

February 12, 2018

Hon. Carlos A. Gimenez  
Mayor, Miami-Dade County  
**Office of the Mayor**  
Stephen P. Clark Center  
111 N.W. 1st Street, 29th Floor  
Miami, Florida 33128

Dear Mayor Gimenez,

We write, on behalf of the American Civil Liberties Union of Florida and the organization's Greater Miami Chapter, to echo the sentiments of the NAACP and other of our coalition partners to express support for the Board of County Commissioners' decision to approve the revisions and funding for the Independent Community Panel (ICP).



However, we are gravely concerned about your statements that indicate your intent to veto these changes.

The ACLU of Florida has worked for more than 50 years to ensure that the Constitution is applied equally to all the citizens of Florida. In that regard, we have worked extensively with cities and police departments to help ensure that racial and ethnic disparities are addressed –and curbed.

In an environment where there is more focus than ever on police-community tensions, especially those deriving from the excessive use of force and deadly shootings by police officers, it is critical that our community has an impartial civilian body to review an officer's actions and what if any further action may be needed — for the officer as well as the department involved.

The ICP, as was the case with the previous Independent Review Panel, will be charged with reviewing allegations of police misconduct, the overwhelming majority of which in the past have dealt with complaints about discourtesy or improper procedure. And, as was the case with the predecessor panel, it will also be charged with reviewing complaints involving all employees of all County agencies.

Some independent civilian agency is necessary to fulfill this role in our community.

As we understand your recent comments, you are considering a veto based on the belief that the use of officer-worn body cameras obviates the need for the ICP. <sup>1</sup>

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<sup>1</sup> "Are body cameras enough scrutiny? County may revive civilian review board," Miami Herald, February 7, 2018; quoting Mayor Gimenez; "There was a time for an independent review panel when there were all sorts of questions about who did what," he (Mayor Gimenez) said. "but with the advent of body cameras, what actually happened is much clearer now."

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While the use of body cameras is an important first step in reducing police misconduct and even violent encounters between police and individuals, it is certainly not a “cure all.” Body-worn cameras cannot tell the full story; the video from an officer-worn camera shows only certain angles, may not have captured the moments leading up to the encounter, and, most importantly, needs to have been activated in advance. The ICP is needed to make judgements on what the video shows – and piece together what the camera may not show. This will add a layer of transparency as well as trust to the process, which is often sorely lacking in police misconduct cases, especially those involving allegations of excessive use of force.

Recall that the ICP’s predecessor, the Independent Review Panel, was formed in the aftermath of the McDuffie riots of the 1980’s. The civilian-based IRP was created, in part, to help ensure that the people of Miami-Dade have an independent body that will fairly review their complaints of misconduct, whether by police or any County employee.



As designed by the Commission, the ICP will consist of individuals who reside in our community – a group to whom the people can bring their concerns and have confidence that the complaints will be fairly reviewed. The work of an independent civilian body will help ensure confidence of the people of Miami-Dade County in their police department and in all county employees.

We strongly support the revival of the ICP, and request that you do the same.

Sincerely,

A handwritten signature in black ink that reads "Howard Simon". The signature is written in a cursive style.

Howard Simon  
Executive Director  
American Civil Liberties Union of Florida

A handwritten signature in black ink that reads "Christopher Brochyus". The signature is written in a cursive style.

Christopher Brochyus  
President, Miami-Dade Chapter