

**CITIZENS POLICE REVIEW BOARD MEETING
 CITY OF FORT LAUDERDALE
 CITY HALL 8TH FLOOR CONFERENCE ROOM
 100 NORTH ANDREWS AVENUE
 FT. LAUDERDALE, FLORIDA 33301
 MAY 11, 2009 – 7:00 P.M.**

Board Members	Attendance	1/09 – 12/09 Cumulative Attendance	
		P	A
Alan Stotsky, Chair	P	5	0
Eileen Helfer, Vice Chair	A	4	1
Capt. Eric Brogna	A	2	3
Lt. Mike DiMaggio	P	3	2
Det. Nina Justice	P	5	0
Patrick Kerney	A	3	2
Edwin P. Parke	P	5	0
Adriane Reese	P	5	0
George Trodella	P	3	0

Staff

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

Witnesses and Visitors

Patrick Mastice

Communication to the City Commission

None

A. Roll Call

Chair Stotsky called the meeting to order at 7:00 p.m. and determined that there were six members present, which constituted a quorum.

B. Approve Minutes from the Board's April 2009 Meeting

Motion made by Ms. Reese, seconded by Mr. Trodella, to approve the minutes of the Board's April 2009 meeting. In a voice vote, the motion was unanimously approved.

C. General Information

Capt. Maglione reported a fourth Sergeant, Harvey Jacques, had been added to Internal Affairs. He has been with the Department almost 20 years and served in several units. Capt. Maglione felt this would streamline the workload and speed up the process.

Capt. Maglione said in Internal Affairs there were four sergeants, himself, who answered directly to the Chief, and two civilians, Liz Tylock and Lynnette Ward.

D. Review the Following Internal Affairs Investigation

1. I.A. Case No. 08-263

Complainant:	Sheri Lynn Snyder
Allegation:	Conduct prejudicial, disruptive to the good order of the Department
Officer:	Donald Solinger
Disposition:	Sustained

Ms. Reese asked what the elements were for burglary of a conveyance. Capt. Maglione explained it was mostly based on intent; it was similar to trespassing in the language: "by entering or remaining inside a vehicle or dwelling with the intent to commit a crime." Ms. Reese said this case had really bothered her, because if anyone without a badge had committed this act, it would amount to burglary of a conveyance. The officer had entered the vehicle and opened a bag to remove the ticket copies.

Capt. Maglione said the driver was unsure if the vehicle had been locked, and the witness and officer concurred that the ticket copies were visible from outside the car. The State Attorney would only have considered trespassing in a conveyance if the victim had intended to prosecute, but she had not. Internal Affairs had thought this was a matter for the criminal system first, so Sgt. McCarthy conducted a criminal investigation and submitted this to the State Attorney's office. Capt. Maglione clarified that the most important aspect of the criminal issue was intent. The officer had not intended to commit a crime; he intended to recover something the Department and the court system were supposed to receive.

Capt. Maglione explained to Chair Stotsky that Officer Solinger had made several attempts to contact the woman. He said the right action would have been to file a report indicating he had inadvertently given the woman the ticket copies.

Ms. Reese did not believe the ticket copies were in plain view. Sgt. McCarthy said he had looked at the car and noted one could see into the car. The woman had informed him the tickets were inside a large open bag on the front seat.

Lt. DiMaggio reminded Ms. Reese that Officer Solinger's actions lacked the intent to commit a crime and he wanted to move on. Ms. Reese felt there were other issues with this officer and wanted someone to "keep an eye on him." She asked if he had been sent for a psychological evaluation. Lt. DiMaggio said this was out of their purview. Capt. Maglione stated the officer had been on staff for nine years and this was the first discipline he had ever received. This officer was a traffic cop who issued hundreds of tickets per week, and this was the first problem he had experienced. This was not an officer they would consider monitoring.

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

Other Board discussion items

Chair Stotsky referred to the report the Board had requested from Capt. Maglione detailing the dispositions of CPRB cases from April 2008 through April 2009. Capt. Maglione estimated that the decisions were evenly split among not sustained, sustained and unfounded; the remaining 10 percent were deemed exonerated. Of the last 50 Internal Affairs cases, half involved sustained charges.

Mr. Parke said a neighbor had recently been approached by a SWAT Team officer and asked for crack cocaine while she was leaving a Chinese restaurant. The officer had also beaten her head and hands, and towed her car, from which jewelry was stolen during this incident. The woman told Mr. Parke she had been afraid to report the incident. Capt. Maglione said this was very unusual, as SWAT Teams were on call for specific incidents. He asked Mr. Parke to have the woman contact him, or give him her information.

Lt. DiMaggio explained that he was SWAT Commander, and the SWAT Team responded by pager to his call only; they did not perform drug interdiction; they did not tow cars or make arrests. Mr. Parke said the woman was not sure what Police agency this could have been.

Mr. Parke said the woman informed him that she had been held overnight and released without ever being arrested. Capt. Maglione stated this "couldn't happen; it's impossible." He said there would be "piles of documentation" if the woman had been in Police custody.

Mr. Patrick Mastice, resident, said he was disturbed by Mr. Parke's story and asked if the woman had been hospitalized. Mr. Parke said the woman had been hospitalized. Lt. DiMaggio explained that the Street Crimes Unit handled drug-dealing investigations, and their "buy-busts" were well supervised.

Chair Stotsky asked about the people hanging around outside the Police station with signs and bandages. Capt. Maglione explained that one woman had complained that five officers had beaten her. The five officers to whom she referred did not work for the Fort Lauderdale Police Department. He noted the woman had not cooperated with anyone trying to investigate. Capt. Maglione said an Internal Affairs sergeant had approached her and offered his business card and a complaint form, which she had discarded. Capt. Maglione felt the woman was "standing in front of the wrong building."

There being no further business before the Board, the meeting was adjourned at 7:27 p.m.

[Minutes prepared by J. Opperlee, ProtoType Services]