

FORT LAUDERDALE CITIZENS REVIEW BOARD MINUTES
Fort Lauderdale Police Department
City Hall - 8th Floor Cafeteria
100 N. Andrews Avenue
Fort Lauderdale, Florida
March 14, 2005 - 7:00 P.M.

1/05 - 12/05
Cumulative Attendance
(Including Special Meetings)

Board Members	Present/Absent	P	A
Steven Muffler, Chair	P	3	0
Roosevelt Walters, Vice Chair	P	3	0
Fenel Antoine	P	3	0
Arnold Cooper	P	3	0
Ted Fling	P	3	0
Sergeant Jan Jordan	P	3	0
Officer Thor Lockhart	P	3	0
Linda Shallenberger	P	2	1
Capt. Kevin Sheehan	P	3	0

Staff

Captain Robert Lamberti, Internal Affairs
Sgt. Victor London, Internal Affairs
Sgt. Bill Lauginiger, Internal Affairs
Lisa Edmondson, Recording Secretary

Guests

Adem Adolf Albra
Leslie Seindy

A. Roll Call

Chair Muffler called the meeting to order at 7:10 p.m.

B. Approve Minutes from February 14, 2005

Mr. Fling once again expressed concern regarding unapproved minutes being provided to the City Commission.

Officer Waters' name was moved from the staff to guest list, Officer Kermit Bougher was added as a guest, and Commissioner Hutchinson was listed in attendance. On page 5, Officer Bougher's name was added as being introduced by Chair Muffler.

Motion made by Vice Chair Walters, seconded by Captain Sheehan, that the minutes of the February 14, 2005 meeting be approved with the requested changes. In a voice vote, the motion passed unanimously.

C. General Information – none.

D. Discussion

A memo dated December 15, 2004 to City Attorney Harry Stewart from Police Legal Advisor Jeffrey Hochman (Attachment 1 hereto) was provided to the Board, outlining his comments on the Board's proposals to rename the Board and compel attendance of officers at meetings.

1) Citizen Review Board proposed name change

Chair Muffler stated he would be presenting the Board's proposed name change, "Citizens Police Review Board," to the City Commission at their next meeting for approval.

2) Modification of City Code to require Police Officers to attend Board meetings concerning investigations that involve sustained findings only

Chair Muffler stated that he did not agree with Mr. Hochman's legal conclusions, however, he suggested that this matter be tabled until new Board appointments are made next year.

Motion made by Ms. Shallenberger to dispense with this issue and remove it from the Agenda, seconded by Vice Chair Walters. In a roll call vote as follows, the motion failed 4-5: Ms. Shallenberger, yes; Mr. Antoine, no; Mr. Cooper, no; Capt. Sheehan, yes; Vice Chair Walter, no; Officer Lockhart, yes; Sgt. Jordan, yes; Mr. Fling, no; Chair Muffler, no.

Motion made by Vice Chair Walters to table this matter for at least six months, seconded by Capt. Sheehan. In a roll call vote as follows, the motion passed 7-2: Ms. Shallenberger, yes; Mr. Antoine, yes; Mr. Cooper, no; Capt. Sheehan, yes; Vice Chair Walter, yes; Officer Lockhart, yes; Sgt. Jordan, yes; Mr. Fling, no; Chair Muffler, yes.

3) Televised Board meetings

Captain Lamberti stated that the Police Department has no objection to televising the meetings.

Mr. Fling provided a memo to the Board outlining responsibilities for televising meetings per his discussions with the City Clerk. He added that although the City Clerk indicated the Board Liaison should set up the video equipment, he felt it should be the Clerk's responsibility. Ms. Edmondson, the recording clerk, indicated she would contact Ms. Joseph to request that she be permitted to handle the audio and videotaping of the meetings.

There was then discussion regarding the availability of the 8th Floor conference room and Commissioner Hutchinson's "community" meetings, which for the previous two months had required that the Board hold their meetings in the cafeteria, and that this would be a problem at future Board meetings if they were to be televised. It was decided that the Clerk and/or City Manager's office would be contacted to discuss this matter further.

Motion made by Ms. Shallenberger to defer this matter until the next meeting, seconded by Capt. Sheehan. In a voice vote, the motion passed unanimously.

Mr. Fling mentioned a statement made by Captain Sheehan at the last meeting which seemed to clarify a matter being "not sustained"; however, Chair Muffler pointed out that in lieu of a witness hearing testimony, there could be pictures or other pertinent facts affecting the outcome.

Mr. Fling asked if Mr. Gretsas had yet responded to their recommendation regarding Quintin Waters and was advised that no reply had yet been received.

There was then discussion regarding correspondence from the Board being placed on City Manager letterhead. Mr. Fling felt this was improper as, although the Board makes recommendations to the City Manager, they are not directly accountable to him. Ms. Shallenberger suggested that the City Manager be pressed for an answer regarding Officer Waters; Chair Muffler agreed to give Mr. Gretsas a call.

E. Review the following Internal Affairs investigations:

1. Complainant: Bruce G. Roberts, Chief (I.A. 04-224)
Allegation: Use of Deadly Force
Officer: Steven Bellerose
Disposition: Exonerated

Chair Muffler announced that the officer involved in this case was not present.

Motion made by Mr. Fling, seconded by Ms. Shallenberger, to uphold the findings of Internal Affairs. In a voice vote, the motion passed unanimously.

2. Complainant: Bruce G. Roberts, Chief (I.A. 04-162)
Allegations: 1) Conduct Unbecoming a Police Officer
2) Conduct Prejudicial disruptive to the good order of the Department
3) Failure to answer questions of a superior officer or an investigator assigned to the Office of Internal Affairs concerning Departmental administration matters or conduct relating to the performance of official duties
Officer: John Gonzalez
Disposition: All Charges – Sustained

Motion made by Vice Chair Walters, seconded by Capt. Sheehan, to uphold the findings of Internal Affairs. In a voice vote, the motion passed unanimously.

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Ms. Shallenberger expressed concern that Mr. Gonzalez would be permitted to carry a firearm as a private citizen.

Mr. Adem Albra addressed the Board apprising them of an incident he had previously attempted to report to the Police Department, the report not being taken for approximately two months, and his unsuccessful attempts to refer his concerns to Internal Affairs for review.

Chair Muffler advised Mr. Albra that the Board had no jurisdiction to handle his complaints; however, Captain Lamberti directed Mr. Albra to Sgt. London and Sgt. Lauginiger for further discussion and review of his allegations.

There being no further business before this Board, the meeting was adjourned at 8:10 p.m.