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Panels will look into allegations of abuse by police during FTAA protests in Miami

By Diana Marrero
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Miami -- Noel Cleland has lived in Miami-Dade County for 48 of his 51 years. He is well educated -- a biomedical engineer -- and engaged in the community as an active member of Coral Gables Congregational Church.

Until recently, the county's two civilian oversight panels -- known as the CIP and IRP -- were mere alphabet soup to him.

Then came last month's free trade talks in Miami, which attracted thousands of protesters and sparked an outcry among activists who say police mistreated peaceful demonstrators. Cleland, who attended the protests with his daughter on Nov. 20, says he witnessed police misconduct, which prompted him to learn about the panels and file complaints with them.

But Cleland is the exception among the protesters. Most are unaware of or distrust the boards, which plan to hold a joint public hearing Jan. 15 to address allegations of abuse by police during the Free Trade Area of the Americas meeting.

At a time when allegations of abuse against protesters abound, the panels will have to walk a fine line. Both panels were put in place to police the police but neither have any real power to enforce their proposals.

To be effective, the panels must be deemed independent and their investigations credible by police and government officials. The panels face an uphill battle: many of the protesters were from out of state and are now unavailable or unwilling to voice their objections to panel members.

One activist group has even suggested that protesters not submit official complaints with the oversight boards for fear their testimony might do more harm than good.

So far, only about two dozen people have filed grievances with the panels, although more than 200 were arrested, dozens hit by rubber bullets and many more pepper-sprayed.

Still, community leaders remain hopeful complaints will trickle in.

"What is needed is to get enough of these stories told and into public awareness so that people can begin to react to them as facts and not just dismiss them out of hand," said community activist Santiago Leon. "Every story that is reproduced, every observation that is recorded, is valuable."

Police say they will take the panels' findings seriously.

Though they have the same goals, the two boards couldn't be more different.

In existence for more than two decades, the county's Independent Review Panel was created following the Arthur McDuffie riots of 1980 after a jury acquitted five county police officers in the beating death of a black motorcyclist.

Often at odds with the powerful police union, the county panel is seen by critics as weak and ineffective. Countless efforts to strengthen the board have failed.

"It would be useful for us to have [subpoena powers] but I don't think it prevents us from doing our jobs," said Carol

Boersma, executive assistant to the IRP's director.

Boersma said the panel's power lies in its ability to make its suggestions public, which have given rise to change in the past.

By comparison, the city's newly created Civilian Investigative Panel holds more promise for activists, who say the group is arguably the most powerful of its kind in the nation.

With a \$674,000 budget and armed with the power to compel testimony, board members say they are ready to live up to the mission given them by voters fed up with questionable police shootings.

However different, neither board has the power to make their recommendations binding.

"We recognize that residents of Miami have fought to get those boards in place and we respect that, but at the same time, the boards have no enforcement ability to compel policy changes with the police," said Andrea Costello, an attorney with Miami Activist Defense, which advised protesters to check with an attorney before filing complaints with the panels.

Costello said her group has taken about 200 police misconduct reports and witness statements in preparation for civil action against the police departments -- a tactic she says better protects people's civil rights.

Many see the fledgling panel's investigation of the abuse claims as its first big test.

Some observers think the city's panel has a shot at engendering change, as long as members come up with reasonable recommendations.

"The true test is: Are they going to be rubber stamps of the system?" said Lida Rodriguez-Taseff, president of Greater Miami Chapter of the American Civil Liberties Union. "If the CIP fails, it will not be because of the structure, it will be because of the members."

At least one member, Peter Roulhac, came under fire for praising Miami Police Chief John Timoney at a Greater Miami Chamber of Commerce luncheon for the way he handled the anti-globalization protests.

At a recent meeting, panel members said Peter Roulhac, who is also president of the business organization, should remain on the panel.

Roulhac said at the meeting that he didn't intend to create controversy when he made the comments and thinks he can still be impartial and do a fair job as a panel member.

Cleland, who attended the protests because he thinks the trade agreement undermines democracy, remains optimistic the panels will give people like him a chance to tell their stories.

"I saw people who were doing absolutely nothing wrong being hit by the police," said Cleland, whose daughter was hit by a rubber bullet. "If you have a large number of people with a similar opinion and a lot of witnesses, it lends credibility to the idea that there might have been an improper use of force."

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