

**CITIZENS POLICE REVIEW BOARD MEETING  
 CITY OF FORT LAUDERDALE  
 CITY HALL 8<sup>TH</sup> FLOOR CONFERENCE ROOM  
 100 NORTH ANDREWS AVENUE  
 FT. LAUDERDALE, FLORIDA 33301  
 JULY 14, 2008 – 7:00 P.M.**

<b>Board Members</b>	<b>Attendance</b>	<b>1/08 – 12/08 Cumulative Attendance</b>	
		<b>P</b>	<b>A</b>
Steven Muffler, Chair	P	3	0
Roosevelt Walters, Vice Chair	P	3	0
Lieutenant Mike DiMaggio	P	3	0
Ted Fling	P	3	0
Capt. Eric Brogna	P	3	0
Alan Stotsky	P	3	0
George Trodella	P	3	0
Eileen Helfer	P	3	0
Lt. Gregory Blazs	A	2	1

**Staff**

Capt. Rick Maglione, Internal Affairs  
 Sgt. Rod McGowan  
 Sgt. Bill Stewart  
 B. Chiappetta, Recording Clerk, Prototype, Inc.

**A. Roll Call**

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

**B. Approve Minutes from the Board’s April 2008 Meeting**

Chair Muffler noted the Board had not met in May or June.

Chair Muffler requested that the term “public hearing” be changed to “public comment.”

Mr. Fling asked that staff in attendance be included in the list on the first page of the minutes.

**Motion** made by Mr. Walters, seconded by Mr. Trodella, to approve the minutes of the Board’s April 2008 meeting as amended. In a voice vote, the motion was unanimously approved.

**C. General Information**

Chair Muffler announced the Board would not meet in August.

Ms. Helfer had recently completed the Citizens' Police Academy, and said this was something more people should do. She said it was very interesting and "an eye opener." Ms. Helfer believed the program should be continued.

**D. Review the Following Internal Affairs Investigation**

1. **Complainant:** Tavarus Levine (I.A. Case #08-017)  
**Allegations:**  
1) Unnecessary Use of Force  
2) Discourtesy  
**Officer:** Paul Kelley  
**Dispositions:**  
1) Not Sustained  
2) Not Sustained

Chair Muffler noted that neither the officer nor the complainant was present.

Capt. Maglione stated the complainant had been sent notice of this meeting via regular mail, and signed for receipt of certified mail.

Chair Muffler then opened the hearing for public comment, and finding there were no members of the public present, public comment was closed.

**Motion** made by Mr. Walters, seconded by Mr. Fling, to accept the findings of Internal Affairs. In a voice vote, Board unanimously approved.

2. **Complainant:** (Former) Chief Bruce Roberts (I.A. Case #08-053)  
**Allegation:** Use of Deadly Force  
**Officer:** Michael Sanner  
**Disposition:** Exonerated

Chair Muffler noted that neither the officer nor the complainant was present.

Chair Muffler then opened the hearing for public comment, and finding there were no members of the public present, public comment was closed.

**Motion** made by Mr. Fling, seconded by Mr. Walters, to accept the findings of Internal Affairs. In a voice vote, Board unanimously approved.

Mr. Fling noted, "The guy that got shot is lucky he's still alive, after what he pulled."

3. **Complainant:** Brian F. Leary (I.A. Case #08-061)  
**Allegation:** Conduct Unbecoming  
**Officer:** James Ramage  
**Disposition:** Not Sustained

Chair Muffler noted that neither the officer nor the complainant was present.

Chair Muffler then opened the hearing for public comment, and finding there were no members of the public present, public comment was closed.

Ms. Helfer wondered if anyone had ever asked if the \$161 was used to pay the complainant's previous fine and he did not want his wife to know.

Capt. Maglione said this was an ironic coincidence, but there was time in between, and the complainant had not received reimbursement from the City. Capt. Maglione said this was something worthy of consideration: the fact that the complainant was fine \$161 in Alachua County and this was the exact amount he claimed was stolen.

**Motion** made by Mr. Stotsky, seconded by Mr. Walters, to accept the findings of Internal Affairs. In a voice vote, Board unanimously approved.

4. **Complainant:** John Countryman, ASA (I.A. Case #08-091)  
**Allegations:**  
1) Department personnel will not testify at any proceeding on behalf of a criminal defendant without prior approval of the Chief of Police or his designee  
2) Conduct prejudicial  
**Officer:** Eugene McCoy  
**Dispositions:**  
1) Exonerated  
2) Unfounded

Chair Muffler noted that the officer was present, but the complainant was not present.

Capt. Maglione confirmed that the complainant had phoned to say he could not attend this hearing. Capt. Maglione could not say whether the complainant had seen the entire file, but noted that it was available to him if he wanted it. Capt. Maglione stated the complainant had been aware of the disposition and the complainant had also spoken with Sgt. Martinez regarding the case.

Mr. Fling felt it almost "patently offensive" that an Assistant State's Attorney would take it upon himself to make this complaint to the Broward Sheriff's Office and the Fort Lauderdale Police Department "without any reliable information, certainly no proof and

lots of hearsay.” Mr. Fling thought it was obvious after reviewing the Assistant State’s Attorney’s statement that there was “some sort of a problem between him and the officer.” He wondered who was supposed to protect officers from this sort of harassment.

Mr. Fling wanted to know how many complaints in the last six years involved this Assistant State’s Attorney and this officer, which would support the Assistant State Attorney’s assertion that he had prior problems with this officer. Capt. Maglione could not answer this question, but explained that in 2003, Officer McCoy had a Category 2 complaint that would not have been referred to the State’s Attorney. This case was the only other investigation involving Officer McCoy in the previous six years. Mr. Fling said this was proof that John Countryman’s statements were “way out in left field.”

Mr. Walters remarked that nothing could prevent someone from making a complaint or even suing. Chair Muffler noted that this public forum protected officers.

Mr. Trodella thought it curious that the female prosecutor, who had been upset about this, had not generated the complaint.

Capt. Maglione clarified for Chair Muffler that “not sustained” meant there was a lack of evidence and/or testimony to prove or disprove the allegation. “Exonerated” meant the action alleged did occur, but in this circumstance, the Police Department condoned it because it was justified. In this case, Officer McCoy had testified without prior approval, but when he was asked to attend the hearing he had not been aware he would be testifying and there were exigent circumstances.

Chair Muffler said he assumed the officers and their spouses had attended a Christmas gathering prior to the bond hearing, and some conversation regarding the bond hearing occurred at that gathering. Officer McCoy stated he believed his wife had been embarrassed and had not explained why she was so upset. Capt. Maglione explained that Officer McCoy was asked verbally to attend this emergency bond hearing, and he was surprised when he was called to testify. Capt. Maglione stated if an officer was subpoenaed to testify, he or she must obtain permission, but the subpoena must be served five day prior.

Chair Muffler asked if a Police Officer could take a statement in this situation while in plain clothes. Capt. Maglione explained that an officer could do this, but he believed that “I would think, when you’re showing up at someone’s house, your uniform provides credibility.” Chair Muffler remarked that he did not put friendly witnesses under subpoena.

Lt. DiMaggio said Officer McCoy worked in his division, and remarked that he worked odd hours and he had never seen him out of uniform. He hoped this would alleviate any fear Chair Muffler had that something had been done improperly.

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Chair Muffler then opened the hearing for public comment, and finding there were no members of the public present and wishing to comment, public comment was closed.

**Motion** made by Mr. Fling, seconded by Mr. Stotsky, to accept the findings of Internal Affairs. In a voice vote, the motion passed unanimously.

There being no further business before the Board, the meeting was adjourned at 7:31 p.m.