

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

| Board Members | | 1/06 – 12/06 | |
|-------------------------------|---|---------------------|----------|
| | | P | A |
| Ted Fling | P | 7 | 0 |
| Captain Jan Jordan | P | 4 | 3 |
| Officer Thor Lockhart | P | 5 | 2 |
| Steven Muffler, Chair | P | 7 | 0 |
| Linda Shallenberger | A | 6 | 1 |
| Captain Kevin Sheehan | A | 5 | 2 |
| Alan Stotsky | P | 5 | 0 |
| George Trodella | P | 6 | 1 |
| Roosevelt Walters, Vice Chair | P | 7 | 0 |

Staff

Captain Rick Maglione, Internal Affairs
Sergeant William Stewart, Internal Affairs
Jamie Opperlee, Recording Secretary

A. Roll Call

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

B. Approve Minutes of the September 2006 Meeting

Chair Muffler said that on page 3, in the fourth paragraph from the bottom, he was quoted saying, “Our Police Department would never threaten immigration issues.” What Chair Muffler had meant was, the Department “should” never threaten immigration issues or charges, or use them to blackmail someone. They should either arrest the individual and bring charges or not.

Motion made by Mr. Walters, seconded by Mr. Stotsky, to approve the minutes of the September 11, 2006 meeting as amended. In a voice vote, motion passed unanimously.

Mr. Fling remembered requesting resolution from the City Manager regarding the Board’s two letters sent to him in July. Chair Muffler had received a response from the City Manager, and circulated this to the Board. Mr. Fling noted that the response from the City Manager was not a response but an acknowledgement of receipt. Chair Muffler said these responses would be included with the Board’s minutes of this meeting.

C. General Information

Captain Maglione Introduced Sergeant Bill Stewart to the Board stating he brought patrol experience and insight to Internal Affairs.

Mr. Fling was frustrated over the lack of an actual response from the City Manager to their letters. Captain Maglione explained that the discipline was usually not served by the time the CPRB heard the cases. He stated that the Chief made the recommendation and the officers were notified prior to cases becoming public record; then the CPRB could review the cases. The City Manager made the final decision in every case. Mr. Fling wanted some notification of the outcomes of cases in the future. Chair Muffler said he would ask Assistant City Manager David Hebert to make the Board aware of all final decisions. Mr. Trodella suggested that the Board receive a copy of the final decision when it was mailed to the officer.

D. Review the following Internal Affairs investigations:

1. Complainant: (Retired) Asst. Chief S. Robitaille (IA Case #06-039)
Allegations: 1) Conduct unbecoming a Police Officer
2) Untruthfulness
Officers: Shane Calvey
Disposition: Not sustained

The Officer was not present.

Mr. Trodella wondered about the right of a private employee [the restaurant bouncer] to physically hold Officer Calvey. Captain Maglione said the bouncer was protecting private property, and as such, he had the right to escort someone off the property, or to detain him until police arrived. In this case, the battery victims chose not to prosecute, so Officer Calvey was released instead of handed over to Police custody.

Mr. Fling wondered why the female Police Officer named Hancock and the Fort Lauderdale Firefighter named Carlos had not made statements. Mr. Walters said the Police Officer had left and did not witness the incident. Mr. Fling thought she could still testify as to how much drinking Officer Calvey had done. He felt this would have made a more complete investigation.

The Board debated when a person should be considered “sober” or “intoxicated.” Captain Maglione pointed out that only a breathalyzer test could prove a person legally intoxicated [or not] and there was no crime in simply being intoxicated.

Mr. Fling felt it was commendable of Sergeant Blish not to question Officer Calvey at all on the ride back.

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

Chair Muffler felt Officer Calvey had set the incident in motion and should be glad to have had the opportunity to recant his first statement, avoiding a major issue. He thought that if “Joe Q. Public” had done this at the Hard Rock Café, he would have been in handcuffs. Mr. Fling stated there was a “professional courtesy involved here.”

Captain Maglione informed the Board that Officer Calvey was hired in 2000 and this suspension would be his only discipline to date.

Mr. Stotsky noted that no one had visited the restaurant where Officer Calvey had been to determine if/how much he had drunk there. Captain Maglione said there was no doubt that Officer Calvey had been drinking, and when he stated he had not been, he was charged with being untruthful.

Motion made by Mr. Walters, seconded by Captain Jordan, to approve the recommended discipline. In a roll call vote, the motion passed 6 – 1 with Mr. Fling opposed.

There being no further business before the Board, the meeting was **adjourned at 7:33 p.m.**