

**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  
 JANUARY 12, 2009 – 7:00 P.M.**

<b>Board Members</b>	<b>Attendance</b>	<b>1/09 – 12/09 Cumulative Attendance</b>	
		<b>P</b>	<b>A</b>
Alan Stotsky, Chair	P	1	0
Eileen Helfer, Vice Chair	P	1	0
Capt. Eric Brogna	P	1	0
Lt. Mike DiMaggio	A	0	1
Det. Nina Justice [7:03]	P	1	0
Patrick Kerney	P	1	0
Edwin P. Parke	P	1	0
Adriane Reese	P	1	0

**Staff**

Capt. Rick Maglione, Internal Affairs  
 Sgt. Hector Martinez, FLPD  
 B. Chiappetta, Recording Clerk, Prototype, Inc.

**Witnesses and Visitors**

Ralph Riehl, Economic Development Advisory Board member  
 George Trodella, former CPRB member  
 Ted Fling, former CPRB member

**A. Roll Call**

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

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

Ms. Reese asked that some additional information regarding HIPAA compliance be included in the Board’s November minutes.

**Motion** made by Ms. Helfer, seconded by Ms. Reese, to approve the minutes of the Board’s November 2008 meeting as amended. In a voice vote, the motion was unanimously approved.

### **C. General Information**

Board members introduced themselves in turn.

With regard to the Citizens' Police Academy class, new Board member Patrick Kerney explained he had a conflict with attending. Capt. Maglione agreed to determine the class schedule and report back to Mr. Kerney. Captain Maglione provided a copy of the class schedule to all Board members, adding that he is checking to see if there are any vacancies available in the next class or if Mr. Kerney will be able to attend next year's class.

### **D. Special Presentations**

Acting Chair Stotsky presented plaques of appreciation to former Board members Ted Fling and George Trodella.

Mr. Fling stated he had "really, truly enjoyed" his time of service on the Board. He advised Board members to pursue having the City televise the Board meetings. Mr. Fling recalled the amount of time the Board had spent encouraging the City to confirm and approve the Board's duties. He noted that the ordinances that defined the Board's duties regarding their recommendations and the intelligence generated at the meetings, had been "stripped of some of their most important parts." Mr. Fling urged the Board to pursue this again after the new Commission was elected.

Mr. Fling said there were problems within the Police Department that were being slowly but surely corrected, and he felt the citizens owed the officers a word of admiration.

Mr. Fling thanked Capt. Maglione for his assistance and counsel. He remarked that Liz Tylock, who "runs the operation over there," did a "superhuman job."

Mr. Trodella stated he had been on other City boards, but none had been as "meaningful and satisfying" as the Citizens Police Review Board. Mr. Trodella felt there was a "mindset in the City administration that's different in terms of advisory boards," and he was not sure how much administration valued the boards.

### **E. Special Election of Officers**

Ms. Helfer nominated Mr. Stotsky as Chair, seconded by Mr. Kerney. In a voice vote, the motion was unanimously approved.

Mr. Kerney nominated Ms. Helfer as Vice Chair, seconded by Ms. Reese. In a voice vote, the motion was unanimously approved.

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

**1. I.A. Case 08-220**

**Complainant:** Shearon Dockery  
**Allegations:** 1) Discourtesy  
2) Use of vulgar or obscene or offensive language while acting in an official capacity  
**Officer:** Detective Ghalib Carmichael  
**Disposition:** 1) Not Sustained  
2) Not Sustained

Chair Stotsky noted Officer Carmichael was not present.

Chair Stotsky opened the hearing for public comment. Finding there were no members of the public wishing to speak, public comment was closed.

Capt. Maglione stated unsuccessful attempts had been made to contact the complainant via phone, as well as, regular and certified mail. Phone calls were made on January 8 and 12, 2009 and letters were sent on December 31, 2008.

Capt. Maglione explained to Mr. Kerney that Internal Affairs Sergeants took statements.

Chair Stotsky remarked he had been distressed by the fact that the woman had been released at 3:00 a.m. and was forced to hitchhike home. Capt. Maglione stated this did not violate any policy, and described the procedure for holding and releasing someone. Chair Stotsky reiterated that the procedure did not disturb him; he was concerned about the fact the woman was released on the street at 3:00 a.m. with no purse. Capt. Maglione agreed to bring this to the Police Chief's attention.

Ms. Reese said she agreed with Chair Stotsky "in theory" but acknowledged the practical difficulty of having the City pay cab fare in a case such as this. Chair Stotsky said he had been thinking about this problem for two years, since a 67-year old friend of his had been released at night and walked home from the Police Station.

Ms. Helfer noted that the woman in this case had "caused the commotion to be arrested, taken to jail, and I think sometimes, you have to pay for your own actions."

Det. Justice pointed out that the same procedure was followed when a person was released from the County jail. She added that when the City jail had been fully staffed,

no accommodations had been made to transport home “a person who violated the law.” Det. Justice did not believe this was the City or the Police Department’s responsibility. Capt. Brogna was unaware of any Police Department that had a policy to provide cab fare or any other means for a person to return home after being brought in to the Police Station. Chair Stotsky recalled that prior to her being transferred to the Police Station, an officer had given the woman’s purse to her friend. Capt. Brogna advised that the woman would have been allowed a phone call to ask that friend to bring her purse to her. Failing that, the woman could have asked to stay in the Police Station lobby until morning. He stated the Police did not have the obligation to get a person home when he or she was released.

Ms. Reese agreed with Chair Stotsky’s concern, but she felt it was not the Police Department’s responsibility and stated she could not support a move to recommend the Police Department reconsider its current policy.

Capt. Maglione reminded Chair Stotsky that the Police did not take personal effects from people being arrested and give them to anyone else prior to their being transferred to the Police Station other than pursuant to the arrested person’s request.

Mr. Kerney said he was not in favor of pursuing this matter further.

Ms. Reese and Chair Stotsky were curious to see the policy relating to this practice, but Capt. Maglione believed there was no formal policy, but there might be a Standard Operating Procedure. He agreed to provide any information he could find to the Board.

Capt. Maglione confirmed for Mr. Kerney that all of the people who had testified on Ms. Dockery’s behalf knew her.

Ms. Reese believed that the statements were “pretty congruent” regarding the officer’s language, and she wanted to caution the officer in regard to “proper interpersonal communications.”

Capt. Maglione stated this had been a “he said, she said” situation, and the determination of “not sustained” indicated that there was insufficient evidence to prove or disprove the charge. He added that this event had been a “disaster waiting to happen from the beginning.”

Mr. Kerney believed that Det. Carmichael was angry about being on this detail and was probably upset when attendees refused to leave when he told them to. Mr. Kerney said he could not say whether Det. Carmichael swore or not. Chair Stotsky stated, “I think getting a drink in his face caused him a problem...would have caused anybody a problem.”

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**Motion** made by Mr. Kerney, seconded by Ms. Reese, to support the findings of Internal Affairs. In a voice vote, Board unanimously approved.

There being no further business before the Board, the meeting was adjourned at 7:38 p.m.

[Minutes prepared by J. Opperlee, ProtoType Services]