

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

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

Board Members	Attendance	1/07 – 12/07 Cumulative Attendance	
		P	A
Steven Muffler, Chair	P	8	1
Roosevelt Walters, Vice Chair	P	9	0
Captain Karen Dietrich	P	7	2
Lieutenant Mike DiMaggio	A	6	3
Ted Fling	P	9	0
Lieutenant Eric Brogna	P	7	2
Linda Shallenberger	A	8	1
Alan Stotsky	P	8	1
George Trodella	P	9	0

Staff and Guests

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

A. ROLL CALL

Chair Muffler called the meeting to order at 7:03 p.m. and roll call was taken.

B. APPROVAL OF MINUTES – October 8, 2007

Chair Muffler noted the Board had not met in November.

Motion made by Mr. Walters, seconded by Mr. Fling, to approve the minutes of the Board's October 8, 2007 meeting. Board unanimously approved.

C. GENERAL INFORMATION

Chair Muffler informed the Board he had attended the Better Meetings Academy and Sunshine Law seminar.

Mr. Fling said the Mayor was the only person to respond to his request regarding a cumulative ordinance concerning the CPRB. He had advised Mr. Fling to bring this up through a Commissioner. Mr. Fling read the letter he had sent to Commissioner Rodstrom to the Board. The letter described the Board's request

that the ordinance be rewritten, and the fact that only the Mayor had responded when this letter was sent to the Mayor and copied to all Commissioners on September 17, 2007.

Commissioner Rodstrom responded to Mr. Fling's letter and advised him that the Commission could discuss this at their conference meeting of October 16, 2007 if he wished. Mr. Fling advised her that the CPRB had made this request unanimously, and so they did wish the City Commission to discuss it.

Mr. Fling reported that when Commissioner Rodstrom had brought this up at the conference meeting, the City Attorney informed her that she had "seen this thing three times I'm not going to see it again and I don't even want to discuss it" and that was the end of their discussion.

Chair Muffler knew that the Commissioners were well aware of this issue, and he believed that the fact that no Commissioner disagreed with the City Attorney's remarks indicated that they wished to leave this alone. Chair Muffler felt the Board had no other recourse, if the City Commission was not interested.

Mr. Fling was irritated at the City Attorney's attitude. Mr. Stotsky suggested they request Commissioner Rodstrom put a resolution on the Commission's agenda.

Mr. Fling explained to Lieutenant Brogna that when the ordinance had been amended to change the name of the Board to the Citizens Police Review Board, the amendment had not included an entire section that the Board had suggested. The Board had been informed that this was an oversight, but it had never been corrected.

Captain Maglione clarified that the current version of the ordinance no longer included soliciting the Board's opinion regarding discipline, it only concerned whether or not the Board concurred with the findings of Internal Affairs. Mr. Walters said the Board had also requested including giving the Board the ability to make a recommendation for additional training.

Chair Muffler reiterated his belief that since the City Commission had not addressed any of the issues the Board had brought up, that it was the Commission's intent that the Board only hear citizens' complaints and either agree or disagree with findings of internal affairs.

The Board agreed to let this issue go for the time being.

D. SPECIAL ELECTION OF OFFICERS

Mr. Walters nominated Mr. Muffler for Chair. Mr. Muffler accepted the nomination. Board unanimously approved Mr. Muffler as Chair.

Mr. Trodella nominated Mr. Walters as Vice Chair. Mr. Walters accepted the nomination. Board unanimously approved Mr. Walters as Vice Chair.

E. INTERNAL AFFAIRS INVESTIGATION REVIEW

1. **Complainant:** Bruce G. Roberts, Chief of Police
(I.A. Case #07-118)
Allegation: Excessive use of force
Officer: Sergeant Francis Sousa
Disposition: Unfounded

The officer was not present. There were no members of the public present to address this item.

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

2. **Complainant:** Jarob Bruno (I.A. Case #07-134)
Allegations: 1) Unnecessary use of force
2) Failure to conduct a complete or proper police
Investigation
Officer: Jason Maldonado
Disposition: 1) Unfounded
2) Sustained

The officer was not present. There were no members of the public present to address this item.

Motion made by Mr. Fling, seconded by Mr. Walters, to uphold the findings of Internal Affairs regarding the unnecessary use of force allegation. Board unanimously approved.

Mr. Fling asked if the second allegation had been brought by the Department after the investigation was begun and he wondered why the Chief of Police was named as the complainant.

Captain Maglione explained that during the course of investigating Mr. Bruno's complaint, the Department had identified additional concerns and added the second charge.

Mr. Walters asked why the charges had been brought. Captain Maglione said Officer Maldonado had not done a complete enough investigation even to protect himself, he had therefore put himself at unnecessary risk. They had investigated the possibility of an untruthfulness charge, and had considered this when taking the officer's statement. Internal Affairs had eventually determined that charging the officer with Failure to Conduct a Complete Investigation was appropriate.

Sergeant Stewart remarked that Officer Maldonado had been surprised to be charged and chalked up the discrepancies to a mistake. Mr. Walters said he had heard that "it was omitted, but not intentionally." Captain Maglione confirmed that Internal Affairs had accepted Officer Maldonado's explanation.

Captain Maglione reported that Officer Maldonado had no other discipline in his four years on the force. Captain Maglione stated there were several complaints, most of which had resulted in notes to file and listed them: In May 2004 someone alleged misplacement of money confiscated during a traffic stop, this had been resolved by locating the cash and no complaint had been filed. In February 2005 there was a service procedural complaint against Officer Maldonado which was determined unfounded. In July 2005 there was an unnecessary force complaint which had resulted in a note to file. In February 2005 there was a complaint from an attorney alleging inconsistencies in court testimony provided by Officer Maldonado resulting in the judge's granting a motion to suppress. It was determined Officer Maldonado's testimony was not false, untruthful or misleading. In January 2007 there was an allegation of theft during an arrest which had resulted in a note to file. In February 2007 there was an allegation that the officer's demeanor was unprofessional, resulting in a note to file. In February 2007 there were allegations of discrepancies between the police report and the officer's version, the complainant had refused to go forward with a formal complaint. In February 2007 a complainant alleged officers entered his house without a warrant or permission. This was closed pending further contact from the complainant. In March 2007, a complaint alleged detectives followed him to his house, searched his vehicle illegally and removed \$200.00. This had been closed pending further contact from the complainant. The same complainant alleged the following day that the officers harassed him at his business, this resulted in a note to file. Captain Maglione reminded the Board that the previous month they had heard a case involving Officer Maldonado as well.

Mr. Stotsky asked if it was common for members of Officer Maldonado's group to have many complaints. Captain Maglione said this sometimes was the case, because of the citizens with whom they had contact. He noted how common it was for complainants to not respond to contacts after making the initial allegation.

Mr. Fling stated he was confused about the discipline, was it a reprimand or an eight-hour suspension? Captain Maglione stated Officer Maldonado had received an eight-hour suspension.

Motion made by Mr. Fling, seconded by Mr. Walters, to uphold the punishment as indicated by the Chief's letter of October 8. Board unanimously approved.

Adjournment

There being no further business before the Board, the meeting was adjourned at **7:45 p.m.**

(Prepared by J. Opperlee)