

FORT LAUDERDALE CITIZENS REVIEW BOARD MINUTES
Ft. Lauderdale Police Department
City Hall - 8th Floor Conference Room
100 N. Andrews Avenue
Fort Lauderdale, Florida
June 13, 2005 - 7:00 P.M.

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

Board Members	Present/Absent	P	A
Steven Muffler, Chair	P	6	0
Roosevelt Walters, Vice Chair	P	6	0
Fenel Antoine	P	5	1
Arnold Cooper	A	4	2
Ted Fling	P	6	0
Sergeant Jan Jordan	A	4	2
Officer Thor Lockhart	P	6	0
Linda Shallenberger	P	5	1
Capt. Kevin Sheehan	A	5	1

Staff

Captain Robert Lamberti, Internal Affairs
Sergeant Victor London, Internal Affairs
Jamie Opperlee, Recording Secretary

A. Roll Call

Chair Muffler called the meeting to order at 7:05 p.m.

B. Approve Minutes from May 9, 2005

Chair Muffler recalled that at the previous meeting, Ms. Shallenberger had made a motion in the Kowalski case that was never seconded. Chair Muffler thought this motion should be contained in the minutes before the other motions in the case on page 3.

Motion made by Mr. Fling, seconded by Vice Chair Walters, to approve the minutes of the May 9, 2005 meeting as amended. In a voice vote, the motion passed unanimously.

C. General Information

Chair Muffler advised that he had attended the last City Commission meeting and requested the name change for the CRB. The Commission informed him they would discuss this soon and get back to the Board.

Mr. Fling asked Chair Muffler if he had received a response to the Police Department's attorney's December memo from City Attorney Harry Stewart. Chair Muffler explained that this was in reference to a memo from Jeffrey Hochman's office on December 15, 2004. Chair

Muffler had made several proposals at the beginning of the year. Mr. Hochman had stated that there were numerous problems with requiring police officers to appear before the CRB, so this suggestion had been abandoned.

Mr. Antoine felt that officers involved in cases should attend their CRB hearings; CRB Board members could then question officers themselves. Captain Lamberti confirmed for Vice Chair Walters that the officers were permitted to review their files. He added that officers also had the opportunity to give any additional information they deemed important during their depositions.

D. Discussion

1) Citizen Review Board stationery

Chair Muffler informed the Board that the proposed design for the CRB's stationery had been rejected by the City Clerk's office as it violated the standard operating procedure. He had spoken with City Manager George Gretsas and agreed that the CRB would use the City's boiler plate when their name changed. After the change was approved, they would order new stationery with their new name. The Board agreed.

2) Follow-up correspondence to City Manager (Hoffman/Kowalski)

Chair Muffler had sent a letter concerning Officer Hoffman's case to City Manager George Gretsas on May 12, 2005 and presented Board members with copies. He asked the City Manager for the status of the case. Mr. Gretsas replied on May 13, 2005, citing the Officer's Bill of Rights and noting that since the case was currently under investigation, it was confidential.

Mr. Fling stated that he had discussed the delay with four Commissioners and the Mayor. The tape of the CRB meeting where the case was discussed was played for the City Manager and Mr. Bates from the Office of Professional Standards. Mr. Fling had met with Mr. Gretsas on May 18 and Mr. Gretsas had subsequently e-mailed Mr. Fling a copy of the section of City Code regarding the Office of Professional Standards. Mr. Fling distributed copies of this to Board members.

Mr. Fling noted that the officer had this issue hanging over his head for two years and Mr. Fling felt the matter should be resolved. Mr. Fling thought it was not proper for Internal Affairs to be audited by the Office of Professional Standards unless there was a flaw in the investigation. Ms. Shallenberger said she saw nothing in the code section that authorized the OPS to take an investigation away from IA.

Captain Lamberti stated that the OPS was implemented to address issues of racial discrimination and employee harassment. Mr. Gretsas had added a layer of review for any IA investigation that included any questions of racial or sexual harassment or tyrannical behavior by a supervisor. This case had racial implications, so the Office of Professional Standards was given the case. Mr. Lamberti noted that Mr. Bates was virtually finished with his investigation and the CRB should receive new documents regarding the investigation soon.

Chair Muffler then referred to his letter to Mr. Gretsas dated May 12, 2005 concerning Officer Kowalski. The CRB had authorized Chair Muffler to draft this letter recommending termination

of this officer and the use of new language in future settlement agreements. Chair Muffler had not received any formal written response, but Mr. Gretsas had told Chair Muffler he had taken their proposal regarding the language change under advisement. Ms Shallenberger asked if Chair Muffler had discussed the possibility of liability if this officer were involved in any future problems. Chair Muffler said he reiterated his belief that the City would be hit with a major lawsuit if this officer hurt anyone the next time.

E. Review the following Internal Affairs investigations:

1. Complainant: Margot Tremblay (I.A. #04-177)
Allegation: Unnecessary use of force
Officer: John Rendo
Disposition: Exonerated

Chair Muffler stated that as there was no one from the public in attendance, the public portion of the hearing would not be necessary.

Chair Muffler announced that the officer was not present.

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

Mr. Fling noted that he knew Officer Rendo and didn't "think you could find a better officer." Mr. Antoine agreed that no matter where Officer Rendo worked, he was always willing to perform backup.

2. Complainant: Kelli Avci (I.A. #04-180)
Allegation: Unnecessary use of force
Officer: Shane Calvey
Disposition: Not Sustained

Chair Muffler stated that as there was no one from the public in attendance, the public portion of the hearing would not be necessary.

Chair Muffler announced that the officer was not present.

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

Mr. Fling noted that this incident occurred on December 28, 2003. He noted how long the case seemed to take to be completed. Chief Roberts had signed off on the case on January 25, 2005 and the CRB had just received it. Captain Lamberti said they tried to space cases out and did not want to inundate the CRB with several cases at a time. Ms. Shallenberger felt that as long as they received them in plenty of time prior to the meeting, they would have time to read all of the accompanying materials. Captain Lamberti agreed to take this into consideration and provide them with more cases in the future.

There being no further business before this Board, the meeting was adjourned at 7:50 p.m.