

**CITY OF FORT LAUDERDALE
CITIZENS POLICE REVIEW BOARD MEETING**

100 North Andrews Avenue
Eighth Floor Commission Conference Room
Fort Lauderdale, Florida
September 10, 2007 - 7:00 p.m.

Board Members	Attendance	1/07 – 12/07 Cumulative Attendance	
		P	A
Steven Muffler, Chair	P	6	1
Roosevelt Walters, Vice Chair	P	7	0
Captain Karen Dietrich	P	5	2
Lieutenant Mike DiMaggio	P	5	2
Ted Fling	P	7	0
Sergeant Eric Brogna	P	5	2
Linda Shallenberger	P	7	0
Alan Stotsky	P	6	1
George Trodella	P	7	0

Staff and Guests

Sergeant McGowan, Internal Affairs
Captain Rick Maglione, Internal Affairs
Elizabeth Rivera, Prototype, Inc.

A. ROLL CALL

Chair Muffler called the meeting to order at 7:00 p.m. and roll call was taken.

B. APPROVAL OF MINUTES – July 9, 2007

MOTION made by Mr. Walters, seconded by Mr. Stotsky, to approve the minutes of the Board's July 9, 2007 meeting. Board unanimously approved.

C. GENERAL INFORMATION

Chair Muffler requested clarification on the letter the Board had voted for him to write at the previous month's meeting, when he had been absent. He confirmed he would send this, along with the minutes they had approved this evening from July, to the City Commission, copied to City management, the Police Chief, and the City Attorney.

Ms. Shallenberger said the letter should simply urge the addressees to read the Board's minutes.

Mr. Fling wanted the letter to indicate that the Board was requesting a reply, and state a time frame in which the reply was anticipated. Mr. Fling noted that advisory boards' minutes were passed at City Commission conference meetings without discussion or formal presentation.

Chair Muffler said any Board member could appear at a Commission meeting and discuss any topic. Chair Muffler said he and Mr. Walters had shown up at two Commission meetings, but nothing had occurred after that.

Ms. Shallenberger said the letter should indicate that no changes had occurred and they had received no communication, and should request the current status. Chair Muffler agreed to send the letter this week.

Mr. Fling said their desire was to get a single consolidated ordinance that incorporated what Commissioner Teel had suggested, and made it plain that the CPRB had the desire to abide by the Board's original intent. He noted there were currently several contradictory, incomplete ordinances.

Chair Muffler agreed to provide a copy of the letter to all Board members via e-mail.

D. INTERNAL AFFAIRS INVESTIGATION REVIEW

- 1. Complainant: Bruce G. Roberts, Chief of Police
(I. A. Case #06-082)**
**Allegations: 1) Unsatisfactory Performance
2) Conduct Prejudicial**
Officer: Charles Sierra
Disposition: Sustained (both charges)

Neither the complainant nor the officer was present.

Chair Muffler noted that Lieutenant DiMaggio and Captain Dietrich had been involved in this investigation, and they both agreed they would abstain from voting. Chair Muffler said he had requested a closeout letter indicating the discipline from Internal Affairs.

Captain Maglione said the letter Chair Muffler had received was not a closeout letter, it was a settlement agreement. He said normally his closeout letter, indicating the disposition, was in the file, accompanied by a recommendation of discipline by the Police Chief. In this particular case, because criminal charges were still pending, the officer had been informed of the Chief's recommendation

for discipline, but that had later been rescinded and removed as part of the settlement agreement, and replaced with the memo Chair Muffler possessed. Captain Maglione explained that the document Chair Muffler had should probably not be viewed by the rest of the Board prior to their consideration of the case, because it came after the fact, and could influence the Board's vote.

Chair Muffler felt the original letter [that had been rescinded] should still be included in the file as a matter of public record. Mr. Fling said the ordinance stated that the Board should receive the complete Internal Affairs file unless items were confidential.

Chair Muffler asked if he must request a complete file on behalf of the Board for each case, each month. Captain Maglione said he must specifically request anything that was not normally provided as part of the Board's packet.

Captain Maglione explained that the settlement agreement could include an admission of guilt or fault from the officer, and he felt that this could certainly influence the Board's vote. Chair Muffler said the Board had taken into consideration no contest pleas involving complainants, and he felt this went to the issue of veracity.

Captain Maglione explained that this was not evidence in a case, this was after the case had been decided, and prior to arbitration, and was not something the Board normally received. Captain Maglione stated the Board had probably seen what is called a "last chance" agreement as part of the Chief's recommendation, not a settlement agreement.

Ms. Shallenberger said the Board would like to be made aware of any information that became public.

Chair Muffler passed the letter among the Board members.

Motion made by Mr. Walters, seconded by Ms. Shallenberger, to accept the findings of Internal Affairs, with Lieutenant DiMaggio and Captain Dietrich abstaining. Board approved 7 - 0.

- 2. Complainant: Lucinda Brinson (I.A. Case #07-058)**
Allegations: 1) Discourtesy
2) Unnecessary use of force
Officer: Patrick O'Brien
Disposition: 1) Not Sustained
2) Unfounded

Neither the complainant nor the officer was present.

Mr. Stotsky asked why a driver found to be operating a vehicle with no license and no registration was allowed to go with just the ticket and was not put in jail. Captain Maglione said like any misdemeanor, this was left to the officer's discretion. In order to arrest someone for driving on a suspended license, he or she must have knowledge of the suspension.

Motion made by Ms. Shallenberger, seconded by Mr. Walters, to approve the findings of Internal Affairs. Board unanimously approved.

3. **Complainant:** **Victoria Watson (I.A. Case #07-088)**
 Allegations: **1) Knowingly, making or signing any false or
 inaccurate statement in any official investigation,
 report, or record or attempting to induce or cause
 another to do so**
 **2) Failure to conduct a complete or proper police
 investigation**
 Officer: **Jason Hersh**
 Disposition: **1) Unfounded**
 2) Not Sustained

Neither the complainant nor the officer was present.

Motion made by Mr. Walters, seconded by Mr. Fling, to accept the findings of Internal Affairs. Board unanimously approved.

Adjournment

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