

FORT LAUDERDALE CITIZENS REVIEW BOARD MINUTES
Ft. Lauderdale Police Department
City Hall - 8th Floor Conference Room
100 N. Andrews Avenue
Fort Lauderdale, Florida
April 11, 2005 - 7:00 P.M.

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

Board Members	Present/Absent	P	A
Steven Muffler, Chair	P	4	0
Roosevelt Walters, Vice Chair	P	4	0
Fenel Antoine	P	4	0
Arnold Cooper	P	4	0
Ted Fling	P	4	0
Sergeant Jan Jordan	P	4	0
Officer Thor Lockhart	P	4	0
Linda Shallenberger	P	3	1
Capt. Kevin Sheehan	P	4	0

Staff

Sgt. John Dale, Acting Captain
Sgt. Victor London, Internal Affairs
Sgt. Bill Lauginiger, Internal Affairs
Lisa Edmondson, Recording Secretary

Guests

Dr. Rosalind Osgood
Robert Winston
Melody Lilliston
Bill French
Brad Friedkin, Channel 7 News

A. Roll Call

Chair Muffler called the meeting to order at 7:00 p.m.

B. Approve Minutes from March 14, 2005

***Motion** made by Mr. Fling, seconded by Ms. Shallenberger, that the minutes of the March 14, 2005 meeting be approved. In a voice vote, the motion passed unanimously.*

C. General Information

It was noted that the Board's agenda is now posted on the City's internet site.

A letter dated 4/4/05 from the City Manager was provided to the Board in response to their findings regarding Quintin Waters, with the City Manager concurring with the Board. The original will be placed in the Officer's file.

Mr. Fling inquired regarding the Robert Scott Hoffman matter which had been pulled from their agenda. Sgt. Dale advised that the case had been reopened by Mr. Bates in the City's Office of Professional Standards. Chair Muffler advised that until disciplinary action is determined the timetable for presentation to the Board does not begin.

Capt. Sheehan, in response to Mr. Fling's inquiry, advised that the Stevens Gelu matter regarding the 11/05/04 aggravated assault was pending.

D. Discussion

1) Televised Board meetings

Mr. Fling indicated it was his understanding from a discussion with the City Attorney's office that there may be a City ordinance limiting the number of televised meetings. There was also concern that the Board Members, as well as the police officers being investigated, may be more easily identifiable.

2) Review of draft of Board stationery

Sgt. Dale provided a sample of stationery for the Board's use prepared by Ms. Tylock. Kudos were given to Ms. Tylock by the Board Members for her effort and computer skills.

Motion made by Ms. Shallenberger, seconded by Capt. Sheehan, to adopt the letterhead, reflecting the proposed name change for the Board. In a voice vote, the motion passed unanimously.

E. Review the following Internal Affairs investigations:

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| 1. | Complainant: | Gean William Boyle (I.A.#04-074) |
| | Allegation: | Excessive use of force |
| | Officer: | Michael P. Smith |
| | Disposition: | Exonerated |
| | Allegations: | 1) Failure to know a law or ordinance
2) Failure to conduct a complete or proper police investigation
3) Unnecessary use of force |
| | Officer: | William Lilliston |
| | Disposition: | Allegations 1 and 2 – Sustained
Allegation 3 – Not Sustained |

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

Mr. Fling inquired regarding the disposition of any criminal charges filed against Gean Boyle. Capt. Sheehan stated it was his belief that Mr. Boyle has filed an intent to sue the City.

Ms. Shallenberger questioned the actions Officer Lilliston should have taken and was advised by Capt. Sheehan that he simply should not have entered the residence, pointing out that officers cannot violate the law to resolve a complaint and "make people happy."

Sgt. Dale summarized prior complaints and their disposition against Officer Lilliston.

Motion made by Mr. Walters, seconded by Capt. Sheehan, to uphold the findings of Internal Affairs. In a roll call vote, the motion passed unanimously.

2.	Complainant:	Bruce G. Roberts, Chief (I.A. #04-171)
	Allegations:	1) Unsatisfactory Performance 2) Conduct prejudicial
	Officer:	William Lilliston
	Disposition:	Both allegations – Sustained

Mr. Fling questioned if Officer Lilliston was radar certified and was advised by Capt. Sheehan that he presumed so. He also asked who would be responsible for the \$500 charge to change the hospital code. Capt. Sheehan indicated that was unknown as the Officer could not be forced to pay.

Capt. Sheehan pointed out that Officer Lilliston had used very poor judgment and was fortunate to get only a 16-day disciplinary action. The officer is currently back on patrol. Mr. Fling questioned the mental capacity of Officer Lilliston with Ms. Shallenberger agreeing that perhaps he should not have public contact due to his previous actions.

Thereupon, public hearing was opened and closed, as there was no one wishing to speak.

Motion made by Capt. Sheehan, seconded by Ms. Shallenberger, to uphold the findings and disciplinary recommendations of Internal Affairs, adding that the Board "strongly agrees the Officer's actions were reprehensible." In a roll call vote, the motion passed unanimously.

[A brief recess was taken from 8:00 to 8:10 p.m.]

3.	Complainant:	Bruce G. Roberts, Chief (I.A. #04-061)
	Allegations:	1) Corrupt practices prohibited: Receiving or retaining for personal use any property or evidence which has been discovered, gathered, or received in connection with a Departmental function 2) Conduct unbecoming 3) Conduct prejudicial 4) Untruthfulness
	Officer:	Robert Winston
	Disposition:	Allegations 1-2-3-4 - Sustained

Chair Muffler announced this case, indicating that Mr. Winston was in attendance.

Mr. Winston addressed the Board summarizing the circumstances surrounding the allegations. He alleged that he had been denied due process, had been threatened with criminal prosecution against his wife if he didn't resign, and was given no guidelines or SOP policies or procedures in writing. He admitted he made a mistake, however, he had not been provided with proper counsel or made aware of his rights, and had also been denied access to documentation. He added that charges of grand theft and dealing in stolen property had never been filed against him.

Each member of the Board in turn asked Mr. Winston questions regarding:

- Legal counsel, inadequate representation
- The circumstances of being forced to resign and give up his certification
- Not being shown documents pertaining to the case
- Resigning being contingent upon no charges being filed against his wife
- Contact with IA to request documents
- Submission of a voluntary statement
- Use of the firearms as "credit"
- Waiting period for purchase of firearms
- His wife's illegal possession of the firearm

Capt. Sheehan further questioned Mr. Winston regarding his pawning of the firearm, necessary forms and procedures, the action he took when he became aware of the pawn, and the \$300 which remains unaccounted for. He further inquired whether Mr. Winston felt there had been a conspiracy to deny him his rights, if he disagreed with the charges, the untruthfulness of his statements, Department policy regarding pawning of weapons, and appropriation of the funds received.

Motion made by Mr. Fling, seconded by Mr. Walters, to uphold the findings of Internal Affairs. In a roll call vote, the motion passed unanimously.

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| 4. | Complainant: | Bruce G. Roberts, (CCF #05-005) |
| | Allegation: | 1) Failure to be present for duty as scheduled
2) Disrespect to a superior officer by overt actions |
| | Officer: | Detective Jeffrey Brull |
| | Disposition: | Both charges - Sustained |

Mr. Fling questioned why no attempts had been made by Detective Brull to contact the PD; Mr. Walters pointed out that the Detective had advised he had been given no "specific instructions" in that regard.

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

There being no further business before this Board, the meeting was adjourned at 9:25 p.m.