

FORT LAUDERDALE CITIZENS REVIEW BOARD MINUTES
Ft. Lauderdale Police Department
City Hall - 8th Floor Conference Room
100 N. Andrews Avenue
Fort Lauderdale, Florida
May 9, 2005 - 7:00 P.M.

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

Board Members	Present/Absent	P	A
Steven Muffler, Chair	P	5	0
Roosevelt Walters, Vice Chair	P	5	0
Fenel Antoine	A	4	1
Arnold Cooper	A	4	1
Ted Fling	P	5	0
Sergeant Jan Jordan	A	4	1
Officer Thor Lockhart	P	5	0
Linda Shallenberger	P	4	1
Capt. Kevin Sheehan	P	5	0

Staff

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

Guests

Pat Mayers

A. Roll Call

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

B. Approve Minutes from April 11, 2005

Mr. Fling asked that the minutes reflect the specific complaint he was referring to regarding Stevens Gelu.

Motion made by Vice Chair Walters, seconded by Capt. Sheehan, to approve the minutes of the April 11, 2005 meeting with the requested change. In a voice vote, the motion passed unanimously.

C. General Information

Chair Muffler advised that he was in the process of submitting the Board's name change before the City Commission.

D. Discussion

1) Televised Board meetings

This matter is still pending. Capt. Sheehan mentioned the possibility that officers would not show up if the meetings were televised.

Mr. Fling brought up the Robert Scott Hoffman matter which had been pulled from their agenda and was now being handled by Mr. Bates in the City's Office of Professional Standards, indicating that he had spoken to four Commissioners regarding the delay in resolution of the case and that each had been "appalled" at the circumstances. Mr. Fling inquired as to why Mr. Bates was "auditing the auditors." He also reported that during a conversation with Mr. Bates he was informed that this was now a Title VII matter and further that it had been delayed due to Mr. Bates inability to obtain relevant information to date.

Mr. Fling also questioned Mr. Bates' official position with the City in regard to his handling of IA matters. Mr. Fling felt that the Hoffman case should be disposed of, there is no provision for the Board to report to the Office of Professional Standards, and Officer Hoffman had a right to expeditious resolution of the complaint against him.

Chair Muffler agreed this case had gone on too long, however, he added that the City Manager had created Mr. Bates' position and had the ability to run the City the way he deemed best.

Ms. Shallenberger suggested a letter be sent to the City Manager addressing their concerns.

Capt. Sheehan questioned how they could discipline the Officer after such a long period of time had passed since the offense.

Motion made by Ms. Shallenberger, seconded by Vice Chair Walters, for Chair Muffler to write a letter to City Manager Gretsas addressing the case of Robert Scott Hoffman IA 03-196, and requesting it be brought to a conclusion. In a voice vote, the motion passed unanimously.

E. Review the following Internal Affairs investigations:

- | | | |
|----|--------------|------------------------------|
| 1. | Complainant: | Timothy Morick (I.A.#04-118) |
| | Allegation: | Unsatisfactory Performance |
| | Officer: | Keith Kowalski |
| | Disposition: | Sustained |

Chair Muffler announced this case, pointing out that a stipulation had already been agreed to and signed by the Officer and the City, questioning what the Board's purpose is in hearing this matter when it has already been brought to a conclusion. Vice Chair Walters agreed it should not have been presented to the Board under the circumstances.

Chair Muffler added that he felt the stipulation was in violation of City Code as the Board should have considered this matter and provided their recommendations prior to the signing of the stipulation. It was his suggestion that language be added to the stipulation indicating that its execution be contingent upon the City Manager receiving his recommendations from the Board first. Mr. Fling questioned why there had been a "rush to judgment" and was advised by Vice

Chair Walters that it seemed logical with such a favorable outcome that the Officer's counsel would be anxious to get an agreement signed quickly.

Chair Muffler indicated that, based upon IA findings in their report, continuing to employ Officer Kowalski opens the potential for a lawsuit against the City including the possibility of punitive damages.

Ms. Shallenberger pointed out that this was an example of "egregious violation of basic responsibilities of a police officer." Capt. Sheehan agreed the Officer should have been fired considering the circumstances of this complaint and his history.

Pat Mayers, former Board Chair, indicated she remembered complaints against this Officer while she was on the Board and stated she was appalled that he had not been fired, as the Board's previous recommendations had been to terminate Officer Kowalski should another complaint against him be brought before the Board. She added that he is "incompetent and a danger to society."

Chair Muffler questioned whether the Assistant City Manager had adequately been apprised of this Officer's history prior to signing the stipulation. There was also the question of why the agreement had not been also executed by Chief Roberts.

In response to suggestions that, at the very least, Officer Kowalski be placed on administrative duties and taken off the streets, Capt. Sheehan felt the only alternative would have been to fire him as it would not be prudent to be paying an officer \$60,000+ to "sit behind a desk."

Sgt. Dale advised the Board of the Officer's disciplinary history.

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

Motion made by Ms. Shallenberger, seconded by Capt. Sheehan, to recommend termination of Officer Kowalski, and to further send a letter to City Manager Gretsas opposing the settlement agreement. In a voice vote, the motion passed unanimously.

2.	Complainant:	Georgia Bland (I.A. #05-015)
	Allegations:	1) Conduct unbecoming 2) Conduct prejudicial
	Officer:	Christopher Kaye
	Disposition:	Both allegations – Sustained

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

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

Sgt. Dale advised the Board of the Officer's disciplinary history.

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There being no further business before this Board, the meeting was adjourned at 7:55 p.m.