

**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  
 MARCH 9, 2009 – 7:00 P.M.**

<b>Board Members</b>	<b>Attendance</b>	<b>1/09 – 12/09</b>	
		<b>P</b>	<b>A</b>
Alan Stotsky, Chair	P	3	0
Eileen Helfer, Vice Chair	P	3	0
Capt. Eric Brogna	A	1	2
Lt. Mike DiMaggio	P	2	1
Det. Nina Justice	P	3	0
Patrick Kerney	P	2	1
Edwin P. Parke	P	3	0
Adriane Reese	P	3	0
George Trodella	P	1	0

**Staff**

Capt. Rick Maglione, Internal Affairs  
 Sgt. Dana Swisher  
 Sgt. Tim McCarthy  
 H. Testa, Recording Clerk, Prototype, Inc.

**Witnesses and Visitors**

Ralph Riehl, Economic Development Advisory Board member

**A. Roll Call**

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

**B. Approve Minutes from the Board’s February 2009 Meeting**

**Motion** made by Ms. Helfer, seconded by Mr. Parke, to approve the minutes of the Board’s February 2009 meeting. In a voice vote, the motion was unanimously approved.

**C. General Information**

Capt. Maglione announced that the Internal Affairs office was relocating to 316 NE 4<sup>th</sup> Street.

Capt. Maglione introduced Sgt. Dana Swisher, who had taken Sgt. McGowan's place in Internal Affairs.

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

**1. I.A. Case 08-214**

**Complainant:** Edgardo Gregorio Insignares  
**Allegation:** Unnecessary use of force  
**Officer:** Daniel Torres  
**Disposition:** Unfounded

Ms. Reese asked if anyone else had seen the YouTube clip regarding this case, but would not comment on it.

Capt. Maglione said Internal Affairs had found the clip on YouTube, but it was very fuzzy and shaky because it was a cell phone video. He stated it was clear from the video that Officer Torres had struck Mr. Insignares, but he felt it was justified, even based on Mr. Insignares' own statement. Capt. Maglione said Mr. Insignares agreed that his arrest was appropriate; his complaint was that the amount of force used was unnecessary.

Mr. Trodella admitted it had been difficult to follow some of Mr. Insignares' comments, but Mr. Riley's comments had lent some context to the situation.

**Motion** made by Mr. Trodella, seconded by Ms. Helfer, to support the findings of Internal Affairs. In a voice vote, Board approved 8 – 1 with Mr. Parke opposed.

**2. I.A. Case No. 08-226**

**Complainant:** Marriella Chermark  
**Allegations:** 1) Engaging in Conduct unbecoming a Police Officer/Police Department employee  
2) 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  
3) Disobedience of any rule, order or directive  
**Officer:** (Former) Officer Michael Sodano

<b>Disposition:</b>	1) Sustained 2) Not Sustained 3) Sustained
<b>Allegation:</b>	Failure to conduct a complete or proper police investigation
<b>Officer:</b>	Blaine Lehner
<b>Disposition:</b>	Sustained
<b>Allegation:</b>	Failure to conduct a complete or proper police investigation
<b>Officer:</b>	Sergeant Derek Joseph
<b>Disposition:</b>	Sustained

Chair Stotsky described the different disposition findings for new members.

Chair Stotsky asked the Board to first consider Marriella Chermark's complaint against (Former) Officer Michael Sodano accusing him of engaging in conduct unbecoming a Police Officer/Police Department employee, which Internal Affairs had determined was sustained.

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

Chair Stotsky asked the Board to next consider Marriella Chermark's complaint against (Former) Officer Michael Sodano accusing him of 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, which Internal Affairs had determined was not sustained.

Ms. Helfer asked if the phones could have been analyzed; Capt. Maglione stated they did not have the power to do this administratively and the State Attorney had not taken on the criminal case. Capt. Maglione noted that the female provided her text messages and the male stated his information had been lost. Capt. Maglione informed Chair Stotsky that Officer Sodano knew this case would be sustained and the recommendation would be termination, so he had resigned.

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

Chair Stotsky asked the Board to next consider Marriella Chermark's complaint against (Former) Officer Michael Sodano accusing him of disobedience of any rule, order or directive, which Internal Affairs had determined was sustained.

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

Chair Stotsky asked the Board to next consider Marriella Chermark's complaint against Officer Blaine Lehner accusing him of failure to conduct a complete or proper police investigation, which Internal Affairs had determined was sustained.

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

Chair Stotsky asked the Board to next consider Marriella Chermark's complaint against Sgt. Derek Joseph accusing him of failure to conduct a complete or proper police investigation, which Internal Affairs had determined was sustained.

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

Mr. Trodella asked the protocol for investigating an officer-involved complaint. Capt. Maglione said this did not qualify as domestic violence and it was handled the same way as any altercation between two people. In cases such as this, the supervisor on scene would consider this from the criminal perspective and also from an administrative angle to determine if any action should be taken.

Capt. Maglione explained to Mr. Parke that in a situation such as this, when it could not be determined who the primary aggressor was and there were two opposing stories, it would have been very difficult to determine if one party should be arrested.

Ms. Reese asked if Board members could be provided digital copies of their files instead of paper. Capt. Maglione reminded Board members that not everyone owned a computer, and some members preferred paper copies.

Mr. Parke noted that an officer had been lost as a result of this incident, and wondered if there was some other action that could have been taken. Capt. Maglione pointed out that in this case, the officer had sent a message indicating his intent to kill his girlfriend, and if the officer followed through on this type of action at any time in the future, it would be alleged that the Department should have known this would happen and this made this officer too much of a liability. Capt. Maglione stated, "It costs a lot to train a Police Officer; it costs a lot more to keep one on that doesn't need to be here." In other situations, he agreed that discipline could be an option, but not in this situation.

Citizens Police Review Board Meeting  
March 9, 2009  
Page 5

There being no further business before the Board, the meeting was adjourned at 7:28 p.m.

[Minutes prepared by J. Opperlee, ProtoType Services]