

FORT LAUDERDALE CITIZENS POLICE REVIEW BOARD MINUTES
Ft. Lauderdale Police Department
City Hall – 8th Floor Conference Room
100 N. Andrews Avenue, Fort Lauderdale, Florida
March 13, 2006 - 7:00 P.M.

Board Members	Present/Absent	1/06 - 12/06	
		Cumulative Attendance	
		P	A
Ted Fling	P	2	0
Sergeant Jan Jordan	A	1	1
Officer Thor Lockhart	P	2	0
Steven Muffler, Chair	P	2	0
Linda Shallenberger	P	2	0
Captain Kevin Sheehan	A	1	1
George Trodella	P	2	0
Roosevelt Walters, Vice Chair	P	2	0

Staff

Captain John Dale, Internal Affairs
 Jamie Opperlee, Recording Secretary

A. Roll Call

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

Chair Muffler announced that Dr. Wright had resigned from the Board.

B. Approve Minutes from January 2006

Motion made by Mr. Fling, seconded by Vice Chair Walters, to approve the January 2006 meeting minutes. Motion passed unanimously.

C. General Information

Chair Muffler distributed copies of the following items:

Anonymous letter from a citizen regarding Officer Shields

Memo from City Manager Gretsas to the CPRB regarding the Officer Shields file

Letter dated January 6, 2006 from Chief Roberts to City Manager Gretsas regarding the Shields file.

Mr. Trodella remarked that the Citizen's Police Academy was going well; it had helped him to understand some of the workings of the Department. He agreed to report back to the Board after he completed the course.

New Business

Regarding the CPRB's cases to be heard this evening, Mr. Fling said he had noted discrepancies in the older and more recent City ordinances regarding the CPRB. It was not stated in the more recent revisions that the CPRB was charged with making recommendations and modifications to disciplinary actions. Also, Mr. Fling noticed that all three ordinances indicated that the CPRB would review all complaints investigated by Internal Affairs; he was certain they were not receiving all cases.

Captain Dale explained that cases not reported by a citizen, i.e., those that were internally-generated and related to policy matters, were not presented to the Board. Captain Dale stated that management felt the ordinance heading was specific in indicating that the CPRB only handled citizen-generated complaints. Mr. Fling felt this was not the case, and felt that if an officer was suspended for a period of time for something as serious as theft, for instance, they should review the case. Captain Dale informed Mr. Fling that a particular case he was interested in was still active, and agreed to review it with the Board after the investigation was complete. Mr. Fling was still concerned that the intent and letter of the ordinance was not being honored.

Chair Muffler felt that even though the ordinance might not be explicit regarding which cases the CPRB would hear, the ordinance was intended to let the public know that the police were policing themselves through full disclosure. Chair Muffler felt the CPRB was also the forum provided for the public to have input on these matters. Chair Muffler called what happened with the Shields file an "ethical implosion" that had resulted in many citizen complaints. Chair Muffler felt that any withholding from the CPRB of cases the IA had investigated could give the appearance of trying to hide something from the public.

Captain Dale explained that there could be cases in which an individual was terminated that would not be brought to the CPRB. He informed the Board that Category 2 cases, which involved minor allegations such as discourtesy, were never brought to the CPRB because the Board would be flooded with files. He assured the Board that if a case was the result of a citizen complaint and it was investigated by IA, the case would certainly be brought to the CPRB.

Mr. Fling read from the ordinance, noting that it stated the Board was created to "maintain the confidence of Fort Lauderdale citizens that complaints of alleged police officer misconduct are being fully and objectively investigated and resolved." Captain Dale read from the ordinance, "for the processing of citizen complaints regarding alleged police officer misconduct."

Mr. Trodella felt the City Attorney should review the ordinances and more clearly delineate the cases the CPRB would hear. Captain Dale said he would forward the Board's ideas through the chain of command. Chair Muffler asked him to stress that it appeared that the CPRB was only receiving certain files and this was disturbing to the public.

Motion made by Vice Chair Walters, seconded by Mr. Trodella, to ask the City Attorney to state in writing which cases should be sent to the CPRB, and to amend the City ordinances to agree on this item. Motion passed unanimously.

Chair Muffler agreed to draft a letter regarding this to the City Attorney.

Chair Muffler stated he disagreed with Dr. Wright's opinion, stated in his resignation letter, that the CPRB was a "rubber stamp." He felt the Board was balanced and independent.

Chair Muffler noted that Captain Dale had provided the Board with summaries they had requested on two cases regarding Sgt. Miller: 04-212 and 05-085. Captain Dale confirmed that Sgt. Miller had resigned.

D. Review the following Internal Affairs investigations:

1. Complainants: Claude Jamie Lewis/Egan Lewis (I.A. Case #03-190)
Allegation: Unnecessary use of force
Officer: Jeffrey Riche
Disposition: Not Sustained

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

Mr. Fling commented that this case had been sent to the Chief on September 6, 2004 and approved by the Chief on October 29, 2004. The State Attorney was sent the file on November 9, 2004 and the State Attorney had closed the file in January 2006. Captain Dale confirmed for Mr. Fling that any case that involved a potential criminal violation was sent to the State Attorney for review. Mr. Fling felt it was unfair for the officers in this case to have to carry the stigma for so long while the State Attorney kept the case. Captain Dale felt that the delays in these two cases were probably caused by a lack of staffing.

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.

2. Complainants: Masifa Meme/Daudeline Meme (I.A. #04-154)
Allegations: 1) Unnecessary use of force
2) Discourtesy
3) Use of vulgar, obscene or offensive language
4) Refusal to give name, badge or CCN number or both
Officer: John Rose
Disposition: Not Sustained (Allegations 1 through 4)
Allegations: 1) Unnecessary use of force
2) Discourtesy
Officer: Timothy McCarthy
Dispositions: Not Sustained (Allegations 1 and 2)

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

Mr. Fling referred to the twenty-two months that elapsed between this case being sent to the State Attorney and its return to the CPRB. Captain Dale responded to a question from Ms. Shallenberger that a case could not be presented to the CPRB before the State Attorney released it because facts of the case might appear in the newspaper and taint any potential criminal case, since officers' statements in these cases were compelled. Chair Muffler added

that officers were invited to speak before the CPRB. If an officer was still under criminal investigation, this would effectively waive his or her fifth amendment rights. After the State Attorney released the case, the officer could speak without the threat of criminal sanctions.

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

There being no further business before this Board, the meeting was adjourned at 7:51 p.m.