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Investigations

‘Oppressive bureaucracy’

Members of Miami’s Civilian Investigative Panel complain city has hindered, underfunded probe of police

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Members of the Miami Civilian Investigative Panel are angrily accusing city officials of hindering their oversight of police by inadequately funding the panel and imposing overly strict liability insurance requirements on its investigators.

One member says the resulting delays indicate a “conspiracy” to prevent the panel from carrying out its mission. The CIP’s first task is to probe alleged police misconduct during last November’s protests against the Free Trade Area of the Americas conference.

At its Tuesday meeting, members of the 13-member CIP, which was established by Miami voters in a November 2001 referendum, expressed frustration with their slow start.

More than a year after the panelists were appointed, staffing and other structural matters have been addressed, FTAA testimony and documents have been compiled, but no actual investigations have begun. The CIP only recently hired its own legal counsel, and has not yet been able to hire investigators.

Friction between the CIP and city officials has been so severe that panel Chairman Larry Handfield threatened to resign last month and threatened to urge other panel members to resign as well.

Handfield blames oppressive bureaucracy for the problems. “I don’t think it’s deliberate,” he said in an interview. “I think it’s an insensitive bureaucracy. Nobody did their homework on budgets or staffing.”

“I understand [Handfield’s] frustration and I have conveyed it to the mayor and the city manager,” city budget chief Larry Spring said. “It’s part of the normal budget process. All city agencies have had to cut costs. There is no animosity towards the panel.”

Established in the aftermath of a series of controversial police shootings, the CIP has subpoena power that makes it, on paper at least, among the strongest independent police oversight bodies in the nation. But Handfield and other panel members say disputes with the city have limited the panel’s first year to little more than jumping through bureaucratic hoops.

As a result, they say, six months after the anti-FTAA demonstrations and numerous allegations of police misconduct against protesters, the CIP has not been able to accomplish very much. It has received 17 individual complaints of police misconduct during the FTAA conference.

“The city was forced to create the panel,” said Lida Rodriguez-Taseff, immediate past president of the Miami ACLU, who was a strong proponent of the panel’s creation. In an e-mail, she accused city leaders of trying to “weaken the panel by whipping its members into line” and questioned whether the panel “will have the courage to take on those who appointed them.”

At the meeting this week, CIP members expressed anger over a comment made earlier this month by City Commissioner Tomas Regalado. He said that the public perceives that “the CIP has done nothing on the FTAA [and] that the police are going to get away with whatever they did, if they did something wrong.”

Regalado stood behind that statement in an interview Wednesday. “The commission fought to give the panel teeth,” he said. “As of yet, we haven’t seen anything.”

At the CIP meeting Tuesday, panel Vice Chair Janet McAliley called Regalado’s remarks “frustrating” because city commissioners “don’t understand the bureaucratic hurdles” the panel has faced. “There are indications that someone [at City Hall] is foot-dragging.”

Panel member Fred St. Amand went further. “It is time the people know the true facts,” he said. “I truly believe there must be a conspiracy.”

“Nothing has gone smoothly for the panel for over a year,” St. Amand said in an interview Wednesday. “We need the right tools and the city’s cooperation. Some people felt from the beginning that the panel wouldn’t work.”

Handfield quelled Tuesday’s conspiracy talk. But he said it was time to address the City Commission and the general public to “set the record straight.” To do so, Handfield summarized the CIP’s complaints in a May 17 letter to city commissioners.

Handfield told the Daily Business Review that an adequate annual budget for the panel would be \$1 million, rather than the \$675,000 that was appropriated. Even then, he said extra money is needed to properly investigate police conduct during the FTAA trade talks. He called the current allocation a “deathly shortfall.”

Handfield said the budget was hammered out last year in “heated”

negotiations with Spring and City Manager Joe Arriola, then presented to the commission as a done deal. The panel wanted to hire a full-time independent counsel at an annual salary of \$125,000 but the limited budget made that impossible, Handfield said.

The CIP recently hired the Miami criminal defense firm Levine & Finger on a part-time, hourly basis. Until then, the CIP was receiving legal advice from the city attorney's office, which also is legal counsel for the Miami Police Department — an obvious conflict.

Spring said the city had gone to extra lengths to accommodate the panel, such as absorbing the health plan costs of its permanent staff and exempting it from a request made to all other city agencies to trim current budgets by three percent.

“I don't get everything I want and they don't get everything they want,” Spring said. “[Fiscal conditions] have been tough on the entire city.”

Regalado said he did not previously hear complaints from CIP members about the adequacy of the budget. “[The City Commission] gave the panel what they requested,” Regalado said. “They never reached out for more funding. If they ask me, I'll vote for it.”

Handfield said the panel's work also has been hampered by a dispute with the city over the hiring of four investigators. The city has insisted that they work as independent contractors and that they carry liability insurance of \$1 million — more than three times the statutory requirement of \$300,000 for investigators in the private sector.

Handfield said the higher insurance premiums for the higher liability coverage would shrink the pool of applicants for the jobs, which pay about \$50,000 annually. He said arguments with the city about the premiums led him to make his resignation threat last month.

“I told Larry Spring I won't be a puppet or a fall guy,” Handfield said in an interview.

The city risk management office told the Review that \$1 million is “the industry standard” and that the panel's lesser requirement “has not been approved and is not recommended.”

“The city should not ask for applicants that are held at a lower standard,” the office said in an e-mail response to a Review inquiry. “Especially with the high amount of exposure that these individuals will have working with the CIP.”

Handfield, however, said that the CIP will proceed with the \$300,000 insurance requirement and hire the investigators at an hourly rate of about \$60. The panel has applications from nine qualified candidates in hand and will begin the interview process next week.

But according to budget chief Spring, the city's risk management department can withhold approval of the investigators' contracts. So in effect, the city can veto the hiring of investigators.

The panel has yet to decide on the City Commission's May 6 suggestion that it hold most of its meetings at City Hall so they can be televised.

At their May 18 meeting, the CIP members expressed concern that meeting at City Hall would make the panel seem too close to city officials and the police. They said they would prefer to hold their meetings in locations throughout the city's different communities. The matter is still under discussion.

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