



Citizen Investigative Board (CIB) Staff and new Board Member Training Meeting was held at the Joe Celestine Center on December 19, 2022.

The purpose of the Meeting is to discuss removal of Board Chair, new officer nominations and elections, identifying and addressing challenges and opportunities, and preliminary discussion about formatting of the North Miami CIB By-Laws.

Note: The actual agenda and all backup materials for each City Council meeting can be found on the website at:

<https://www.northmiamifl.gov/AgendaCenter/Citizens-Investigative-Board-12>

CALL TO ORDER

Board Vice Chair Rabbi Jory Lang called the meeting to order at 6:10 PM.

ROLL CALL

Board Secretary Pierre Frantz Charles did roll call. A quorum was established with Gerard Kevin Seifried, Pierre Frantz Charles, Rabbi Jory Lang, and Rose Michelle Grand-Pierre.

Board member absent: Andre Pierre

Staff Members in attendance: Dr. Philip Harris, Executive Director (CIB), DeAndrea Watson, Administrative Assistant (CIB) and Aneisha Daniel, Assistant City Manager (City Administration).



ORDER OF BUSINESS

OFFICER NOMINATION AND ELECTION

BOARD SEAT SELECTION

CITIZENS INVESTIGATIVE BOARD MEMBERS OF NORTH MIAMI, FLORIDA,
AUTHORIZED FINAL APPROVAL FOR CIB BOARD CHAIR SEAT TO BE SELECTED
FOR APPOINTMENT BY BOARD.

Vice Chair Rabbi Jory Lang moved to nominate himself as Board Chair. Board Secretary Pierre Frantz Charles seconded the motion to approve. Motion carried without objection by unanimous consent.

Board voted; Passed 4-0.

BOARD SEAT SELECTION

CITIZENS INVESTIGATIVE BOARD MEMBERS OF NORTH MIAMI, FLORIDA,
AUTHORIZED FINAL APPROVAL FOR CIB BOARD VICE CHAIR SEAT TO BE
SELECTED FOR APPOINTMENT BY BOARD.

Board member Rose M. Grand-Pierre moved to nominate Kevin as Board Vice Chair. Board Chair Rabbi Jory Lang seconded the motion to approve. Motion carried without objection by unanimous consent.

Board voted; Passed 4-0

TRAINING PRESENTATION:

NACOLE SPEAKER CAMERON MCELLHINEY PROVIDES VIRTUAL TRAINING FOR
BOARD MEMBERS OF NORTH MIAMI, FLORIDA.

- Topic 1: Conducting Oversight in North Miami
- Topic 2: Minimum Training Standards
- Topic 3: Identifying and Addressing Challenges and Opportunities
- Topic 4: Building Legitimacy: Next Steps



UNFINISHED BUSINESS:

NACOLE SPEAKER CAMERON MCELLHINEY PROVIDES A CORRESPONDENCE MATERIAL FOR BOARD MEMBERS OF NORTH MIAMI, FLORIDA.

- Sample By-Laws from the City of Cedar Rapids Citizen Review Board was provided as a guide for establishing the CIB By-Laws.

NEXT STEPS:

CIB Outreach

- Board to observe City of Miami Civilian Investigative Panel (CIP) on January 17, 2023, City of Miami Hall 3500 Pan American Drive Miami, FL 33133 at 5:30 PM
- Establishment of the CIB By-Laws
- Review Ordinance No. 1455 related to CIB member terms

PUBLIC COMMENT:

None

GOOD OF THE ORDER:

Recommend to staff to proceed with a NACOLE organizational membership for the CIB members.

ADJOURNMENT

Board Vice Chair Kevin Seifried motioned to adjourn at 7:59 pm.

Civilian Oversight of Law Enforcement

A Training for the North Miami Citizens' Investigative Board
Module IV

December 19, 2022



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QUESTION FROM MODULE III?

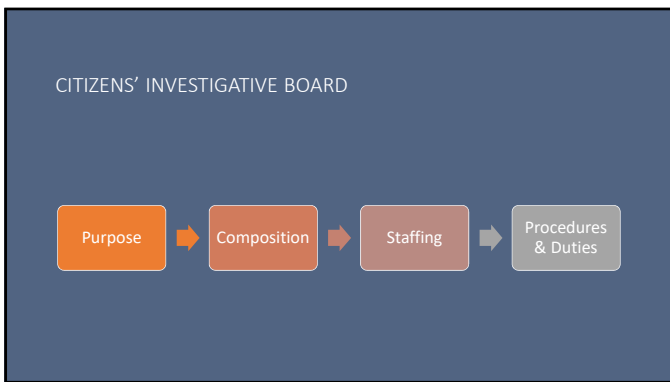
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TODAY'S AGENDA

- Conducting oversight in North Miami
- Minimum Training Standards
- Identifying and Addressing Challenges and Opportunities
- Identifying Next Steps

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CONDUCTING CIVILIAN OVERSIGHT IN NORTH MIAMI

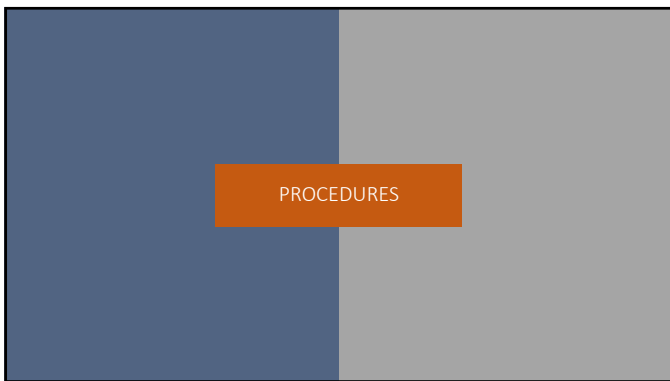


- ### PURPOSE
- Mechanism for external community fact-finding and dispute resolution
 - Monitor and review civilian complaints of police misconduct by members of the NMPD
 - Conduct independent investigations, dispute resolution proceedings, public hearing, and fact-findings concerning complaints filed by the public or the CIB
 - Carryout fair and timely evaluations, public hearings, and fact-findings concerning the review of law enforcement policies, procedures, practices, and patterns of behavior
 - Make written recommendations and reports to the Mayor and City Council

COMPOSITION & QUALIFICATIONS

- Composed of seven members reflecting the racial, ethnic, and cultural diversity of the City of North Miami selected by City Councilmembers, Mayor, and Chief of Police
- Qualified electors with a reputation for civic pride, integrity, responsibility, and demonstrated interest in public affairs and service
- Consideration should be given to specific groups
- No one with a felony conviction or any crime involving moral turpitude





PROCEDURES

DIRECTLY FILED CASES

- Allegations Allowed
- Filing
- Notification
- Timeframe

INVESTIGATION OR REVIEW OF CIB CASES

- Investigation of directly filed cases
- Police use of force involving death or great bodily harm
- Investigation and review of internal affairs closed cases
- Notice of commencement
- Time frames for investigations and review

OTHER CONSIDERATIONS

- Review of police policies, procedures, and practices
- Issuance of final reports
- Subpoena powers

RESULTS OF INVESTIGATION REVIEW

- Sustained
- Not Sustained
- Exonerated
- Unfounded
- Policy Failure

TRAINING FOR EFFECTIVE CIVILIAN OVERSIGHT

BOARD OR COMMISSION MEMBERS

-  POLICIES AND PROCEDURES OF THE LOCAL LAW ENFORCEMENT AGENCY
-  ESSENTIALS OF CIVILIAN OVERSIGHT
-  AUTHORITY AND RESPONSIBILITIES

STAFF



POLICIES AND PROCEDURES OF THE LOCAL LAW ENFORCEMENT AGENCY



ESSENTIALS OF CIVILIAN OVERSIGHT



AUTHORITY AND RESPONSIBILITIES ASSOCIATED WITH THE AGENCY



CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT

LAW ENFORCEMENT'S ROLE

Members of the overseen law enforcement agency should be included when developing training for civilian oversight staff and board or commission members.




Challenges and Opportunities

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Stepping Back: Why We Are Here

Sankofa: History from the Seminole and Miccosukee to Arch Creek to today



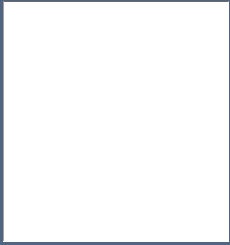
Reflections:

- Why was this board established?
- What does North Miami want?
- What will your legacy be?

Stepping Through: Challenges


Very high expectations
Fear of change
Community trauma
Skepticism from law enforcement
Lack of understanding of oversight and its role
Impartiality
Having legitimacy with "both sides"
Need for training
"Change can't wait"
Attempting to meet all the demands
Some stakeholders think others cannot be engaged

Stepping Up: Opportunities




Moment we're in/"Fierce Urgency of Now"
State law creates possibilities
Community trauma
Government support for oversight
Calls for reform/defunding/abolition
Centering those most impacted
Demonstrating legitimacy
Policy and procedures can be changed
Creating something sustainable
Defining the role, work, and outcomes
Engaging all stakeholders


Case Study: Building a Sustainable Commission



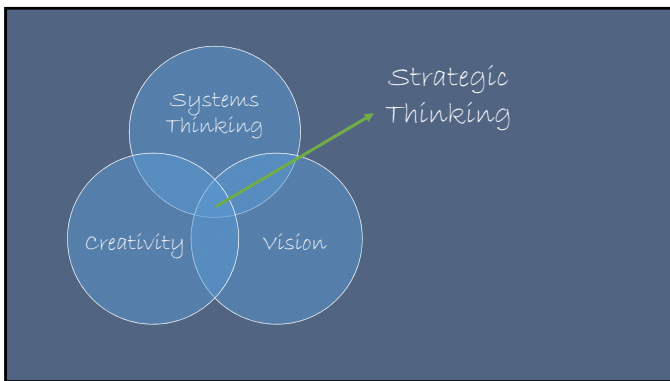
Results and looking forward:
What do you hope to see in 2025?



How will you set expectations and measure success?



How will you actively listen to and honor all voices, perspectives, and lived experiences?



Thinking Strategically

How can you build on opportunities, while addressing and understanding the challenges?

How will you build legitimacy with all stakeholders and goodwill for the future?

What are your priorities and what can go on the "back burner"?

How can you adapt to conditions in order to achieve your mission?



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"If you have come to help me you are wasting your time.

But if you have come because your liberation is bound up with mine, then let us work together."

Australian Aboriginal activists in Queensland, 1970s

Building Legitimacy: Next Steps

LEGITIMACY

What is **LEGITIMACY IN POLICING**?

The belief that...

- The police are trustworthy, honest, and concerned about the well being of the people they deal with.
- Police authority ought to be accepted.
- People should voluntarily accept police decisions and follow police directives.
- People should comply with the law and cooperate with the police.

LEGITIMACY

What is **LEGITIMACY IN OVERSIGHT**?

The belief that...

- The oversight agency is trustworthy, honest, and concerned about the well being of the people they deal with.
- Oversight and its authority ought to be accepted.
- People should accept oversight agency decisions and recommendations.
- They should comply with the law and cooperate with the oversight agency.

WHAT SHAPES LEGITIMACY?

The primary issue shaping people's views about legitimacy when dealing with the police is whether the police are exercising their authority in fair ways (**PROCEDURAL JUSTICE**).

- Quality of decision making: Are decisions made fairly, in a neutral, unbiased way?
- Quality of treatment: Are people treated fairly, in a respectful, courteous way?
- **PROCEDURAL JUSTICE IS OFTEN MORE IMPORTANT THAN THE LEGAL OUTCOME OF THOSE ENCOUNTERS AND EXPERIENCES.**

YOUR COMMITMENT TO LEGITIMACY IN
OVERSIGHT AND POLICING IN NORTH MIAMI



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City of Cedar Rapids Citizen Review Board By-Laws

Members of the Citizen Review Board are guided by Municipal Code Chapter 74 - Citizen Review Board and other supporting procedures.

Article I: Declaration of Purpose and Intent.

Section I: Purpose

The City of Cedar Rapids established the Cedar Rapids Citizen Review Board to be sufficiently independent for the following purposes:

1. To ensure fair and professional law enforcement that is constitutional, effective, and responsive to the standards, values, and needs of those to be served;
2. To ensure investigations into claims of inappropriate conduct by sworn police officers are conducted in a manner that is fair, thorough, and accurate;
3. To provide review of police investigations into citizen complaints;
4. To ensure accountability with respect to complaints of officer misconduct;
5. To ensure public safety accountability, bolster confidence in police, increase and improve public cooperation, and make our community safer for everyone;
6. To assist in identifying and analyzing trends in policing whose origins may be rooted in bias or other systematic phenomena, and upon discovery of these trends, to assist the City and Cedar Rapids Police Department (hereinafter referred to as the "CRPD") in developing solutions to ensure the fair and equitable treatment of citizens;
7. To increase citizens' understanding of law enforcement policies, procedures, and operations through additional transparency created through the complaint and investigations review process; and
8. To create an additional conduit for communication between the CRPD and the Cedar Rapids community through outreach to community and law enforcement.



Section II: Intent

The Cedar Rapids City Council intends that:

1. Internal accountability within the CRPD is a valid public purpose, and the CRPD should perform its own investigations into claims of inappropriate police conduct.
2. If a complaint is asserted against the Cedar Rapids Chief of Police the City Manager will investigate the claim and report to the CRB as the Chief would pursuant to Chapter 74, and to the City Council.
3. Findings of the CRB are intended to be used only as provided pursuant to Chapter 74.
4. The CRB may only review complaints about the conduct of police officers. The CRB is not intended to be a court of law, a tort claim process or other litigation process. No action of the CRB may be deemed to diminish or limit the right of any person to file a claim or a lawsuit against the city;
5. The CRB shall not interfere with or diminish the legal rights of sworn police officers, including those rights protected under the civil service laws, or any other state or federal law. Similarly, the CRB will respect the rights of privacy and freedom from defamation shared by complainants and witnesses, as well as those same rights enjoyed by police officers under the law; and
6. Complaints will be investigated in a fair, thorough, and accurate manner. Investigations will follow procedures outlined in the CRPD's Department Directives, as well as applicable state and federal law.

Article II. Board Structure and Training Requirements

Section I: Membership

CRB will consist of nine (9) voting members appointed by the Mayor with input from and the approval of the City Council. Members of the CRB will serve without compensation, and be chosen to broadly represent the diversity of the City by way of, including but not limited to, cultural, gender, and geographic diversity.

1. Voting members will be selected in conformance with the following:



- a. The overall membership of the CRB will include a minimum of five (5) voting members who identify as people of color.
- b. The Mayor shall appoint members of the CRB, with advice and consent from the City Council, according to the following, some combination of which will also conform to the composition standard in section 74.02(A)(1)(a):
 - i. Three (3) voting members will be selected from applications submitted by the general public;
 - ii. One (1) voting member will be an attorney licensed to practice law in the state of Iowa, although this member may not serve as legal counsel for the CRB;
 - iii. Three (3) voting members will be selected from applications submitted by individuals who are employed by, or active volunteers in a group with a designation pursuant to Iowa Code Section 501(c)(3) (2020) , and that is focused on advocacy of, and racial justice for, underrepresented citizens of Cedar Rapids, with a limit of one (1) member per organization; and
 - iv. Two (2) voting members will be appointed by the Mayor from nominees who are employed by, or are active volunteers in a service provider or company that works with underrepresented segments of the population in the areas of mental health, physical health, homelessness, food insecurity, or similar social issues.
2. Refer to 74.02 (2) for additional minimum qualifications for voting members of the CRB.

Section II: Police Officer Liaisons to the Board

1. Two (2) police officers will be appointed to serve by the Chief as liaisons to the CRB, ensuring at least one (1) of the officers will be available to attend all meetings with only one (1) officer in attendance in closed sessions, at the discretion of the CRB to serve as a resource. Police officer liaisons will serve as a technical resource and subject matter experts at the discretion of the CRB and serve as a communication conduit between the CRPD and the CRB. The police officers appointed by the Chief shall serve a two-year term ending on June 30 in even-numbered years. Refer to 74.02(3)(C) for a complete list of qualifications.



Section III: Terms of Membership

1. The term of office of each member of the CRB will be 3 years. A member chosen to fill a vacancy otherwise than by expiration of a term will be appointed for the unexpired term of the member whom the new member is to succeed. A member is eligible for reappointment, but may not serve more than 2 consecutive 3-year terms.
2. Members who miss 3 consecutive meetings or 4 meetings within 12 months will be considered to have resigned and a vacancy created.
3. If a member is unable to complete that member's term for any reason, or is unable to complete the required training established in 74.02(B) of the ordinance outlined below in Section VII, the Mayor shall appoint, with input from and the approval of the City Council, a new member to complete the term. Such new member may then be eligible to be reappointed for no more than one (1) additional full consecutive term, if the member has served eighteen (18) months or more of the original term, and no more than two (2) additional full consecutive terms, if the member has served less than eighteen (18) months of the original term.

Section IV: Offices, Duties, and Terms of Office

1. The CRB will annually elect a Chairperson and a Vice-Chairperson from among its members.
2. The Chairperson may serve for no more than 2 consecutive 12-month periods. The Vice-Chairperson may serve for no more than 2 consecutive 12-month periods.
3. The election of officers will be held at the first regularly scheduled meeting after the first of the year.
4. The Chair shall preside at all meetings, call meetings, assign duties to members, appoint subcommittees, establish the agenda for meetings in consultation with staff, and act as a liaison to the City Council.
5. The Vice Chair shall, during the absence of the Chair, have and exercise all of the duties and powers of the Chair.
6. In the event of a vacancy in the office of Chair, the Vice Chair shall automatically assume the office of Chair for the remainder of the unexpired term. In the event that a vacancy in the office of Vice Chair, a new Vice Chair shall be elected at the next meeting of the Citizen Review Board to serve the remainder of the unexpired term.



7. In the event that all officers expect to be absent from a Citizen Review Board meeting, the Chair shall appoint another member to serve as Chair pro tern. In the event no Chair pro tern was appointed, the members present shall elect one of their attending members to chair the meeting.

Section V: Subcommittees and Task Forces

1. The CRB may create subcommittees by resolution to perform specific tasks in furtherance of the duties assigned by the City Council or as necessary to address administrative and procedural matters. Members of the subcommittees shall be current members of the CRB and be appointed by the Chair.
2. At the request of the City Council, the Chair shall appoint CRB members to serve on joint task forces with representatives of other organizations.
3. Committees and subcommittees are not authorized to speak for the Board on any policy matters or on matters beyond the scope of the specified subjects assigned to the committee or subcommittee. Upon the completion of an assigned task, the committee or subcommittee shall report to the Board.
4. Statements regarding the committee or sub-committee issued for the information of the public shall be issued through the Board.

Section VI: Meetings

1. Meetings shall be scheduled as necessary to accomplish the tasks assigned to the CRB by these bylaws. Special meetings may be called by the Chair or the City of Cedar Rapids.
2. An agenda shall be prepared for each meeting by the staff. At the conclusion of each meeting, the Chair shall entertain suggestions from the membership for the next meeting's agenda.
3. A majority of the CRB members shall constitute a quorum for the transaction of business. Vacant positions shall not be counted in determining the quorum requirement. Affirmative votes by a majority of the members present and voting at any meeting at which a quorum exists shall be necessary to adopt any measure.
4. Minutes shall be kept of all meetings.



Section VII: Training Requirements for Board Members

As a requirement for service, before they may be eligible for appointment, voting members of the CRB must agree to complete the following training:

1. Complete a training course that is a minimum of, but not limited to, thirty (30) hours with a curriculum as determined by the Chief to be completed within six (6) months of appointment;
2. In addition, each voting member must receive an additional ten (10) hours of training per year with a curriculum as determined by the Chief; and
3. Each voting member must accompany an on-duty police officer employed by the CRPD for a minimum of sixteen (16) hours per year and for a minimum of four (4) hours per occasion.

Article III. General Powers and Duties.

Section 1: Powers and Duties

The CRB will have the following powers and duties to:

1. Require, receive and review quarterly reports from the Chief, including data such as traffic stops and arrests with breakdowns of the attending demographic information by race and ethnicity;
2. Review police data to identify areas for improvement and create a baseline for each area and keep track of progress;
3. Appoint a member of the CRB to serve on any Police Chief Candidate selection committee, and appoint additional members of the CRB, as needed, to provide 20% representation on the committee;
4. Oversee a monitoring system for tracking of complaints lodged against sworn police officers with either the CRB, the CRPD, or the City Clerk to give the City Council sufficient information to assess the overall performance of the CRPD in these matters and to assess the performance of the CRB in the fulfillment of its duties;
5. Develop, implement, and from time to time amend as necessary, a program of community outreach aimed at soliciting public input from the broadest segment of the community in terms of geography, culture, ethnicity, and socio-economics. The CRB will report its community



outreach efforts to the City Council on an annual basis. As a part of this program, the CRB must hold at least one community forum each year for the purpose of hearing views on the policies, practices, and procedures of the CRPD, review police practices, procedures, and written policies as those practices and procedures relate to the CRPD's performance as a whole, and report its recommendations, if any, to the City Council, City Manager and Police Chief; and

6. Engage in a long-term planning process through which it identifies major problems or trends, evaluates the efficacy of existing law enforcement practices in dealing with the same, and establishes a program of resulting policy suggestions and studies each year. The CRB will review and analyze policy, analysis studies, and trend data collected or developed by the CRPD, and by majority vote, recommend policies relating to training programs and procedures or other matters related to the CRPD. The CRB's policy recommendations will be submitted to the Chief and to the City Council. The Chief will respond in writing within 45 days to any such policy recommendations by the CRB, and indicate whether they will be followed through Department Directives or should be adopted as policy by the City Council or explain any reasons why such policy recommendations will not be followed or should not be adopted.

Refer to 74.04 and CRB procedures for guidance on citizen complaints of alleged police misconduct.

Section 2: Expectations

Board members shall adhere to the following expectations:

1. Attendance. Members shall make every effort to attend, whether in person or virtually, all meetings of the Board and meetings of Board committees on which they serve.
2. Participation. Members shall review all materials provided at or in advance of meetings of the Board and its committees. Each member shall sufficiently familiarize themselves with the business of the Board in order to facilitate active and effective participation in the deliberations of the Board and of each subcommittee on which they serve.
3. Commitment. Members shall demonstrate an interest in the purposes and activities of the Board and must be willing to donate their time and support in furtherance of the Board and its purposes and activities.
4. Responsiveness. Members shall respond to requests for information or input in a timely manner.



5. Training. Members shall complete their required training outlined within Chapter 74.
6. Conflicts of Interest. The Board members are subject to C.R.M.C. Article VI, Section 6.01- Conflicts of Interest. If a member has an actual or potential conflict of interest, the member shall promptly inform the Chair of the Board (or, if the Chairperson of the Board has the conflict, then the Vice-Chair). Members shall recuse themselves from any discussion or decision by the Board or a Board committee that involves or affects their personal, business, or professional interests.
7. Confidentiality. Closed session proceedings of the Board are confidential. Each member shall maintain the confidentiality of information received in connection with their service as a member in accordance with the provisions of Iowa Code 21.5 – Closed session.

Article IV. Amendments

These Bylaws may be amended at any meeting of the Board by vote as set forth in Article 2, Section 6, provided that written notice of such amendments shall have been given at least five days prior to such meeting and the amendments are not inconsistent with the City Charter, Cedar Rapids Municipal Code, Iowa State Code, or other governing law.