

FINAL
CITIZENS POLICE REVIEW BOARD MEETING
CITY OF FORT LAUDERDALE
CITY HALL 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FLORIDA 33301
OCTOBER 12, 2009 – 7:00 P.M.

Board Members	Attendance	1/09 – 12/09	
		Cumulative Attendance	
		P	A
Alan Stotsky, Chair	P	8	1
Eileen Helfer, Vice Chair	P	8	1
Lt. Glenn Galt [7:10]	P	2	0
Sgt. William Schultz [7:04]	P	1	0
Officer Nina Justice	A	8	1
Patrick Kerney	P	7	2
Edwin P. Parke	P	8	1
Adriane Reese	P	9	0
George Trodella	P	7	0

Staff

Capt. Rick Maglione
Sgt. Tim McCarthy
J. Picinich, Recording Clerk, Prototype, Inc.

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 eight members present, which constituted a quorum.

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

Motion made by Ms. Helfer, seconded by Mr. Parke, to approve the minutes of the Board's September 2009 meeting. In a voice vote, Board unanimously approved.

C. General Information

Capt. Maglione announced that Lt. Mike DiMaggio was being replaced by Sgt. William Schultz on the Board. Sgt. Schultz and Lt. Galt were addressing a police matter in front of City Hall and would be a few minutes late.

Chair Stotsky apologized for having missed the previous meeting.

Sgt. Schultz arrived at 7:04 and Capt. Maglione introduced him to the Board.

D. Review the Following Internal Affairs Investigation

1. **I.A. Case Number:** 089-072
Complainant: Franklin C. Adderley, Chief of Police
Allegation: Use of deadly force
Officer: **Detective William Harder**
Disposition: Exonerated

Mr. Trodella said the report indicated Officer Rose had been exposed to a large amount of the suspect's blood; he asked where the blood had come from. Capt. Maglione stated this was at a separate scene. This case concerned Officer Harder's discharge of his firearm at 7th Street and 3rd Avenue. After the suspect fled, he was captured several blocks away where a physical struggle ensued, resulting in his bleeding. The suspect had not been shot.

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

2. **I.A. Case Number:** 09-109
Complainant: Franklin C. Adderley, Chief of Police
Allegation: Excessive use of force.
Officers: **Detective Christopher Clemons**
Detective Matthew Finstad
Detective Grant Moule
Sergeant Brian Fitzgerald
Disposition: Unfounded

Ms. Reese asked Department policy regarding finger sweeps of suspects' mouths. Capt. Maglione stated there was no policy. He explained that tampering with or destroying evidence was a felony. Ms. Reese was concerned about the possibility an Officer being bitten by a suspect, and Capt. Maglione replied that Officers sometimes took personal risks to protect the lives of others.

Capt Maglione explained the previous case had been brought to the Board because it concerned a Police-involved shooting and this case involved an in-custody death. Police Chief Adderley wanted shootings and in-custody deaths to be presented to the Board.

Capt. Maglione explained that the personal medical records from the Medical Examiner's report and the Fire Rescue report had been redacted per the Legal Advisor.

[Lt. Galt arrived at 7:10]

Capt. Maglione confirmed that the cause of death was the bag obstructing the suspect's airway; the contributing factor was that the contents of the bag had dissolved.

Mr. Parke wanted to know the time between the when the incident occurred and when the suspect was taken to the hospital; he thought the scene was secured prior to taking the suspect to the hospital. Capt. Maglione explained that Fire Rescue had been called before the suspect was even in distress because the suspect had swallowed suspected narcotics.

Lt. Galt said the report indicated that the suspect was alive and conscious when Fire Rescue arrived. Capt. Maglione stated the suspect had lived for 12 hours after the incident.

Chair Stotsky felt the Police had acted properly.

Motion made by Ms. Helfer, seconded by Mr. Trodella, 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 7:14 p.m.

[Minutes prepared by J. Opperlee, ProtoType Services]