

City of Miami, Florida



TOMAS P. REGALADO
MAYOR

3600 PAN AMERICAN DRIVE
MIAMI, FLORIDA 33133
(305) 250-5300
FAX (305) 854-4001

August 2, 2011

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Holder,

I am writing to request that the Department of Justice ("DOJ") assist the City of Miami by conducting a thorough and independent investigation into the policies, practices and procedures of the Miami Police Department ("MPD").

Pursuant to federal law, the DOJ holds the authority to seek declaratory or equitable relief to remedy patterns or practices of conduct by law enforcement officers that deprive individuals of rights, privileges, or immunities secured by the Constitution or laws of the United States. See Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141; the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d; and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

I ask that under the above authority, the DOJ review the policies and practices of the MPD regarding the use of force and the procedures for subsequent investigations following such incidents in which the use of force, including the use of deadly force, have taken place.

Since April 2010, there have been nine MPD involved shootings of ten African-American men, seven of which were fatal. Thus far, Miami residents have looked towards local mechanisms to redress individual grievances. However, through community organizations such as the ACLU of Florida, the Miami-Dade chapter of the NAACP, People United to Lead the Struggle for Equality, Brothers of the Same Mind, the Spanish American League Against Discrimination and Neighbors and Neighbors Association, Miami residents have expressed their growing concern that the MPD has responded inadequately to incidences involving the use of deadly force. Furthermore, that the pattern of fatal incidences and the apparent lack of a response from the MPD requires an objective external investigation. As you know, U.S. Congresswoman Fredrica S. Wilson has also requested a DOJ investigation into the MPD's policies, practices and procedures regarding the use of deadly force and the subsequent mandatory investigations following such incidents.

The federal government has the resources, expertise and independence to assist the City of Miami in improving the MPD. In 2002, Mayor Manuel Diaz and Chief Raul Martinez requested an investigation of the MPD's policies, procedures, and practices by the Justice Department's Civil Rights Division. After extensive fact-gathering, the DOJ identified areas of concern within the MPD, including inconsistent standard operating procedures on the use of force, insufficient firearms training and underreporting of drawn firearms. Other cities, including Mayor Landrieu of New Orleans, have also looked to the DOJ to assist with the complete transformation of the New Orleans Police Department. The external review of the MPD would bring in DOJ resources and expertise to diagnose systematic problems within the MPD and provide the Department with technical assistance in addressing these issues.



Effective law enforcement depends upon the cooperation between the police and the community. In light of the growing concern in the community regarding police practices and police accountability, I have concluded that an external investigation by the DOJ would provide the resources, expertise and independence to begin to transform the Department and assuage police-community tensions.

Sincerely,

A handwritten signature in cursive script that reads "Tomas Regalado".

Tomas Regalado
Mayor