

**CITIZENS POLICE REVIEW BOARD MEETING
CITY OF FORT LAUDERDALE
CITY HALL 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FLORIDA 33301
DECEMBER 14, 2009 – 7:00 P.M.**

Board Members	Attendance	1/09 – 12/09 Cumulative Attendance	
		P	A
Alan Stotsky, Chair	P	9	1
Eileen Helfer, Vice Chair	P	9	1
Lt. Glenn Galt	P	3	0
Sgt. William Schultz	P	2	0
Officer Nina Justice	P	9	1
Patrick Kerney	P	7	3
Edwin P. Parke	P	9	1
Adriane Reese	A	9	1
George Trodella	P	8	0

Staff

Sgt. Dana Swisher
Sgt. Timothy McCarthy
Capt. Rick Maglione
J. Picinich, Recording Clerk, Prototype, Inc.

Communication to the City Commission

None

A. Roll Call

Chair Stotsky called the meeting to order at 7:01 p.m. and determined that there were eight members present, which constituted a quorum.

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

Sgt. Schultz and Mr. Kerney noted a correction to their attendance.

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

C. General Information

Capt. Maglione reminded Board members that every Citizens Police Review Board member was required to go through the Citizens Police Academy. The next Academy would be from February 11 to May 13, and he distributed applications for all Board members who needed to attend. Chair Stotsky asked if there was a penalty for Board members who did not enroll and Capt. Maglione said he was unaware of any Board member who had not attended. Mr. Kerney stated he was on another Board that met on Thursdays, and he would need to find a replacement for that board.

D. Review the Following Internal Affairs Investigation

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|-----------|----------------------|---|
| 1. | IA Case | 09-055 |
| | Complainant: | Stephen J. Kenley |
| | Allegations: | 1) Failure to conduct a complete or proper police investigation
2) Discourtesy
3) Conduct prejudicial |
| | Officer: | Sean Kelly |
| | Dispositions: | 1) Not Sustained
2) Not Sustained
3) Not Sustained |

Mr. Trodella asked if there was a policy in place to address a situation in which a person was concerned that a responding officer seemed familiar with another party involved in a complaint/dispute and would therefore not be impartial. Capt. Maglione said they did have a policy prohibiting using one's position for personal gain or private advantage, or for the gain or advantage of another. In this case, Capt. Maglione did not know if a conflict existed, but he acknowledged that the complainant believed a conflict existed. He informed the Board that a policy had been initiated in November, titled "fail to supervise effectively" which made the on-scene supervisor responsible to take some action. In this case, all three individuals involved, the officer and two supervisors, had received corrective counseling regarding their performance on the scene.

Chair Stotsky stated this was the first case he had read that caused him to be disappointed with the team's performance.

Capt. Maglione clarified that the "not sustained" disposition indicated there was not sufficient evidence and testimony to either support or disprove the allegations.

Chair Stotsky believed that something more should have been done because one driver had admitted he showed his gun to the other party while in his car. Capt. Maglione said

he did not feel that enough had been done to establish that the necessary elements of a crime existed to effect or make an arrest. One driver had insisted that he had drawn the gun in self-defense.

Officer Justice asked what policy had been cited to initiate the counseling. Capt. Maglione stated a policy violation was not needed to initiate counseling, but upon reviewing the case, Assistant Chief Kinsey believed that the sergeants could have done a better job of defusing the situation and could have performed a more in-depth investigation.

Capt. Maglione informed Officer Justice that the complainant was notified of the Internal Affairs findings and was contacted regarding this hearing; he was not notified regarding the counseling of the officer and sergeants.

Chair Stotsky stated, "I'd like the record to show that I don't agree that this thing should have stopped with the finding on Kelly; I think that it should be all-encompassing and if it was handled improperly something should be done about it."

Motion made by Mr. Kerney, seconded by Ms. Helfer, to support the findings of Internal Affairs. In a voice vote, with Chair Stotsky opposed, motion passed 7 - 1.

2.	IA Case	09-089
	Complainant:	Raymond Wiles
	Allegation:	Unnecessary Use of Force
	Officers:	Detective Jason Marcus Detective Christopher Chambers
	Disposition:	Unfounded

Mr. Trodella stated there was no photographic evidence that the complainant had been struck 21 times, and the complainant had been unable to identify either of the two detectives involved.

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

3.	IA Case	09-140
	Complainant:	Lashaunda Gibbs
	Allegation:	Departmental personnel are responsible for safeguarding the property of others
	Officer:	Gina Scola
	Disposition:	Not Sustained

Ms. Helfer felt Ms. Gibbs should have asked one of the officers if she could take her car. Chair Stotsky did not believe that the woman had walked from home to the scene of the arrest; he believed she had driven there. He asked the policy for returning keys, and Capt. Maglione explained that someone at the scene had indicated that Ms. Gibbs had been told to take her car and she had been given the keys; an officer said he was certain he had seen the keys in the car. Capt. Maglione believed as Chair Stotsky did, that Ms. Gibbs had arrived in another vehicle.

Capt. Maglione informed the board that Ms. Gibbs had a claim with Risk Management over the towing bill and the key making. Capt. Maglione said they were unable to prove whether Ms. Gibbs was given the keys, or whether they were left in the car and she was told she could take the car. Originally, the Police intended to tow the car, but had decided not to do so later on.

Capt. Maglione confirmed that action had been taken against Ms. Gibbs' brother, and she had admitted lying to the officers when she initially arrived on scene. Ms. Gibbs had indicated she thought one of the officers was being punitive in response to her lying. Capt. Maglione believed there was not enough evidence to prove misconduct.

Mr. Trodella was disappointed that a supervisor had not acted to clear up the ambiguity regarding Mr. Gibbs' removal of the car. Capt. Maglione felt there had not been ambiguity until the next day, when Ms. Gibbs discovered the car had not been towed and had been burglarized. He felt this was a unique situation involving miscommunication.

Motion made by Mr. Kerney, seconded by Ms. Helfer, 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 7:27 p.m.