



MIAMI BEACH

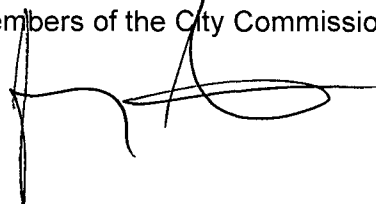
OFFICE OF THE CITY MANAGER

NO. LTC # 303-2013

LETTER TO COMMISSION

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TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: August 29, 2013

SUBJECT: Miami Beach Police Department – Clarification on Miami Herald article

The purpose of this Letter to Commission (LTC) is to clarify assertions made by the Miami Herald reporter in the article "A harsh spotlight, once again, on Miami Beach P.D." (posted August 24, 2013) regarding the Miami Beach Police Department's written policies, as well as the requirements for Police Officers to carry a department-issued Taser.

Department's Written Policies and Procedures

In the article, the author states, "*Internal police records – use of force policies, internal affairs files and department-wide statistics – suggest that the agency's troubles arise from its written policies and its disciplinary procedures.*"

As you know, on March 23, 2013, the Commission on Accreditation for Law Enforcement Agencies (CALEA) approved the Miami Beach Police Department for re-accreditation with the prestigious recognition of *Accreditation with Excellence*. ***With this enhanced award, the Miami Beach Police Department is again a member of an elite group comprised of fewer than ten (10) percent of all accredited agencies nationwide.***

CALEA requires agencies to develop and adhere to a comprehensive, well thought out, uniform set of policies or written directives. As part of the *Re-Accreditation* and *Accreditation with Excellence* process, the department was required to present documented proof of the agency's dedication and adherence to Agency policy, as well as its commitment to the community.

The department's policies are not developed in a vacuum. Research and benchmarking of the policies of other successful agencies is part and parcel of the process. Although the reporter compares the department's use of force policy to those of New York, Los Angeles and Chicago, the Miami Beach Police Department's policies are much stricter than depicted, and include limits on the number of tasings and conditions when the device shall not be used.

The reporter cites internal affairs cases from 2005, 2007 and 2008 to substantiate his point with respect to disciplinary policy. Much has changed in the Miami Beach Police Department since 2012 when Chief Martinez was appointed. As one of the first steps upon appointment, Chief Martinez and Deputy Chief Overton undertook a complete overhaul of the Internal Affairs Unit and the process by which cases are investigated.

As a measure to increase accountability and impartiality, Internal Affairs investigators now serve as fact finders only; they no longer provide a conclusion as to the findings of each case. The facts of each case are now presented to a panel, comprised of the Deputy Chief and three Majors, who ultimately conclude on the findings of the case, and determine any disciplinary action as necessary. This process mirrors how many other agencies conduct their internal affairs investigation, including Miami-Dade Police Department. Moreover, looking to augment

expertise in conducting investigations and internal affairs operations, the Chief hired two outside candidates to serve as the unit's Commander and Deputy Commander.

Training Requirements for Carrying a Department-Issued Taser

"In Miami Beach, any police officer who goes through an eight-hour training session is allowed to carry a department-issued taser," wrote the author in his article.

The Miami Beach Police Department (MBPD) provides officers with state of the art equipment and training to optimize their safety, as well as the safety and security of the citizens they protect. As such, the MBPD provides personnel with numerous tools to maximize the force options available to individual officers engaged in a critical incident. These tools include defensive tactics training, empty hand control, ground fighting, and intermediate weapons, such as aerosol deterrent spray (ADS), expandable batons and conducted electrical weapons (CEW). Every MBPD Officer who is certified to carry a CEW receives a minimum of 8 hours of additional training in advanced tactics and equipment specific to the Taser-brand CEW the agency issues.

The Miami Beach Police Department requires a comprehensive eight (8) hour training course to certify Police Officers to carry a department-issued CEW (Taser). This 8 hour training course exceeds the manufacturer's recommended minimum of 6 hours of training, and consists of the following:

- Classroom Time – Instructors review how the device works, training material provided by the manufacturer (Taser International), and review the department's use of force policy specific to the deployment of the CEW (Taser).
- Written Test – Police Officers must take and pass a written test, which confirms understanding of the material covered in the classroom setting.
- Practical deployment exercises – Discretionary firing drills the applicable CEW, with a minimum of two cartridges being fired during the training class.
- Failure drills – Police Officers practice replacing malfunctioning cartridges and other potential device failures through different drills.
- Scenario-based training – A training officer wears a Taser suit, which allows the Police Officers to deploy their training cartridge on the role player during the different scenarios.
- Exposure – The MBPD requires that all Police Officers carrying a department-issued CEW be subjected to a five second exposure. This exposure provides the Taser user first-hand experience as to the physiological, psychological and metabolic effects of the neuro-muscular incapacitation (NMI) that is achieved through the use of the Taser CEW.

Taser Recertification is required annually by state law, accreditation standards and manufacturer's recommendations. The MBPD complies with this responsibility during Annual Mandatory Retraining (AMR), where all Taser users receive mandatory recertification training and all non-Taser Users receive a Taser CEW Familiarization. As part of AMR, all sworn personnel – whether they carry a Taser or not – are required to sit through classroom time to go over any changes in the use of force policy, as well as any changes or updates to Taser's training. In addition, there is an overview on the functionality of the Tasers issued by the department. This allows all Miami Beach Police Officers to be familiarized with the equipment, how it works and how it should be used. Additionally, during this time period, officers undergo refresher training on the use of other weapons, such as pepper spray or baton.

Additionally, in 2012, Chief Martinez sent the Training Unit Supervisor to a forty (40) hour Taser Master Instructor Training Course in Charlotte, North Carolina. This course encompassed numerous facets related to delivering Taser Training and the managing of the Taser Training Program by individual agencies. This advanced level of Master Instructor Training allows the Training Unit Supervisor to conduct training for instructors as well as new Taser Users.

“Compared to Miami Beach, other police departments are more restrictive when it comes to stun guns. In New York City, for example, only patrol supervisors and emergency services officers, who are trained in advanced tactics and equipment, are allowed to carry Tasers,” the article asserts.

In 2007, the New York Police Department (NYPD) commissioned a study to evaluate the department’s Firearm Training and Firearm Discharge Review Process. Conducted by the RAND Center on Quality Policing, the study recommended that the NYPD initiate a pilot program where Tasers and aerosol deterrent spray would be issued to all patrol officers in certain precincts.

The NYPD has approximately 34,500 sworn personnel as compared to MBPD’s 381 sworn officers. Both MBPD and NYPD require that sworn personnel receive advanced tactics and equipment training in order to issue them a Taser. The fact that NYPD limits its deployment of Tasers to supervisors is likely due to the sheer size of the force, and not to a higher threshold for training or expertise.

We also took a look at local police departments to compare our policies and deployment of tasers. Attached please find a memorandum from Deputy Chief Overton. As you can see, our taser policies are in congruence with all of the major agencies in Miami-Dade County, including with respect to the issuance of tasers to certified officers. We do not have laxer standards, as the article implies.

Other MBPD Changes since 2012

The Miami Beach Police Department has instituted changes in various areas. The work is ongoing, but following is a list of additional changes that have taken place within the department:

Accountability Measures

- Increased responsibility to manage the day to day operations within Areas now falls upon the Area Captains. Area Captains are responsible for managing resources and personnel within their areas to address crime trends and community needs.
- Supervisor-Employee contacts are required during every shift.
- Managing calls for service now falls on the Shift Commander. All calls holding over twenty (20) minutes are reported weekly to the Deputy Chief, and are brought to the attention of the Shift Commander. The Shift Commander is required to explain, in writing, why these calls held. As a result, this process has enhanced response time by reducing the wait time for calls for service.
- Installation of Automatic Vehicle Locators (AVLs) on all patrol vehicles.

Enforcement Measures

- Greater focus on quality of life issues, such as loitering, illegal vendors, graffiti, etc.
- Increased DUI checkpoints and saturations
- Greater commitment to Crime Prevention Through Environmental Design (CPTED), such as the installation of additional lighting and fence in Normandy Shores in coordination with the Public Works Department
- Details using mobile license plate readers to deter potential criminal activity.
- Creation of a Special Operation Unit, which serves as a crime suppression team addressing vice crimes and other robbery-related crimes.

Professional Development

- Hosting the International Association of Chiefs of Police (IACP) for their Leadership in Police Organizations (LPO) Training for the South Florida Region. This three-week course is focused on the systematic development of leaders at all levels of the organization – the concept of “every officer a leader.” The LPO course coaches participants on how to lead groups, organizations, and efforts toward change. In order to

develop leaders, law enforcement executives must create a culture in their organizations that is supportive of dispersed leadership. This means establishing expectations that all officers will take leadership initiatives at their levels of responsibility.

- Provided training for officers in verbal judo and crisis intervention for our officers to enhance their ability to deescalate situations without having to use force.
- MBPD is partnering with IACP and the Department of State for International Police Education Training (IPET) program, where one (1) member of the MBPD is assigned to a team of fellows to assist law enforcement agencies in Mexico and Haiti develop programs related to LGBT and homeless communities.

Community Involvement

- Juvenile Arrest and Monitoring (JAM) Program implemented in North Beach. This program serves to monitor any juvenile that has been arrested in Miami-Dade County and lives in North Beach to ensure compliance with the conditions of their probation or house arrest. Through this monitoring, officers strive to create a positive impact on these juveniles, in an effort to decrease the recidivism rate of juvenile offenders.
- Walking Beats in the business corridors (Washington Avenue, 41st Street and 71st Street) to further engage business owners and address quality of life issues.
- Public information campaigns and increased use of social media, such as the ParkSmart campaign in conjunction with the Parking Department to curb automobile break-ins.
- New program with Community Services Division in progress – Students from Beach High, Feinberg Fisher K-8 Center and Nautilus Middle School who must serve suspension days will serve their suspension at the Miami Beach Police Department Community Room with a certified teacher. They will be required to complete any school course work assigned for the day(s), as well as complete a resort of justice session, where they discuss how they will make amends to the people they hurt through the crime committed.

We can, of course, strive to do better and to forge stronger ties to the community that the MBPD serves. I will not hesitate to utilize resources and expertise both within and outside of the Department to achieve excellence. You have my commitment that the Miami Beach Police Department and the hard working men and women who serve this community will continue to serve with commitment and pride, and strive to regain the public trust one contact at a time.

If you have any questions, please feel free to contact me.

JLM/RAM/MNO/DM

MIAMIBEACH
POLICE



SUPPORT SERVICES DIVISION

TO: Deputy Chief Mark Overton

VIA: Chain of Command

FROM: Sergeant Daniel Morgalo

A handwritten signature in black ink, appearing to read 'D. Morgalo', is written over the 'FROM' line.

DATE: August 29, 2013

SUBJECT: Taser Training Inquiry

As per your request, Training Unit Officers made contact with their counterparts in our neighboring agencies. The outside agency contacts provided information regarding Taser issuance policies as well as, training and retraining requirements. The first section consists of the Miami Beach Police Department's current Taser issuance policies and training hour requirements. The following is a result of the inquiry:

Miami Beach Police Department: Sgt. Daniel Morgalo (Taser Master Instructor)

- Initial Taser Training is an 8 hour class
- Annual Taser recertification training is a 1 hour class
- Taser training is mandatory for all newly hired officers.
- Taser training is voluntary for all veteran officers who were hired before 2012
- Approximately 75% of all sworn officers are Taser Certified.
- All sworn personnel receive a minimum of 1 hour of Taser Familiarization Training on an annual basis during AMR Training.

Miami Dade Police: Officer Mark Havlin (Taser Instructor MDPD):

- Initial Taser training is an 8 hour class
- Annual Taser refresher training is 4 hour class
- A Taser CEW is issued to all certified officers

Coral Gables Police: Ofc. Billy Barrow

- Initial Taser training is an 8 hour class
- Annual Taser refresher training is 2 hour
- A Taser CEW is issued to all officers except Marine Patrol due to unit getting wet.

Miami Gardens Police: Sgt. Gerald Machurick (Taser Master Instructor)

- Initial Taser training is an 8 hour class
- Annual Taser refresher training is 1 hour once a year.
- Optional to carry and issue.
- Majority of Patrol including supervisors carry it

City of Miami Police Department: Ofc. Mike Fresco

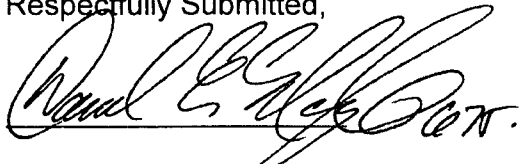
- Initial Taser training is an 8 hour class
- Annual Taser refresher training is 1 hour once a year
- Officers have the option of carrying but must carry 2 less than lethal force options

Hialeah Police: Officer Melcore

- Initial Taser training is an 8 hour class
- Annual Taser refresher training is 2 hours, once a year
- Everyone MUST carry it unless they have a medical condition (Bad back, pregnancy, etc.)

Conclusion: The MBPD Taser Training Program is in congruence with all of the major agencies in Miami Dade County in both issuance of CEW's and hours of initial/recertification training. It exceeds the manufacturer's recommendations of a minimum of 6 hours of training. If you have any questions or require additional clarification, please advise.

Respectfully Submitted,



Sgt. Daniel Morgalo
Taser Master Instructor
Training Unit Supervisor/Firearms Rangemaster