

FORT LAUDERDALE CITIZENS POLICE REVIEW BOARD MINUTES
Ft. Lauderdale Police Department
City Hall – 8th Floor Conference Room
100 N. Andrews Avenue, Fort Lauderdale, Florida
May 14, 2007 - 7:00 P.M.

Board Members	Attendance	1/07 – 12/07 Cumulative Attendance	
		P	A
Steven Muffler, Chair	P	4	0
Roosevelt Walters, Vice Chair	P	4	0
Capt. Karen Dietrich	A	3	1
Lt. Mike DiMaggio	A	3	1
Ted Fling	P	4	0
Sgt. Eric Brogna	A	3	1
Linda Shallenberger	P	4	0
Alan Stotsky	P	4	0
George Trodella	P	4	0

Staff and Guests

Captain Rick Maglione, Internal Affairs
Michael Tucker, Union Representative
Travis Woods, Recording Clerk, Prototype, Inc.

A. Roll Call

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

B. Approve Minutes from March 12, 2007 Meeting

Motion duly made and seconded to approve the minutes of the March 12, 2007 meeting. In a voice vote, motion passed unanimously.

C. General Information

Chair Muffler announced that a seminar, "How to Conduct Better Public Meetings," has been scheduled by the City for Wednesday, June 6, 2007 at 5:45 p.m. Booklets summarizing seminar information will be provided at the next meeting to those members unable to attend.

Lengthy discussion commenced regarding a form to be filled out subsequent to the Board's findings reflecting their decisions and forwarded to the City Manager by Chair Muffler. Five dispositions are listed; there will no longer be a vote taken on discipline if a case is sustained. Subsequent to a CRPB vote, the Chair will complete the form as to

each charge indicating whether the vote was to sustain, not sustain, exonerate, unfound, or defer for more information.

Per Mr. Fling's inquiry, it was determined there would be one vote per case with no provision for disagreement or preference by the CPRB for disciplinary action.

D. Discussion – Joint Commission Meeting April 17, 2007

Chair Muffler reported that at the April 17th City Commission meeting several CPRB members had been in attendance. He had suggested to the City Commission that Level 1 files be presented to the Board whether stemming from an outside or internally-generated complaint allowing a forum for the public, the charged officer, and other interested parties to come before the Board to present their side of the story. He felt that would dissipate any suspicions that "anything is going amiss." At that meeting, the City Attorney and City Manager had taken contrary viewpoints. The City Commission indicated they would like the code to be "tweaked" to make it more functional.

Capt. Maglione read the City Commission follow-up from the City Clerk which stated, "The City Attorney was directed to make refinements to the Code covering the Citizens Police Review Board including removing 'all' complaints from Section 2-249 duties. Section 2-250(5) defer case for more information was also highlighted."

Mr. Fling determined that the format of the form was completely contrary to the ordinance. Vice Chair Roosevelt Walters pointed out that the ordinance allows bifurcation of a motion and recommendations as to training, etc., but "according to this, we check a box and then we shut up."

Mr. Fling further noted that, although their meetings are to be conducted per Robert's Rules, the form is contrary to that notion, reiterating the plateau under which the Board is to conduct its proceedings and suggesting the Board will have no recourse for objection or disagreement to the findings of Internal Affairs – a violation of the ordinance itself. He also pointed out that, to his recollection, the Board has never objected to the investigation made by an IA Officer; they have, however, objected to the "penalty not fitting the crime."

Mr. Trodella speculated on the City administration's motivation and if they are questioning the value of the Board. Ms. Shallenberger suggested they check with the City Attorney regarding the actual parameters of the Board's decision-making process, further suggesting that they write in their opinions on the form to be submitted in order to report their findings as well as disciplinary recommendations. A suggestion was made to send the form along with the usual letter from Chair Muffler with the Board's recommendations.

Chair Muffler was concerned that if a matter is simply an internal IA investigation, it will

not be brought before the Board, creating a problem with public perception, especially mentioning shooting incidents.

Capt. Maglione stated that all previous shooting incidents have been discussed with and will continue to be directed to the Board.

Ms. Shallenberger proposed that the paragraph left out of the revisions be put back into the ordinance. It was Chair Muffler's suggestion that each Board member meet with the City Commissioner who appointed them to express their concerns and ask that this matter be reconsidered. He stated that currently he will have to abide by the decision of the City Attorney and City Manager.

Capt. Maglione reminded the Board that every case completed by Internal Affairs or on an operations level, with few exceptions, is public record. He added that all disciplinary recommendations are carefully considered and include input from Labor. Past practices and setting of future precedents are also measured ensuring consistency and fairness.

Mr. Fling and Chair Muffler both expressed opinions regarding the importance of citizen overview and that a change in the Board's responsibilities is a "wrong step at the wrong time in the wrong direction."

Chair Muffler agreed to provide to the Board members a packet of materials with the current and previous versions of the ordinance, as well as the form memorandum.

Vice Chair Roosevelt Walters pointed out that this is the third change in the original ordinance establishing the Board and that in every revision "things have been taken away from the Board that would not only benefit the Board, but would also benefit the community."

Ms. Shallenberger "seriously questioned if they realize what they've done."

Chair Muffler pointed out it is now up to the Board to move this matter forward as he has written a letter to and received a response from the City Attorney; he has appeared before the City Commission three times; and he is not sure what more can be done other than to meet one-on-one with the Commissioners. He reiterated his position that since the wording says "any and all" that any and all matters will continue to come before the Board.

Mr. Fling emphasized that their criticism is not with the Police Department, as they have never debated or maligned the investigations conducted.

In response to Mr. Fling's inquiry, Mr. Tucker agreed the Board should pursue this matter further and disagreed with Ms. Shallenberger's suggestion that the change may have simply been an oversight.

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