

## **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  
February 12, 2007 - 7:00 P.M.**

<b>Board Members</b>	<b>Attendance</b>	<b>1/07 – 12/07 Cumulative Attendance</b>	
		<b>P</b>	<b>A</b>
Sgt. Eric Brogna	P	2	0
Capt. Karen Dietrich	P	2	0
Lieut. Mike DiMaggio	P	2	0
Ted Fling	P	2	0
Steven Muffler, Chair	P	2	0
Linda Shallenberger	P	2	0
Alan Stotsky	P	2	0
George Trodella	P	2	0
Roosevelt Walters, Vice Chair	P	2	0

### **Staff**

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

### **Guests**

Lashanda Ware, NAACP/Dorsey Riverbend Neighborhood Association  
Marsha Ellison, NAACP  
Roshawn Banks, ACLU, NAACP  
Linda Joffe, ACLU

### **A. Roll Call**

Chair Muffler called the meeting to order at 7:02 p.m.

### **B. Approve Minutes of the January 2007 Meeting**

**Motion** made by Mr. Fling, seconded by Mr. Walters, to approve the minutes of the January 2007 meeting. In a voice vote, motion passed unanimously.

### **C. General Information**

Captain Maglione informed the Board that the three Board members who had recently retired had been presented plaques and letters of commendation by the Chief of Police.

Chair Muffler had distributed copies of his letter to the City Manager regarding last month's case.

Chair Muffler informed the Board that their joint meeting with the City Commission was scheduled for March 20 at 12:30; he would notify them of the meeting location.

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

- 1. Complainant:** Carl Bruce Thebeau (I.A. Case #05-132)  
**Allegation:** Unnecessary Use of Force  
**Officer:** Sergeant David Lewis  
**Disposition:** Unfounded

The officer was not present.

**Motion** made by Mr. Fling, seconded by Ms. Shallenberger, to accept the findings of Internal Affairs. In a voice vote, all voted in favor.

Mr. Walters was concerned that questions had not been direct enough regarding the specific allegations made by Mr. Thebeau.

Mr. Trodella felt Mr. Thebeau's allegations had continued to "grow with the amount of questioning" and he doubted the veracity of the allegations.

Captain Dietrich felt the questions were asked "in a cumulative way" such as, "Did you see *anything* that was abusive..."

Lieutenant DiMaggio referred to questioning of one witness that was very specific regarding the individual allegations.

Mr. Walters noted that no witnesses said he had seen any physical abuse, but he felt witnesses should have been asked more specific questions.

Captain Maglione described the events on the security recording, noting that there was no struggle evident, and it could not be determined whether both of Mr. Thebeau's hands were in handcuffs. The Board viewed the library security tape of the incident.

Chair Muffler opened the public hearing.

Ms. Roshawn Banks, NAACP and ACLU, asked if the Board could ask Internal Affairs to investigate discourteous behavior. Chair Muffler said the code specified that the Board could do this, but they were at odds with the City Attorney regarding this point.

Ms. Marsha Ellison, NAACP, asked if Mr. Thebeau was given the opportunity to make the accusation of discourtesy. Captain Maglione said that the complainant was asked

open-ended questions, and Internal Affairs determined what allegations existed based on the responses. In this case, while Mr. Thebeau's allegations indicated discourtesy, the investigation proved that this had not happened, so the officer had not been charged with discourtesy. In cases where there were no witnesses or other corroborating evidence, the officer would be charged with all allegations based on the complainant's account. Captain Maglione noted that often, during the course of an investigation, Internal Affairs added charges they deemed appropriate.

Ms. Linda Joffe, ACLU, wondered how Internal Affairs judged when an officer's behavior would be deemed discourteous. Captain Maglione confirmed that discourteous behavior was not illegal, but was against Department policy, and must be judged on an incident-by-incident basis; there was no matrix by which they judged discourteous behavior.

Ms. Banks asked about the process a case went through to come before the CPRB. Captain Maglione explained that any potential criminal allegations must first be investigated by the State attorney. The case was not made public or presented to the CPRB until after the State attorney closed the case. Captain Maglione explained that they sometimes heard from the State attorney within months, but it sometimes took in excess of one year, as this case had.

Chair Muffler closed the public hearing.

Chair Muffler stated he would have preferred that the officer had been charged with discourtesy and unnecessary use of force and cleared of both charges. He agreed that the officer's questioning was not as direct as he would have liked, but felt the witnesses' statements indicated the charge was unfounded.

Captain Maglione informed the Board that there had been several discourtesy and force complaints against Sergeant Lewis since 1984, but the findings for these were all unfounded, not sustained or exonerated.

There being no further business before the Board, the meeting was **adjourned at 7:52 p.m.**