

**FORT LAUDERDALE CITIZENS POLICE REVIEW BOARD MINUTES**  
**Ft. Lauderdale Police Department**  
**City Hall – 8<sup>th</sup> Floor Conference Room**  
**100 N. Andrews Avenue, Fort Lauderdale, Florida**  
**January 9, 2006 - 7:00 P.M.**

| <b>Board Members</b>          | <b>Present/Absent</b> | <b>1/06 - 12/06</b>   |          |
|-------------------------------|-----------------------|---|----------|
|                               |                       | <b>Cumulative Attendance<br/>(Including Special Meetings)</b> |          |
|                               |                       | <b>P</b>  | <b>A</b> |
| Ted Fling                     | P                     | 1   | 0        |
| Captain Jan Jordan            | P                     | 1   | 0        |
| Officer Thor Lockhart         | P                     | 1   | 0        |
| Steven Muffler, Chair         | P                     | 1   | 0        |
| Linda Shallenberger           | P                     | 1   | 0        |
| Captain Kevin Sheehan         | P                     | 1   | 0        |
| George Trodella               | P                     | 1   | 0        |
| Roosevelt Walters, Vice Chair | P                     | 1   | 0        |
| Dr. Ronald Wright             | A                     | 0   | 1        |

**Staff**

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

**Guests**

Allen Jacobs  
Courtney Cuyler

**A. Roll Call**

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

**B. Approve Minutes from December 12, 2005**

Mr. Fling wanted to be sure that corrections he suggested to the October minutes were properly printed and distributed.

On the December minutes, Mr. Fling noted that on page 3, paragraph 2, “from” was misspelled, and on the final page, Sergeant Lewers was referred to as Officer Lewers.

**Motion** made by Ms. Shallenberger, seconded by Capt. Sheehan, to approve the December 12, 2005 meeting minutes as amended. Motion passed unanimously.

**C. Introduction of New Members**

Mr. Trodella introduced himself and stated he had lived in Fort Lauderdale for thirty-five years. His education was in communications and psychology and he had worked at a couple of radio stations in Fort Lauderdale and Miami. He had been serving on City Boards since the 1980s.

**D. Election of Officers**

Captain Sheehan nominated Chair Muffler for Chair and Vice Chair Walters seconded. Chair Muffler accepted the nomination. Board unanimously approved.

Captain Sheehan nominated Vice Chair Walters for Vice Chair and Mr. Fling seconded. Vice Chair Walters accepted the nomination. Board unanimously approved.

**E. General Information**

Chair Muffler announced that there was a mandatory Citizens Police Academy course for new members Trodella and Wright. The next class would be held in February.

Mr. Walters noted Dr. Wright's absence from this and the last meeting. Chair Muffler agreed to send Dr. Wright an email reminding him of attendance requirements and the class in February.

Chair Muffler informed the Board that he had received a letter and a phone call from an attorney requesting that they table one of this evening's cases. He had informed the attorney that he would bring this up at the meeting for the other Board members' approval or refusal. Vice Chair Walters wondered what problems might arise from taking the case off their agenda. Captain Sheehan noted that there were guests present regarding the case and he wasn't sure what connection the attorney may actually have with the case.

Captain Dale confirmed that it was the complainant's stepfather who had requested tabling the case and he had not been interviewed in the investigation, but wished to speak on behalf of his stepson. Chair Muffler noted that the complainant himself was not present. To ensure that anyone wishing to speak on the case would have an opportunity to be heard, Chair Muffler suggested that those present this evening should speak on the case tonight and if Mr. Parker still wished to speak on it, he could attend the next meeting and do so then.

Chair Muffler clarified that three people had been present for a case that had been removed from their agenda. He had informed them of this and they had left.

**Motion** made by Captain Sheehan, seconded by Vice Chair Walters, to hear the case this evening.

Chair Muffler thought the proper motion would be to remove the item from the agenda. No one made this motion and the meeting continued. Chair Muffler also wanted to make sure the letter from Mr. Parker was included in the meeting's record.

Captain Dale informed the Board of a case in which the officer had resigned. The investigation was prompted by a complaint from a citizen and involved Sergeant Frank Miller. Chair Muffler suggested that the Board receive only a summary in their packet instead of all of the backup

documentation. Vice Chair Walters asked if the resignation was part of an agreement; Captain Dale indicated that it was, but "it was done in not good standing." The officer was only afforded the assurance that he would not lose his pension.

**F. Review the following Internal Affairs investigations:**

1. Complainant: Michael Hughes (I.A. Case #04-149)  
Allegation: Conduct Unbecoming  
Officer: Joel Winfrey  
Disposition: Exonerated

There was no one present wishing to speak on this case.

**Motion** made by Vice Chair Walters, seconded by Captain Sheehan, to approve the findings of Internal Affairs. In a voice vote, the motion passed unanimously.

2. Complainants: Allen Jacobs/Courtney Cuyler (I.A. #04-194)  
Allegation: Unnecessary use of force  
Officer: Joshua Mijal  
Disposition: Exonerated  
Allegations: 1) Unnecessary use of force  
2) Discourtesy  
Officer: Donald Gauntner  
Dispositions: 1) Exonerated  
2) Not Sustained

**Motion** made by Mr. Fling, seconded by Mr. Trodella, to approve all the findings of Internal Affairs regarding both officers. In a voice vote, the motion passed unanimously.

Chair Muffler proceeded to open the public hearing.

Mr. Allen Jacobs, complainant and stepfather of the driver, explained that he was present in the car and noted that the stop sign was obscured. He admitted that his daughter's license was suspended at the time of the incident. Mr. Jacobs said the officer "put me on the ground", handcuffed him and left him that way for 45 – 60 minutes. When his wife arrived to take him home, another Black officer had removed the handcuffs. Mr. Jacobs said he asked the officer if he should go to the hospital and the officer advised him to go the following day, which he did.

Mr. Fling clarified the identities and relationships of those involved. He noted that according to the documentation, Mr. Jacobs had not complained of any injury at the scene, and the doctor the next day had noted only wrist impressions indicating that the handcuffs had been tight. Mr. Jacobs stated he did complain to the officer at the scene of an injury.

Vice Chair Walters asked Mr. Jacobs what he meant by "put on the ground." Mr. Jacobs explained that the officer put him on the ground and just left him there. Vice Chair Walters retraced the events with Mr. Jacobs and confirmed that Mr. Jacobs had gotten out of the car twice. The second time, the officer removed him after Mr. Jacobs reached under the car seat. Mr. Jacobs said he thought there might be a beer under the seat, but there was none. Vice

Chair Walters thought the officer had reported finding an open beer in the car.

Captain Sheehan read from the police report that stated: "Upon a search of the 1994 blue Chevy, one marijuana roach was found inside the vehicle and a plastic cup of fermented smell of alcoholic beverage was found under the front passenger's seat." Mr. Jacobs insisted there was no alcohol in the car.

Chair Muffler asked if Mr. Jacobs informed the officer his mouth was bleeding. Mr. Jacobs said he did not because the officer walked away. Mr. Jacobs reiterated that the officer told him to go to the hospital the next day.

Chair Muffler closed the public hearing and brought the discussion back to the Board.

Mr. Trodella felt that the presence or absence of beer was not the issue. The issue was that Mr. Jacobs had moved to retrieve something from under the seat and Mr. Trodella felt this was an ill-advised action when stopped by the police.

Mr. Fling wondered if they should respond to the lawyer's letter regarding case 04-149. Chair Muffler said he would reply, inform him that the item was not removed from their agenda, and refer him to the meeting minutes for details. Captain Dale said he had already informed the stepfather that they were obligated to present the case because of the 20-day rule. Ms. Shallenberger noted that the attorney never stated he was representing Mr. Hughes and was unable to attend on this particular date.

There being no further business before this Board, the meeting was adjourned at 7:44 p.m.