

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

Board Members	Present/Absent	1/05 - 12/05	
		Cumulative Attendance	
		(Including Special Meetings)	
		P	A
Steven Muffler, Chair	P	7	0
Roosevelt Walters, Vice Chair	P	7	0
Fenel Antoine	P	6	1
Ted Fling	P	7	0
Sergeant Jan Jordan	P	5	2
Officer Thor Lockhart	P	7	0
Linda Shallenberger	P	6	1
Captain Kevin Sheehan	P	6	1

Staff

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

A. Roll Call

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

B. Arnold Cooper

Chair Muffler announced that Mr. Cooper passed away on June 4, 2005. Chair Muffler stated that Mr. Cooper had worked on Board business right up until their last meeting's cases.

Mr. Fling stated that Mr. Cooper's wife had phoned to inform him of his death and that his remains were to be sent up North and cremated. Mr. Fling remarked that Mr. Cooper was a retired accountant who owned several local cleaning shops. He was survived by his wife, three daughters and five grandchildren. He was a citizen activist, a graduate of the Citizen's Police Academy, a supporter of the Citizen on Patrol Program and Police Department, and a two-year member of the Fort Lauderdale Citizens Review Board.

Captain Lamberti confirmed that Dr. Ronald Wright had accepted appointment to the Board.

C. Approve Minutes from June 13, 2005

Chair Muffler noted that on Page 2, the fourth line in Section "D" which currently read: "...until their name change." should read: "...when their name changes."

Motion made by Mr. Fling, seconded by Ms. Shallenberger, to approve the minutes of the June 13, 2005 meeting as amended. In a voice vote, the motion passed unanimously.

D. General Information

Chair Muffler agreed to keep the Board apprised of the progress of their name change.

Mr. Fling asked Chair Muffler if he had received any reply to Chair Muffler's May 12, 2005 letter to City Manager Gretsas regarding Keith Kowalski. Chair Muffler said he had not received a reply. Mr. Fling suggested sending a reminder. Ms. Shallenberger clarified the points expressed in the letter:

- The Board disagreed with the decision to impose the discipline before they met to consider the case
- The board was concerned that the City would be exposed to severe liabilities if there were any future incidents involving this officer
- Chair Muffler recommended language to include in all future settlement agreements to ensure their prior input
- The board recommended termination for the officer

Motion made by Ms. Shallenberger, seconded by Mr. Fling, to re-send the May 12, 2005 letter to City Manager Gretsas stamped "Second Request." In a voice vote, the motion passed unanimously.

Mr. Fling asked if they wanted to pursue televising their meetings. Chair Muffler stated that there was concern about televising police officers and that an ordinance existed specifying which meetings were televised. Chair Muffler suggested that this item be entered onto their next meeting's agenda for discussion. He noted that the board would be on hiatus in August.

Captain Lamberti advised that they would probably need to convene an emergency meeting within the next few weeks, to be held on the second floor of the Police Station. The Board discussed possible dates and times for the meeting. Captain Lamberti agreed to communicate with Chair Muffler when the case was prepared.

E. Review the following Internal Affairs investigations:

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

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|----|--------------|--|
| 1. | Complainant: | Sergeant Anthony Williams (I.A. #04-176) |
| | Allegations: | 1) Discourtesy
2) Insubordination
3) Refusal to give name, badge or CCN number |
| | Officer: | Robert Mauro |
| | Disposition: | 1) Sustained
2) Sustained |

3) Unfounded

Vice Chair Walters asked how Internal Affairs could have determined that the last charge was "unfounded." Captain Lamberti explained that the behavior was covered under "insubordination"; the last charge was usually used when officers refused this information to civilians.

Mr. Fling summarized the facts of the incident and wondered why Sergeant Williams had not waited for additional backup before removing Officer Mauro. This action had allowed one suspect to flee the scene, causing another officer to leave in order to chase him. Mr. Fling was particularly concerned that Sergeant Williams had touched Officer Mauro on his gun side when his back was to him during this disturbance.

Mr. Fling felt Officer Mauro's punishment was too severe; he felt a reprimand was in order, but not a three-day suspension. He also felt that Sergeant Williams was partly responsible for what occurred. Captain Sheehan agreed that "there were mistakes made on the Sergeant's part" and felt he was inexperienced in handling situations like this because he did not have much patrol experience as a Sergeant. Captain Sheehan did not feel that Officer Mauro's actions amounted to insubordination and did not agree with the finding. He noted that the three-day suspension was the standard minimum punishment for insubordination. He explained that many officers who feared they were about to be disciplined would refuse to give their name and badge number until a union representative was present. Captain Sheehan felt perhaps they should advise all officers that they were required to speak to supervisors under certain circumstances.

Mr. Fling asked how the punishment was determined. Captain Lamberti explained that Internal Affairs conferred with Labor Relations. In this case, Labor Relations had determined the three-day suspension appropriate because that was the standard minimum for a sustained charge of insubordination.

Mr. Antoine asked Captain Lamberti for his analysis of Sergeant Williams's actions. Captain Lamberti felt that after Officer Mauro cursed and yelled, Sergeant Williams felt he was escalating the situation, not helping to defuse it, and determined that the best action would be to remove Officer Mauro from the scene. Mr. Antoine felt that the three-day suspension was not strong enough punishment for the insubordination.

Vice Chair Walters thought that when Sergeant Williams touched Officer Mauro, he must have been facing him. He also felt that Officer Mauro could have specifically stated that he was refusing to identify himself until a union representative was present.

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

Motion made by Vice Chair Walters to uphold the recommended discipline of Internal Affairs. Motion failed for lack of a second.

Motion made by Mr. Antoine to increase the discipline of Internal Affairs to five days. Motion failed for lack of a second.

Motion made by Captain Sheehan, seconded by Mr. Fling, to reduce Officer Mauro's suspension to one day. In a roll call vote, the motion passed 5 – 3 as follows: Mr. Antoine, No; Mr. Fling, Yes; Sergeant Jordan, Yes; Officer Lockhart, Yes; Ms. Shallenberger, Yes; Captain Sheehan, Yes; Vice Chair Walters, No; Chair Muffler, No.

Captain Lamberti confirmed that Officer Mauro had received a letter of reprimand that was reduced to a counseling slip in November 2004 for a "preventable accident."

Captain Sheehan wanted it noted that he agreed with the reduction of punishment but "in no way am I finding this officer's behavior acceptable either."

2. Complainant: Ryan Sewell (I.A. #04-178)
Allegations: 1) Unnecessary use of force
2) Discourtesy
Officer: Joseph Hannold
Disposition: Both Charges - Not Sustained

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

3. Complainant: Nathaniel Cooper, Jr. (I.A. #04-184)
Allegations: 1) Unnecessary use of force
2) Discourtesy
Officers: Detective Todd Jackson
Detective David Cortes
Disposition: Both Charges - Not Sustained

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

4. Complainant: Bruce G. Roberts, Chief (I.A. #05-065)
Allegation: 1) Conduct unbecoming
2) Inappropriate use of City's hardware and software equipment
Officer: Stevens Gelu
Disposition: 1) Not Sustained
2) Sustained

Chair Muffler was disturbed by Officer Gelu's actions the next morning in ushering his wife to her work in a government building, signing in as a police officer, and announcing his wife's infidelity to her bosses. He felt this was clearly conduct unbecoming an officer.

Ms. Shallenberger felt he was not representing himself as an officer to her boss, even if he signed in as such. Captain Lamberti thought the officer felt he should identify himself as an officer. Chair Muffler felt that Officer Gelu had been allowed into the secured area of the clerk's office because he identified himself as an officer.

Sergeant London noted that there was a "distinct break between the signing in with the security

officers and walking back, not escorting back or taking back, but walking back with his wife to her work area and asking her to assemble her bosses.” The security officer had not accompanied them to the back area. People there knew nothing about him signing in as an officer; most people there knew he was an officer because they knew his wife, and because they were aware of the shooting in which Officer Gelu had been involved recently. He never identified himself as an officer to her bosses.

Chair Muffler felt that Officer Gelu should not have signed in as an officer and then gone into the secure area; he should have gone to the window and waited to be invited in by the supervisors.

Mr. Fling commended Sergeant London for his work on this case. Mr. Fling pointed out that all accounts indicated that Officer Gelu did physically and psychologically abuse his wife over the course of these events, despite the fact that she later recanted. Mr. Fling felt Officer Gelu was “just a little bit too crazy with that cannon he’s carrying.”

Captain Sheehan felt that Mrs. Gelu didn’t cooperate properly from the start; this had hampered the investigation.

Mr. Antoine felt that if Officer Gelu got “away with this one, he’s going to do it again.”

Captain Lamberti confirmed that Officer Gelu had received in-depth counseling.

Ms. Shallenberger said she normally would not “want to cut this guy any slack but knowing the stress that he was under at the time and catching his wife practically red-handed, I can understand his anger, but I certainly don’t condone his actions.”

Motion made by Mr. Fling, seconded by Sergeant Jordan, to uphold the findings and recommendations of Internal Affairs. In a voice vote, the motion passed 7 – 1 with Chair Muffler dissenting.

There being no further business before this Board, the meeting was adjourned at 8:00 p.m.