

Panel rips police conduct at trade talks

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Law enforcement officers who turned Miami into a police state during November's Free Trade Area of the Americas talks violated people's basic rights and tarnished the city's reputation, a citizens panel said in a bluntly worded report now under review.

"Civil rights were trampled and the socio-political values we hold most dear were undermined," members of Miami-Dade County's Independent Review Panel wrote in a draft report released without fanfare last week.

The nine panel members said they "strenuously condemn and deplore the unrestrained and disproportionate use of force observed in Miami during the FTAA."

While acknowledging that some police behaved admirably, they said the city's reputation was tarnished by images broadcast nationwide of police clad in riot gear unleashing tear gas, rubber bullets and pepper spray on peaceful demonstrators, including busloads of Palm Beach County retirees.

"We extend our heartfelt apologies to the visitors who came to our city to peaceably voice their concerns, but who were met with closed fists instead of open arms," panel members wrote.

Thousands of law enforcement officers from more than 35 agencies descended on Miami for the three-day summit on the mistaken belief that the talks would attract 100,000 rock-throwing protesters, including scores of anarchists.

An estimated \$24 million was spent on security to quell anticipated violence in the wake of the chaotic trade talks in Seattle in 1999.

As Miami beefed up security, Boca Raton officials worried that protesters would scurry north to disrupt an annual GOP governors convention at the Boca Raton Resort and Club the weekend after the summit. They spent \$234,000 to secure the city against protesters who never came.

And while protesters did come to Miami, official estimates put the crowd at around 10,000 -- about a tenth of original estimates.

Those who attended the summit said the police presence was staggering.

Larry Winawer of West Palm Beach was among the estimated 290 arrested. A judge in mid-May threw out a charge of disobeying a lawful order, but Winawer said he has yet to recover from the experience.

"I'm still pretty ticked off by the whole thing," said Winawer, who was helping a group of retirees make their way back to a bus when he was corralled by police.

"I feel vindicated," he said.

But, he said, his faith in law enforcement was rocked and he still has numbness in his hands from nerve damage he suffered when he was handcuffed for 12 hours.

Robert Ross, a Lake Worth attorney who is representing Winawer and 20 others in a class-action suit against various city, county, state and federal officials, said videotape was the key to proving police went too far.

"There was a ton of video evidence -- excruciating evidence of police activity -- so a lot of the findings are inescapable," he said.

For instance, video of Winawer's arrest by the Broward County Sheriff's Office clearly showed officers had no reason to order a crowd of people to the ground, much less arrest them, Ross said.

The video shows that Winawer and others were following orders of Miami police when they turned down an alley and began walking along railroad tracks. When they turned, however, they were confronted by Broward deputies who ordered them to the ground.

"What are you doing? Why are you arresting us? We're trying to get back to our bus," one woman calls out on the video, Ross said.

Such video, he said, will be important to the class-action suit he has filed and others he and the American Civil Liberties Union plan to file.

Video footage also undoubtedly influenced members of the county's Independent Review Panel and will be key to the findings of another panel investigating police actions during the talks, he said.

The county panel oversees only the Miami-Dade Police Department. The Miami Civilian Investigative Panel is reviewing the actions of the Miami Police Department, which served as the lead law enforcement agency and was the subject of much criticism during the talks. The Miami panel has not completed its investigation.

While the county's report is only a draft, the head of the group that Miami-Dade County commissioners created in the wake of the 1979 Miami race riots said dramatic changes are unlikely.

"Do I think the majority of the findings and recommendations and the narrative will stay the same?" Executive Director Eduardo Diaz said. "Based on my discussions with the chairman, yes."

Thomas Guilfoyle, legal adviser to Miami-Dade police, said the county panel should take care to distinguish between actions of his department and those taken by the other agencies.

For instance, he said, Miami-Dade officers didn't fire rubber bullets.

"Didn't issue them, didn't use them," Guilfoyle said.

He also said the panel should clearly delineate between allegations and fact. "People said some pretty outrageous things," he said.

But, as Winawer and others said, officers also did some outrageous things -- many of which were unjustifiable.

Out of those who were arrested and took their cases to trial, only one has been convicted -- a homeless man who declined legal aid, Ross said. Another 16 who were charged with felonies agreed to do community service in exchange for their records being cleared. He said about 30 cases are pending.

Winawer, who is running as a Democrat for the Palm Beach County clerk of courts, said he is pursuing the class-action suit in hopes of preventing police misconduct.

Diaz said the panel also wants to ensure that Miami is never again turned into a police state.

"We're not in the business of castigating or punishment," he said. "What we are interested in is helping the police be as excellent as they can possibly be."

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