

FORT LAUDERDALE CITIZENS REVIEW BOARD MINUTES
Ft. Lauderdale Police Department
City Hall – 8th Floor Conference Room
100 N. Andrews Avenue, Fort Lauderdale, Florida
October 10, 2005 - 7:00 P.M.

Board Members	Present/Absent	1/05 - 12/05	
		Cumulative Attendance (Including Special Meetings)	
		P	A
Steven Muffler, Chair	P	10	0
Roosevelt Walters, Vice Chair	P	10	0
Fenel Antoine	P	9	1
Ted Fling	P	10	0
Sergeant Jan Jordan	P	8	2
Officer Thor Lockhart	P	10	0
Linda Shallenberger	P	9	1
Captain Kevin Sheehan	P	8	2
Dr. Ronald Wright	A	2	1

Staff

Captain John Dale, Internal Affairs
Sergeant Victor London, Internal Affairs
Sergeant John Labandera, Internal Affairs
Brenda Cooper, Recording Secretary

Guests

Enamare Padilla

A. Roll Call

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

B. Approve Minutes from September 12, 2005

Motion made by Vice Chair Walters, seconded by Capt. Sheehan, to approve the September 12, 2005 meeting minutes. Ms. Shallenberger asked that a correction be made to the minutes to reflect that David Hebert was present as an observer. Motion passed unanimously.

C. General Information

Chair Muffler advised that Jose Diaz had passed away in the line of duty. Visitation will be on Wednesday, October 12th at Kalis Funeral Home in Wilton Manors. A memorial will be on Thursday at 10:00 a.m. at Broward Performing Arts. The family has asked that in lieu of flowers donations be made to the Fort Lauderdale Police Memorial. Chair Muffler advised that the Board has traditionally sent flowers and inquired whether anyone on the Board would object if that continued. No one objected. Chair Muffler stated he would be attending the visitation and memorial and encouraged the other Board members to do so. Mr. Fling spoke highly of Officer Diaz and said his death was a real tragedy.

Chair Muffler advised that the Board's name change is going for a 2nd reading and by next meeting this should be resolved. There was discussion regarding adding Board members' names to their letterhead. This was questioned as there will always be changes in the Board. An example given is that Mr. Antoine is retiring with his last meeting being December 2005. Mr. Fling said he read that the name change had been approved. Ms. Shallenberger suggested that it would be more practical to get bond quality paper, have the logo as a .jpeg file, and create stationary on the computer. Chair Muffler stated it is hard to get the logo. Ms. Shallenberger inquired as to whether the print shop could e-mail the logo. Mr. Fling suggested asking the City Clerk as to how it is done in order to save time.

Chair Muffler advised that Captain Dale is the new Captain for Internal Affairs.

Vice Chair Walters questioned the letter received from the City Manager. Mr. Fling asked if the City Manager was accepting the Board's suggestions and recommendations, asking for an answer to the two cases mentioned, as the letter did not address any specifics.

Chair Muffler stated with regard to the Kowalski matter, discipline had been received and applied. Capt. Sheehan questioned whether there was a settlement agreement and if there was, it's already a "done deal." Ms. Shallenberger felt it may be appropriate to send the City Commission a copy of their letters along with Mr. Gretsas' answer.

Capt. Sheehan asked what the Board hoped to accomplish as Mr. Gretsas can either accept or reject their recommendations at his discretion. Ms. Shallenberger was not convinced that the City Commission is aware of the settlement agreements, although Captain Dale indicated that in the future it is likely there will be no more settlement agreements entered into. Chair Muffler indicated they could approach the City Commission with their thoughts on any future agreements the Board feels should be brought to their attention.

Mr. Fling noted that the discipline in the Moreau case was changed from five days to three days suspension, which was then reduced to one day. Mr. Fenel Antoine stated that the Board should be apprised of these matters. Capt. Sheehan noted there was a mistake in the hours. Capt. Dale stated the discipline had been revised, and absent the Officer accepting the reduction, it should be a done deal. Mr. Fling questioned whether the intent was for the penalty to be one eight-hour day.

D. Review the following Internal Affairs investigation:

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|----|--------------|-------------------------------|
| 1. | Complainant: | James E. Books (I.A. #03-189) |
| | Allegation: | Unnecessary Use of Force |
| | Officer: | Stephen DeGracia |
| | Disposition: | Not Sustained |

Chair Muffler announced the case which was then opened for discussion. The Officer was not present.

Mr. Fling reiterated his previous comments over the delay in case reviews getting to the Board.

Mr. Fling asked that the following be noted in the record: the incident occurred on November 13, 2003 and was not reported until November 25th; disposition signed on October 26, 2004 and went to State Attorney's office on November 11, 2004 and acknowledged on November 22, 2004; report from State Attorney was September 8, 2005 following and agreeing with investigation done by Internal Affairs.

Mr. Fling questioned why it took so long to get this case to the Board, as his review of the State Attorney's letter does not appear that any independent investigation was done. Mr. Fling questioned whether the State Attorney is really looking at the cases. Capt. Sheehan believed that the State Attorney looks at the cases, but they also deal with investigations in other municipalities. Ms. Shallenberger indicated she was not concerned about the delay, but was concerned that the Officer didn't give a sworn statement until April 22, 2004. Chair Muffler pointed out that under the statute, the investigation is completed first and then statements are sent to the officer for review. Capt. Dale stated the statute says that investigation must be completed in 180 days. Chair Muffler also noted that under State statute, no information can be released to the public until the investigation is complete and a decision made. Mr. Fenel Antoine felt if it takes two or three years before an officer gives a statement, they can forget the actual circumstances, or if under pressure, an officer can make damaging statements trying to remember what happened.

In response to Mr. Fling's inquiry, Capt. Dale stated there are about 6 or 7 open cases.

Vice Chair Walters discussed the time-lapse camera asking how the cameras work and whether a complete tape of an incident can be obtained. Mr. Fling felt in this case, the camera did not pick up enough. Capt. Dale explained that the camera records in freeze frames and not all of the action is captured.

Vice Chair Walters suggested implementing video technology which holds 31 days and is motion sensitive, although Capt. Sheehan indicated it would be very expensive.

Motion made by Capt. Sheehan, seconded by Vice Chair Walters, to accept the findings and recommendations of IA. In a voice vote, the motion passed unanimously.

2.	Complainant:	Gerardo Ibarra (I.A. #04-04
	Allegation:	Unnecessary Use of Force
	Officer:	Michael Lilly
	Disposition:	Not Sustained

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

3.	Complainant:	Amelia Brissett (I.A. #04-068)
	Allegation:	Unnecessary Use of Force
	Officer:	Michael Heller
	Disposition:	Unfounded

Motion made by Vice Chair Walters, seconded by Ms. Shallenberger, to accept the findings of

IA. In a voice vote the motion passed unanimously.

Vice Chair Walters questioned the allegations against the Officer. Ms. Shallenberger asked regarding the time frames of the statement taken on 12/19/03 and the first witness statement on 04/20/04, and the long gap in-between. Sgt. London indicated he was unaware of the circumstances in this particular case, but investigators are able to prioritize their caseload.

Capt. Dale advised that subsequent to a call to the State Attorney's Office he was able to bring cases to the Board that were previously opened. Mr. Fling asked that all open matters be presented. Chair Muffler noted that cases aren't timely submitted, it creates the persona of something being amiss. He wants to say that the Board did their investigation, but if the ball is not handed off in a timely manner, it breeds this type of perception which they want to avoid. Sgt. Labandera indicated there could be long delays, as complainants generally want to resolve their criminal case before they file a complaint with IA.

4	Complainant:	Bruce G. Roberts, Chief (#04-117)
	Allegation:	Use of Deadly Force
	Officer:	Detective John Loges
	Disposition:	Exonerated

Mr. Fling commented that this was a case where the investigation was thoroughly completed, reviewed by the State Attorney, and returned within a couple of days. Mr. Fling asked if notices of these types of events were sent to the City Commission. Capt. Dale was unsure, but indicated it is public information. Capt. Sheehan pointed out that Commissioner Moore likes to be notified of any shootings in his district, further stating that the City Commission gets notification of incidents, but not of the investigation.

Motion made by Capt. Sheehan, seconded by Vice Chair Walters to accept the findings and recommendations of IA. In a voice vote, the motion passed unanimously.

There being no further business before this Board, the meeting was adjourned at 8:10 p.m.