

**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  
 NOVEMBER 10, 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>
Roosevelt Walters, Chair	P	6	0
Det. Nina Justice	P	1	0
Capt. Eric Brogna	A	5	1
Lieutenant Mike DiMaggio	P	6	0
Ted Fling	P	6	0
Eileen Helfer	P	6	0
Adriane Reese	P	1	0
Alan Stotsky	P	6	0
George Trodella	A	5	1

**Staff**

Capt. Rick Maglione, Internal Affairs  
 B. Chiappetta, Recording Clerk, Prototype, Inc.

**Witnesses and Visitors**

Sgt. Hector Martinez, FLPD  
 Ralph Riehl, Economic Development Advisory Board member

**A. Roll Call**

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

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

**Motion** made by Mr. Fling, seconded by Mr. Stotsky, to approve the minutes of the Board’s October 2008 meeting. In a voice vote, the motion was unanimously approved.

**C. General Information**

Mr. Fling asked about the progress of the suggestion to honor the citizens involved in the Pinto-Gonzales affair. Capt. Maglione said he had forwarded this suggestion to

Frank Sousa at the Public Information Office but had not heard back yet. He agreed to look into this and report back to the Board.

Board members introduced themselves in turn.

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

**1. I.A. Case #08-153**

**Complainant:** Steven L. Motsinger  
**Allegation:** Unnecessary use of force  
**Officer:** William Harder  
**Disposition:** Unfounded

**Motion** made by Mr. Fling, seconded by Ms. Helfer, to accept the findings of Internal Affairs.

Capt. Maglione informed Mr. Fling that there was no statute of limitations on filing a complaint against a Police Officer; there was, however, a statute of limitations on filing criminal charges. He explained that the Police Officers' Bill of Rights in Statute 112 directed that Internal Affairs had 180 days to investigate a complaint and discipline an officer once they became aware of it.

Capt. Maglione explained that based on a preponderance of the evidence, Internal Affairs had found that the Officer in this case did not use unnecessary force, and so the disposition was unfounded. Capt. Maglione informed the Board that even Mr. Motsinger's testimony and injuries did not coincide with having been the victim of unnecessary force.

Capt. Maglione said Internal Affairs had determined that something happened, but found that the force Officer Harder used had been necessary.

In a voice vote, Board unanimously approved.

Board Discussion

Ms. Reeseey was concerned about HIPAA regulations and asked about disposal of the medical information in the file. Capt. Maglione explained that actual medical records from the hospital were redacted from the report. The rest of the information provided to the Board was public record, so it did not require special disposal.

There being no further business before the Board, the meeting was adjourned at 7:15 p.m.

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[Minutes prepared by J. Opperlee, ProtoType Services]