

**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**  
**July 10, 2006 - 7:00 P.M.**

<b>Board Members</b>	<b>Present/Absent</b>	<b>1/06 - 12/06</b>	
		<b>Cumulative Attendance</b>	
		<b>P</b>	<b>A</b>
Ted Fling	P	5	0
Captain Jan Jordan	A	3	2
Officer Thor Lockhart	A	4	1
Steven Muffler, Chair	P	5	0
Linda Shallenberger	P	5	0
Captain Kevin Sheehan	P	4	1
Alan Stotsky	P	3	0
George Trodella	P	5	0
Roosevelt Walters, Vice Chair	P	5	0

**Staff**

Lieutenant Mike DiMaggio/Internal Affairs  
 Captain Rick Maglione, Internal Affairs  
 Sergeant Rod McGowan, Internal Affairs  
 Jamie Opperlee, Recording Secretary  
 Sergeant A. Pallen, Marine Unit Supervisor

**Guests**

**A. Roll Call**

Chair Muffler called the meeting to order at 7:03 p.m.

**B. Approve Minutes of the Board's June 2006 Meeting**

**Motion** made by Mr. Fling, seconded by Mr. Walters, to approve the minutes for the June 12, 2006 meeting. In a voice vote, motion passed unanimously.

**C. General Information**

Chair Muffler introduced Captain Rick Maglione, the new Captain of Internal Affairs. Captain Maglione explained that he had worked at Internal Affairs for three years, from 2002 to 2005. He introduced Sergeant Rod McGowan, who was newly assigned to Internal Affairs and would replace Lieutenant DiMaggio.

Chair Muffler reminded the Board that they would not meet [special meetings notwithstanding] in August.

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

1. Complainant: Kenyel Thomas (IA Case #06-008)  
Allegations: 1) Discourtesy  
2) Failure to know a law or ordinance which an officer or employee is sworn to uphold  
Officer: Vincent Schrider  
Disposition: 1) Sustained  
2) Not Sustained

No members of the public wishing to speak on this item were in attendance. The officer was not in attendance.

**Motion** made by Mr. Fling, seconded by Ms. Shallenberger, to uphold the findings only of Internal Affairs. In a voice vote, the motion failed 2 – 5 with Mr. Fling, Ms. Shallenberger, Captain Sheehan, Mr. Stotsky, and Mr. Trodella opposed.

[After some discussion, Mr. Fling withdrew his motion, but ultimately restated it.]

Captain Maglione explained that Captain Dale had determined that the charges were not sustained; the Chief had not concurred with this and found the discourtesy allegation to be sustained.

Regarding the “failure to know a law or ordinance” allegation, Captain Dale had considered that the ordinance in question had recently changed and felt there might be a training issue.

Mr. Fling confirmed that the officers were responding to a 911 hang up call regarding a weapons complaint at a store, and when they arrived, there were two men present outside the store, one of whom was told by Officer Schrider to “beat it.” Captain Maglione said that this, plus the officer’s response when asked to identify himself, were both considered for the discourtesy allegation. Mr. Fling said he did not feel the actions rose to the level of discourtesy.

Lieutenant DiMaggio explained that according to Mr. Thomas, after the incident at the store, Officer Schrider went to Mr. Thomas’ residence and red-tagged a car for towing to harass him. Internal Affairs could find no evidence to support this, so Captain Dale did not sustain either charge. The “beat it” comment was not considered in the discourtesy allegation. The Chief had disagreed with Captain Dale’s discourtesy finding based on Officer Schrider’s response to Mr. Thomas’ request to identify himself.

Ms. Shallenberger asked if the complaint had come to Internal Affairs directly from Mr. Thomas, or if it was “routed through the Commission Office.” Lieutenant DiMaggio replied that Mr. Thomas had contacted the Office of Professional Standards directly.

Mr. Stotsky wondered how Officer Schrider turned up at Mr. Thomas’ house two days after the convenience store incident when Mr. Thomas had not shown his driver’s license. There was a question of whether Officer Schrider followed Mr. Thomas home after the convenience store incident.

Mr. Trodella felt that since the Officer had been active in red-tagging other vehicles for removal, it did not appear he had singled out Mr. Thomas’ car in order to harass him. Chair Muffler noted

that in the taped conversation, in response to Mr. Thomas' request for his identification number, Officer Schrider told Mr. Thomas, "I just gave it to you." Chair Muffler felt Officer Schrider could have provided it again, even if he had previously provided it.

Lieutenant DiMaggio confirmed for Captain Sheehan that there were no drug-related calls for service to Mr. Thomas' address.

**Motion** made by Mr. Stotsky, seconded by Captain Sheehan, to reject the findings and recommendation of Chief Roberts regarding the first [discourtesy] allegation, and accept the findings on the second allegation. In a voice vote, motion passed 5 – 2 with Mr. Walters and Chair Muffler opposed.

Captain Maglione informed the Board that Officer Schrider had no previous sustained complaints.

Chair Muffler agreed to send a letter to the City Manager informing him of their decision.

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|----|--------------|---|
| 2. | Complainant: | Sergeant Andy Pallen (IA Case #06-054)  |
|    | Allegations: | 1) Conduct prejudicial<br>2) Conduct unbecoming<br>3) Breach of Confidence prohibited: Soliciting a reward, present or gratuity |
|    | Officer:     | (Former) Officer Richard Milroy   |
|    | Disposition: | 1) Sustained<br>2) Not Sustained<br>3) Not Sustained  |

No members of the public wishing to speak on this item were in attendance. The officer was not in attendance.

Captain Sheehan was troubled that the "conduct unbecoming" allegation was not sustained. Chair Muffler agreed, noting that Officer Milroy used the vehicle while on duty to transport a large piece of machinery.

Mr. Fling and Mr. Walters noted that the summary contained typographical errors regarding dates; Captain Maglione agreed to correct these.

Captain Maglione confirmed that since Officer Milroy had appealed his dismissal, if he prevailed on appeal and was reinstated, any disciplinary action regarding this case would be "waiting for him" on his return to the force.

Mr. Trodella agreed about the danger of transporting the machinery, but felt the acceptance of the davit made no difference, even if the officer was called to testify in court. Captain Sheehan stated that this could be used to question the officer's integrity. In court, an attorney could use this to discredit the officer. Chair Muffler agreed and said, "the mere appearance of impropriety should not be tolerated." Mr. Walters noted that three people said Officer Milroy told them to lie and state that he had paid \$500 for the davit.

Mr. Fling asked Captain Maglione to differentiate between “conduct prejudicial” and “conduct unbecoming.” Captain Maglione explained that he considered conduct unbecoming a more serious charge and typically pertained to items that must be sent to the Florida Department of Law Enforcement for review. Conduct prejudicial was typically something that disrupted the order or activities of the Department or shed a negative light or discredited the Department in any way.

Captain Maglione informed the Board that Officer Milroy had a letter of reprimand for an accident in 1990 and the termination for the kayak incident on his record.

**Motion** made by Captain Sheehan, seconded by Mr. Walters, to accept the findings of Internal Affairs regarding the first count: conduct prejudicial. In a voice vote, the motion passed unanimously.

**Motion** made by Captain Sheehan, seconded by Mr. Walters, to reject the findings of Internal Affairs regarding the second count: conduct unbecoming, and instead recommend a finding of “sustained.” In a voice vote, the motion passed unanimously.

**Motion** made by Captain Sheehan, seconded by Mr. Walters, to reject the findings of Internal Affairs regarding the third count: breach of confidence, and instead recommend a finding of “sustained.” In a voice vote, the motion passed 6 – 1 with Ms. Shallenberger opposed.

Chair Muffler agreed to send a letter to the City Manager regarding their decisions.

There being no further business before the Board, the meeting was **adjourned at 7:57 p.m.**