

**FORT LAUDERDALE CITIZENS REVIEW BOARD MINUTES
SPECIAL MEETING**

**Ft. Lauderdale Police Department
City Hall – 1st Floor Commission Chambers
100 N. Andrews Avenue, Fort Lauderdale, Florida
August 8, 2005 - 7:00 P.M.**

Board Members	Present/Absent	1/05 - 12/05 Cumulative Attendance (Including Special Meetings)	
		P	A
Steven Muffler, Chair	P	8	0
Roosevelt Walters, Vice Chair	P	8	0
Fenel Antoine	P	7	1
Ted Fling	P	8	0
Sergeant Jan Jordan	P	6	2
Officer Thor Lockhart	P	8	0
Linda Shallenberger	P	7	1
Captain Kevin Sheehan	A	6	2
Dr. Ronald Wright	P	1	0

Staff

Captain Robert Lamberti, Internal Affairs
Sergeant Victor London, Internal Affairs
Sergeant John Labandera, Internal Affairs
Sergeant Jack Dale, Internal Affairs
Lisa Edmondson, Recording Secretary
Brenda Cooper, Recording Secretary

Guest Speakers

Maurice Pinckney
Chuck Hodges
Jennifer Anthony
Sarah Harrington
Edward Stewart
Joe Achillarre
Marsha Ellison
Larhonda Ware
Pastor Allen Jackson
Dana Bongiorno
Joy Katson
Renee-Bianca Casseus
Judith Waldman
Steve Scelfo
Charles Sierra
Joseph Isabella
John Bollinger
Ken Kelly
Tim Shields
Carl Hannold

A. Roll Call

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

Chair Muffler introduced and welcomed Dr. Ronald Wright as a new member of the Board.

B. Review the following Internal Affairs investigation:

- | | | |
|----|--------------|--|
| 1. | Complainant: | Melinda Blostein (I.A. #03-196) |
| | Allegations: | 1) Conduct prejudicial
2) Conduct unbecoming
3) Untruthfulness |
| | Officer: | Robert Hoffman |
| | Disposition: | 1) Sustained
2) Sustained
3) Sustained |

The Board reviewed long and short versions of the videotape depicting the circumstances surrounding the referenced complaint. Chair Muffler then handed out documentation to the members tracking the investigation of this matter from the initial complaint to its ultimate findings. By way of explanation to the large audience which was in attendance at the meeting, Capt. Lamberti explained the investigative process undertaken in Internal Affairs (IA) and the City's Office of Professional Standards (OPS). He explained that, initially, IA and Chief Roberts had sustained the Conduct Prejudicial allegation, had not sustained the other allegations and Assistant Chief Ortenzo made a recommendation of a one day suspension for Officer Hoffman. However, the case had then been turned over to the OPS, which had then made a determination to sustain all three allegations against the Officer. Chief Roberts then concurred with the OPS and recommended terminating Officer Hoffman.

Captain Lamberti reminded the meeting guests that the Board could only make recommendations and the ultimate decision would be the City Manager's.

Mr. Jack Lokeinsky, President/Fort Lauderdale FOP, then addressed the Board. He advised that the entire Police Department was concerned regarding the outcome of this case, fearing for their jobs should they ever be accused of the same type of allegation. Mr. Lokeinsky felt that the OPS decision was flawed as there had been no additional investigation undertaken prior to making their decision and that IA and Chief Roberts had been correct in their initial assessment.

George Tucker, Esquire, counsel for Officer Hoffman, then spoke to the Board indicating that Officer Hoffman wished to speak on his own behalf.

Officer Hoffman addressed the Board stating his history with the City and the Police Department, his lack of any prior complaints in his record, and adamantly denying the allegations against him, admitting that he had made a comment, although not the one he had been accused of uttering.

Mr. Fling pointed out that there were many discrepancies in the statements of the witnesses,

asking why Officer Hoffman had been permitted to return to work after the allegations were made. He added that the evidence was contradictory and, in addition, the investigation took too long a period of time. Mr. Fling also noted Officer Hoffman's exemplary record to date.

Chair Muffler directed the Board's attention to a display chart that had been made, which indicated to him that the witness testimony evidence was overwhelming against Officer Hoffman.

Motion made by Dr. Wright to accept the recommendations of Chief Roberts to terminate Officer Hoffman, which motion died for lack of second.

Mr. Antoine expressed concern regarding giving more credence to the statements of the juvenile than the Officer, adamantly disagreeing with the findings.

Sgt. Jordan indicated that she saw discrepancies in the witness statements and was not convinced of Officer Hoffman's untruthfulness, adding her belief that whispers could not be heard six to nine feet away.

Ms. Shallenberger also did not feel there was enough evidence to sustain the charges, although she agreed the "\$150 cash" statement was inappropriate.

Vice Chair Walters referred to the display chart and the IA report stating that the preponderance of the evidence appeared to be against Officer Hoffman as Officer Hoffman himself had admitted to making a comment, although witness statements were inconclusive.

Capt. Lamberti said it was obvious Officer Hoffman had uttered "something" although there was no definitive proof of the words of the statement, and that any type of exchange between Officer Hoffman and the juvenile was unprofessional. He added that IA could not find sufficient evidence to sustain the Conduct Unbecoming and Untruthfulness charges. He also indicated that a finding of "not sustained" does not mean the Officer is vindicated of an allegation.

Chair Muffler was concerned that inasmuch as the Officer's statement allegedly referred to "\$150 cash," there had been no submission or payment of overtime for that court appearance.

Dr. Wright concurred noting that apparently the Officer had not filed for overtime after having made the "\$150 cash" statement.

Thereupon, Chair Muffler opened the floor for public comment.

- Maurice Pinckney – spoke in favor of Officer Hoffman, having known him for 14 years; stated he has never heard him utter a racist comment.
- Chuck Hodges – has known Officer Hoffman for 23 years; stated he is not racist.

- Frances Sousa – has known Officer Hoffman for 4 years; spoke in his favor; stated it would be a disservice to the community if he is terminated.
- Jennifer Anthony – has worked with Officer Hoffman in court on numerous occasions and has never heard him make a racist comment. She added that at the time of the incident, Officer Hoffman had mentioned the comment to her; although she had not initially been interviewed by IA to disclose this information.
- Sarah Harrington – with the Department of Corrections; has known Officer Hoffman for over 16 years; spoke in his favor as to his character and evenness of temper.
- Edward Stewart – Fort Lauderdale Police Officer; felt that the two Public Defenders in the courtroom were predisposed to believing Officer Hoffman made a derogatory comment, as evidenced by their statements in the courtroom at the time of the incident that “police officers make these kind of statements.”
- Joe Achillarre – spoke in favor of Officer Hoffman, attesting to his good character.
- Marsha Ellison – with the NAACP; believed that Officer Hoffman’s actions were reprehensible and he should be fired based on the weight of the evidence against him.
- Larhonda Ware – Dorsey Riverbend resident, after having reviewed the IA documents, believed that Officer Hoffman violated the juvenile’s rights and should be terminated.
- Dana Bongiorno – Department of Corrections; spoke as to Officer Hoffman’s integrity and courtesy; she also believed that accurately hearing the comment would have been difficult under the circumstances, adding that the credibility of the witnesses making statements against the Officer be considered.
- Reverend Jackson – felt that if the Officer’s conduct was as alleged, it should not be tolerated.
- Joy Watson, Renee Bianca-Casseus – NAACP Youth Council, stated if the Officer did what he was accused of, why was he threatening the juvenile, and if so, is it considered acceptable; asking about sensitivity training for police officers, especially when dealing with minors, as well as future action to be taken including community outreach efforts.
- Judith Waldman - Officer Hoffman’s current supervisor; spoke in his favor, stating Officer Hoffman is a professional, dedicated, and honest officer.
- John Bollinger – Officer Hoffman’s previous supervisor; he had been notified of the incident and the comment made shortly after it occurred, believes the truthfulness of the events as presented by Officer Hoffman.

- Steve Scelfo – Fort Lauderdale Police Officer, “\$150 cash” is a common term used by police officers; spoke in favor of Officer Hoffman.
- Charles Sierra – Fort Lauderdale Police Officer, stated it would be to the Public Defender’s advantage to have heard that a derogatory statement was made; believed there was contamination of the witnesses by the inference of the comment the juvenile said was made to him.
- Joseph Isabella – personal friend of Officer Hoffman; spoke in his favor and attested to his character and integrity.
- Ken Kelly – Fort Lauderdale Police Sergeant, felt that the discussion regarding overtime pay was clouding the issue, believing that the “\$150 cash” comment was most likely made by Officer Hoffman out of frustration; he also gave kudos to Officer Hoffman for not having any complaints against him during his years of service.
- Tim Shields – Fort Lauderdale Police Officer, spoke in favor of Officer Hoffman, testifying as to his character, urging the Board to reconsider.
- Carl Hannold – Fort Lauderdale Police Officer, stated his concern and fear that police officers could lose their jobs over something “ridiculous.”

With no one else wishing to speak, Chair Muffler closed the public hearing portion of the meeting.

Mr. Fling then requested a motion accepting the original findings of IA. Chair Muffler suggested the Board address the findings as stated on their agenda to keep a clean record of their proceedings.

Motion made by Ms. Shallenberger, seconded by Mr. Fling, to accept the finding of allegation 1, Conduct Prejudicial.

During discussion on the motion, Dr. Wright stated the testimony indicates Officer Hoffman’s conduct was prejudicial and should be upheld.

In a roll call vote as follows, the motion passed 7-1: Ms. Shallenberger, yes; Mr. Antoine, no; Dr. Wright, yes; Vice Chair Walters, yes; Officer Lockhart, yes; Sgt. Jordan, yes; Mr. Fling, yes; Chair Muffler, yes.

Motion made by Vice Chair Walters, seconded by Dr. Wright, to accept the finding of allegation 2, Conduct Unbecoming.

During discussion on the motion, Mr. Fling indicated that sustaining this allegation against Officer Hoffman would be “double jeopardy.” Vice Chair Walters indicated that usually the charge of Conduct Prejudicial and Conduct Unbecoming went hand in hand; one charge dealing with embarrassment to the Police Department and the City, and the other to an officer

embarrassing him or herself, and that voting on both would not be setting any precedent for the Board.

In a roll call vote as follows, the motion failed 3-5; Ms. Shallenberger, no; Mr. Antoine, no; Dr. Wright, yes; Vice Chair Walters, yes; Officer Lockhart, no; Sgt. Jordan, no; Mr. Fling, no; Chair Muffler, yes.

Motion made by Vice Chair Walters, seconded by Dr. Wright, to accept the finding of allegation 3, Untruthfulness.

During discussion on the motion, Sgt. Jordan noted that the evidence simply did not support the charge of untruthfulness. Mr. Fling pointed out the seriousness of being labeled a liar, and the resulting loss of the officer's future and career.

In a roll call vote as follows, the motion failed 3-5; Ms. Shallenberger, no; Mr. Antoine, no; Dr. Wright, yes; Vice Chair Walters, yes; Officer Lockhart, no; Sgt. Jordan, no; Mr. Fling, no; Chair Muffler, yes.

Motion made by Mr. Fling, seconded by Officer Lockhart, to recommend a one-day suspension and back pay, as to allegation 1 sustained.

In a roll call vote as follows, the motion failed 4-4; Ms. Shallenberger, yes; Mr. Antoine, no; Dr. Wright, no; Vice Chair Walters, no; Officer Lockhart, yes; Sgt. Jordan, yes; Mr. Fling, yes; Chair Muffler, no.

Motion made by Ms. Shallenberger, seconded by Officer Lockhart, to recommend a letter of reprimand as to the allegation of Conduct Prejudicial be placed in Officer Hoffman's file.

In a roll call vote as follows, the motion passed 5-3; Ms. Shallenberger, yes; Mr. Antoine, yes; Dr. Wright, no; Vice Chair Walters, no; Officer Lockhart, yes; Sgt. Jordan, yes; Mr. Fling, yes; Chair Muffler, no.

Based upon the foregoing Chair Muffler asked that a letter to City Manager Gretsas be drafted for his signature as soon as possible advising of the outcome of their decision.

There being no further business before this Board, the meeting was adjourned at 10:30 p.m.