

**CITY OF FORT LAUDERDALE  
CITIZENS POLICE REVIEW BOARD MEETING**  
100 North Andrews Avenue  
Eighth Floor Commission Conference Room  
Fort Lauderdale, Florida  
July 9, 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>
Steven Muffler, Chair	A	5	1
Roosevelt Walters, Vice Chair	P	6	0
Capt. Karen Dietrich	P	4	2
Lieutenant Mike DiMaggio	P	4	2
Ted Fling	P	6	0
Sergeant Eric Brogna	P	4	2
Linda Shallenberger	P	6	0
Alan Stotsky	A	5	1
George Trodella	P	6	0

**Staff and Guests**

Captain Rick Maglione, Internal Affairs  
Sergeant William Stewart, Internal Affairs  
Deborah Balshem, Recording Clerk, Prototype, Inc.

**A. ROLL CALL**

Vice Chair Walters called the meeting to order at 7:03 p.m. Roll call was taken and a quorum achieved.

**B. APPROVAL OF MINUTES – May 14, 2007**

Captain Maglione noted a discrepancy in the cumulative attendance record of some of the Board Members. He said he was checking into it and that he wanted to discuss the issue with Chair Muffler.

**MOTION** made by Ms. Shallenberger, seconded by Mr. Trodella, to approve the minutes from May 14, 2007, pending correction of the cumulative absence record. In a voice vote, the motion passed unanimously.

**C. APPROVAL OF MINUTES – June 11, 2007**

**MOTION** made by Ms. Shallenberger, seconded by Mr. Trodella, to approve the minutes from June 11, 2007, pending correction of the cumulative absence record. In a voice vote, the motion passed unanimously.

**D. GENERAL INFORMATION**

Vice Chair Walters opened the discussion on the deleted paragraph from the Code of Ordinances dealing with the Citizens Police Review Board. He provided the following to the Board members: 1) letter from Mr. Fling; 2) letter response from City Attorney Harry Stewart to Chair Muffler dated June 25, 2007; 3) minutes from the April 17, 2007 City Commission conference meeting.

Mr. Fling noted that each of the previous ordinances and resolutions dealing with responsibilities of the Board was referenced.

Vice Chair Walters noted that the paragraph appeared in the original ordinance that created the Board, but was deleted in the subsequent adoption of a new ordinance, and was not officially shown as a "strike-out," although Mr. Stewart indicated he had been advised that a portion of the ordinance was to be changed and deleted.

Vice Chair Walters said it was his interpretation of the letter and the most current ordinance that the Board is basically given "zero authority" to make recommendations. Mr. Fling questioned how "something of this nature could be deleted and there be no explanation for it."

Mr. Fling proposed that they submit a cumulative version of the ordinances striking out the words "all complaints" providing same to Mr. Stewart and/or the City Commission. It was Ms. Shallenberger's suggestion to submit this issue to the City Commission and then if they are interested in pursuing this matter further the City Commission will direct it to the City Manager or City Attorney.

Mr. Fling noted that the Board seemed to be operating under several different ordinances, asking Captain Maglione for his opinion on the issue.

Captain Maglione said that when the Board was created under the 1994 ordinance, it was to "ensure that the citizens' complaints are investigated thoroughly, objectively, and come to a conclusion, and word is brought back to the citizens of what occurred and the citizens' interests are represented fairly."

He did not feel the Board should be burdened with "housekeeping matters" not resulting from a citizen complaint as he believes the Board was created to protect the citizens.

Captain Maglione stated that recommendations regarding the findings are still solicited from the Board.

Captain Maglione also pointed out that Internal Affairs takes into consideration many different factors when making a disciplinary decision and may be based upon information not accessible to the Board. He stated there are “many hoops to ensure discipline is consistent and fair,” adding his belief that the Board is counted on to agree or disagree that the investigation itself was thorough and complete.

Vice Chair Walters noted that the Board’s findings have always been “recommendations” that the City Commission can choose to accept or reject.

**MOTION** made by Ms. Shallenberger, seconded by Mr. Trodella, to send to the City Commission the recommended verbiage that Mr. Fling put together, ask the City Commission to put the verbiage back into the Code of Ordinances, and to provide the City Commission with a written reason why the Board believes the verbiage should be put back in the Code of Ordinances. In a roll call vote, the motion passed unanimously.

It was noted by Vice Chair Walters that these issues would be discussed with Chair Muffler and Board Member Stotsky at the September 2007 Board meeting.

## **E. INTERNAL AFFAIRS INVESTIGATION REVIEW**

1. **CASE #06-202**  
**Complainant: Javier Ortiz**  
**Allegation: Discourtesy**  
**Officer (Respondent): Christopher Wilson**  
**Disposition: Not Sustained**

Both the Complainant and Respondent were not present. No members of the public were present.

The complaint was regarding discourteous language by the police officer as well as an allegation of unnecessary force, both not sustained by Internal Affairs.

Mr. Trodella agreed that the complaint was very vague, and that the Complainant did not seem to know who or what hit him, and that his abrasions could have been from being put down on the ground.

Captain Maglione confirmed that the Respondent had two minor complaints filed against him, but no prior disciplinary history.

Lieutenant DiMaggio said Internal Affairs did a great job, and that even if the Complainant was struck by responding officers, those officers were well within

their rights to do so under State and City law. He also noted that, based on the amount of resistance from the Complainant on scene, that the officers could have used an intermediate weapon, such as a taser or defense spray. Lieutenant DiMaggio said the officers were clearly in the right.

**MOTION** made by Ms. Shallenberger, seconded by Mr. Trodella, to accept the finding of Internal Affairs. In a voice vote, the motion passed unanimously.

### **Adjournment**

Before adjourning, Vice Chair Walters reminded the Board members there is no August 2007 Board meeting.

There being no further business before the Board, the meeting was adjourned at 7:40 p.m.