

FORT LAUDERDALE CITIZENS POLICE REVIEW BOARD MINUTES
Ft. Lauderdale Police Department
City Hall – 8th Floor Conference Room
100 N. Andrews Avenue, Fort Lauderdale, Florida
September 11, 2006 - 7:00 P.M.

Board Members		1/06 – 12/06	
		P	A
Ted Fling	P	6	0
Captain Jan Jordan	A	3	3
Officer Thor Lockhart	A	4	2
Steven Muffler, Chair	P	6	0
Linda Shallenberger	P	6	0
Captain Kevin Sheehan	P	5	1
Alan Stotsky	P	4	0
George Trodella	A	5	1
Roosevelt Walters, Vice Chair	P	6	0

Staff

Captain Rick Maglione, Internal Affairs
 Jamie Opperlee, Recording Secretary

Guests

Robert Walsh
 James Wall
 Anays Mendez
 Miriam Mendez
 Filadelfo Mendez

A. Roll Call

Chair Muffler called the meeting to order at 7:06 p.m.

B. Approve Minutes of the Board's July 2006 Meeting

Chair Muffler noted that the Board did not meet in August.

Chair Muffler distributed copies of his letter written to the City Manager at the Board's request, dated July 11, 2006, concerning Officer Schrider, and his letter written to the City Manager at the Board's request, dated July 11, 2006, concerning Officer Milroy.

Mr. Fling confirmed with Chair Muffler that there was no reply as yet to his letter regarding Officer Schrider or his letter regarding Officer Milroy. Chair Muffler said he had asked David Hebert about the letters, and Mr. Hebert informed him that the City Manager's Office would take them under advisement.

Motion made by Mr. Walters, seconded by Ms. Shallenberger, to approve the minutes for the July 10, 2006 meeting. In a voice vote, motion passed unanimously.

C. General Information

Chair Muffler explained that Mr. Robert Walsh had phoned him a few weeks ago regarding his case from 2004. Chair Muffler had prepared copies of information for the Board to review regarding Mr. Walsh's case, including:

- ❖ Minutes of the October 2004 Citizen Review Board meeting
- ❖ Letter from Michael Satz, State Attorney
- ❖ Close-out form from Michael Satz's office dated 9/8/04
- ❖ Referral letter from Michael Satz's office dated 6/8/04
- ❖ Letter notice sending the file dated 6/23/04 from Internal Affairs to the State Attorney's office
- ❖ Structural overview and outline of the original case from Internal Affairs

Chair Muffler confirmed that the Board had unanimously agreed with the findings of Internal Affairs when they reviewed this case in October 2004.

Mr. Walsh stated that the meeting at which his case was originally scheduled had been cancelled due to a hurricane in 2004 and he had never received notice of the new date, so he had missed the October 2004 hearing when his case had been heard.

Mr. Walsh stated he was "brutally beaten by the Fort Lauderdale Police; I was stun-gunned" and he wanted the opportunity to present his side of the story to the Board.

Mr. Walters wondered if they agreed to "revisit" the case, what bearing this could have on the actions already taken? Chair Muffler noted that they had already ruled on the case, and the City Manager had already acted. He felt the collective bargaining agreement they had with the Police would probably preclude reopening the case as well.

There was some confusion on Mr. Walsh's part regarding what documents the Board used to make their decision, but Chair Muffler assured Mr. Walsh that the Board had reviewed verbatim transcripts of witness statements, not just the summary copy to which Mr. Walsh referred.

Chair Muffler thought the City Commission would need to authorize the CPRB to revisit the case.

Mr. Walsh apologized for taking so long to request that the Board hear his side of the story. He said he had been advised by Internal Affairs that the case was a "done deal" but had more recently spoken to others, who felt he should approach the Board.

Mr. Fling reiterated that the Board's decision had been based on all of the verbatim statements from not only Mr. Walsh and Mr. Wall, but also the officers involved. Mr. Fling felt they could not go back and reconsider cases they had already decided.

Mr. Walters asked Chair Muffler if there was an appeals process to which Mr. Walsh could apply. Chair Muffler thought there was, but felt it would be lengthy, requiring two City Commission meetings, and would eventually meet legal obstructions. Mr. Walters felt they should allow Mr. Walsh to pursue this process. The Board advised Mr. Walsh to go to the City Clerk's office to request that he be put on the Commission's agenda to discuss this with them.

D. Review the following Internal Affairs investigations:

1. Complainants: Filadelfo & Miriam Mendez (IA Case #05-026)
Allegations: 1) Unnecessary use of force
2) Use of vulgar, obscene or offense language while in an official capacity
Officers: Stevens Gelu
Yvette Martinez
Disposition: 1) Exonerated
2) Exonerated

Neither of the officers was present. Both complainants were present with their daughter serving as interpreter.

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

Ms. Anays Mendez translated for her parents as Chair Muffler explained the Board's process. Through Anays, Mr. Mendez stated that one of the officers had grabbed him by the neck and pushed him, and as a result of this, he still experienced back pain that prevented him from performing some of his former work duties. Mr. Mendez explained that he was no longer in the care of the chiropractor because he could not afford it. Mr. Mendez confirmed for Mr. Stotsky that he had been doing landscape work for 16 years and was 50 years old now.

Chair Muffler felt that during the incident, there was "a lot of confusion at first" as well as a "language issue." Chair Muffler felt the officers had followed proper procedure and their actions had been protective in nature. Chair Muffler said the Police Department should never threaten immigration issues. Ms. Mendez said her father understood that the officers did not know what he had in the bag, but explained that it was a video camera he retrieved because he wanted to document what he felt was mistreatment by the officers. Mrs. Mendez stated that the officers had brought up immigration issues, and Anays said the officers had asked her and several others present if they were "legal."

There being no more members of the public wishing to address the Board on this item, Chair Muffler closed the public hearing and brought the discussion back to the Board.

Chair Muffler said he had done a "ride-along" with Officer Martinez. He noted that she did know some Spanish and was "very professional."

There being no further business before the Board, the meeting was **adjourned at 7:50 p.m.**