eight officers and works the same hours as the officers under their control. Compliance with span of control in all divisions will continue to be audited.

Patrol District Commanders are required to conduct monthly meetings with their field duty lieutenants and first line supervisors in an effort to provide vital information to line officers, as well as obtain feedback to be shared up the chain of command for informational and evaluation purposes. It was confirmed that these meetings are conducted as required.

Observations to date indicate that the level and quality of supervision provided in the Patrol Districts and the Tactical Operations Section are in keeping with the requirements of the Agreement. Additional interviews and audits will be completed to ensure required standards are maintained.

It is the opinion of the Independent Monitor that MPD has met the threshold for Substantial Compliance in the area of Supervision. This area will continue to be audited to ensure sustained compliance moving forward.

V. SPECIALIZED UNITS:

Major Richard Perez continues to oversee the Specialized Operations Section (SOS). During this evaluation period a number of reports were reviewed to ensure compliance within the SOS. As has been indicated in previous reports, the Tactical Robbery Unit and the Felony Apprehension Teams have been moved to the Investigative Support Section. Both units continue to be monitored through interviews, span of control audits, training and testing audits, as well as monthly activity report reviews to ensure compliance with the Agreement.

Openings in SOS are communicated throughout MPD via official bulletins, including the clearly spelled out requirements and application process. Openings for a position as Tactical Robbery Unit Sergeant, Felony Apprehension Team Sergeant and Basic SWAT School were listed during this evaluation. Once an applicant successfully fulfills the positional requirements and is selected for a team or unit they must maintain required eligibility standards for the position. A quarterly review is conducted on each person to ensure they meet all requirements. In addition, SOS and ISS operational plans, after action reports, training and testing reports, worksheets and monthly statistical information are regularly audited. SWAT members continue to be prohibited from conducting patrol duties absent exigent circumstances. In addition, the deployment of SWAT must follow departmental protocol which requires approval through the chain of command.

It continues to be the opinion of the Independent Monitor that MPD has met the threshold for Substantial Compliance in the area of Specialized Units. This area will continue to be audited to ensure sustained compliance moving forward.

VI. TRAINING:

Major Um Set Ramos continues to command the Training and Personnel Department and by all accounts is doing an excellent job.

The 2018/19 MAT/MAST was outlined in the previous report. Training has been split into one day for firearms qualifications and two for training. The deadly force policy is reviewed, followed by a discussion of relevant cases and issues. Use of Force decision making is discussed and practiced through scenario training. Taser inspection, training, and qualifications that include officers having de-escalation dialogue with trainers and providing instruction prior to deploying tasers. The HERO Group continues to provide outstanding training on the Incident Command System (ICS). The Office of Emergency Management provides field force training.

Reality based training addressing officer misconduct is provided during the MAT and has been very well received. Scenarios are set up that have officers responding to a scene where officers are being verbally or physically abusive towards a citizen(s) and the officers have to intervene with appropriate action.

The Training Unit continues to review one video per NET area, with an accompanying form recommendation for identification of tactical violations and/or training implications. The reviews focus on communication skill, any discourtesy, de-escalation techniques and training needs. In addition, the Training Unit has asked the Internal Affairs Unit to consult with them prior to closing any investigations that may include or identify training opportunities or policy violations.

Training scheduled for 2019 will include; Citizen Encounters (Applications of Use of Force), Leading Without Rank for FTO's (Command Presence), Winning Back Your Community (De-escalation), Identification of Armed Gunman (NIJ/DOJ), Active Shooter Training, and Civilian Leadership Course. The Active Shooter Training will focus on the investigation and on-scene management of mass casualty events. Ballistic Shield and Rifle Qualification Course training is scheduled. The implementation of "crew based training", which includes small group segmented training for patrol teams, was also introduced.

All personnel encountered during this evaluation period continued to rate the MAT and MAST very high, commenting on the relevance and value of the scenario based training, as well as other aspects.

The Training section has been rated as being in Substantial Compliance. Audits will continue moving forward to confirm sustainment in this area. The content and administration of the MAT and MAST will be followed, as will employee participation and real-world application.

VII. COMMUNITY OVERSIGHT:

In compliance with the Agreement and as one of the first deliverables, MPD formed a Community Advisory Board (CAB), whose mission is to provide oversight and feedback to MPD and the Independent Reviewer, in addition to providing a conduit between the community and MPD.

Justin Pinn remains the chair of the CAB and continues to perform very well in this position. He is very engaged and, as such has a working knowledge of how the police department operates and is able to effectively balance that with the needs, expectations and perceptions of the citizens they serve. He is a strong leader with a sincere interest in improving the MPD, the community and the relationship between the two. I have a solid relationship with Mr. Pinn that includes open communication on issues related to MPD and the community. Rodney Jacobs J.D. continues to perform administrative and organizational duties for the CAB as the City Liaison. Mr. Jacobs does an excellent job of scheduling relevant training on a variety of topics to better inform the CAB, including Police Legitimacy, Body Worn Cameras, Training and Prosecution to name just a few.

I attended the CAB meeting held at Legion Park on November 1, 2018. As indicated in the past, CAB meetings are held in a different section of the city each month, are well publicized in advance, and have some sort of educational or informational presentation by members of the MPD or connected agencies or associations. Community participation in the CAB meetings is very limited. There have been discussions about ways to increase citizen participation, including the possibility of video conferencing or other approaches that may not necessitate actual physical attendance.

The Community Oversight section has been deemed to be in Substantial Compliance. This section will continue to be monitored through review of CAB reports, meeting notes, conversations with Mr. Pinn and Mr. Jacobs, as well as awareness of MPD's responsiveness to CAB requests.

Conclusion

MPD continues to be open, transparent and accommodating, fully understanding the significance and obligations of the Agreement. All staff members that I have encountered are committed to improvements that will allow them to better serve their community. In addition, the MPD appears fully engaged and pledged to the successful implementation of the Agreement.

Moving forward the focus will continue on the Internal Affairs Section, specifically the closing of Officer Involved Shooting cases, implementation of assessment recommendations, and advancement of the early intervention tracking process. As possible, additional time will be spent interviewing supervisors and officers about training and oversight. Auditing of policies, procedures, rosters, after action reports, and training will also continue. Communication with the Citizen Advisory Board will continue as well.