

**CITIZENS POLICE REVIEW BOARD MEETING
 CITY OF FORT LAUDERDALE
 CITY HALL 8TH FLOOR CONFERENCE ROOM
 100 NORTH ANDREWS AVENUE
 FT. LAUDERDALE, FLORIDA 33301
 JUNE 14, 2010 – 6:00 P.M.**

Board Members	Attendance	1/10 – 12/10 Cumulative Attendance	
		P	A
Alan Stotsky, Chair	P	5	0
Eileen Helfer, Vice Chair	P	5	0
Lt. Glenn Galt	P	4	1
Sgt. William Schultz	P	3	2
Officer Nina Justice	P	3	2
Patrick Kerney	P	5	0
George Trodella	A	3	2
Roosevelt Walters	P	4	0

Staff

Capt. Rick Maglione, Internal Affairs
 Sgt. Dana Swisher, Internal Affairs
 Sgt. T. McCarthy, Internal Affairs
 B. Chiappetta, Recording Clerk, Prototype, Inc.

Guests

Christopher D. Douglas
 Ruby L. Taylor
 Kristina Duhaney, attorney

Communication to the City Commission

None

A. Roll Call

Chair Stotsky called the meeting to order at 6:00 p.m. and determined that a quorum of Board members was present.

Motion made by Mr. Walters, seconded by Ms. Helfer, to hear Case 3 first. In a voice vote, Board approved unanimously.

B. Approve Minutes of the Board's May 2010 Meeting

Motion made by Mr. Kerney, seconded by Mr. Walters, to approve the minutes of the Board's May meeting. In a voice vote, Board approved unanimously.

C. General Information

Capt. Maglione had forwarded an email from the City Clerk's office regarding the format for Communication to the City Commission. Capt. Maglione added that this Board also sent a memo when they wished to impart information.

D. Review the Following Internal Affairs Investigation

3. IA Case 09-191

Complainant:	Christopher Douglas
Allegation:	Unnecessary use of force
Officers:	Officer Ivory Nelson Officer Edward Jackson
Disposition:	Unfounded

Mr. Christopher Douglas, complainant, testified to his recollection of events. He stated on June 25, 2005, he had been at the Downbeat Club off of Sistrunk Boulevard and gone outside to speak on the phone. When he tried to re-enter the club, he had been grabbed by Officer Nelson, who informed him he was going to jail. He had tried to explain to Officer Jackson that it was not he who had been thrown out of the club, but Officer Nelson struck him with handcuffs, forcing him to fall face-first to the pavement. Mr. Douglas said while he was unconscious, Officer Jackson had straddled him and was holding a baton to his throat. He then tried to lift him with the baton against his throat, while bending his head back at the same time. Mr. Douglas responded by slinging his body to throw Officer Jackson off of him. He then asked the officers what he had done, and they stated Mr. Douglas had been thrown out of the club.

Mr. Douglas said he was in pain and screamed for medical aid, which he never saw. He was transported to the BSO facility where he was x-rayed and treated only with pain pills for six weeks. On the day he left the facility, he had gone to Westside Regional Hospital, which refused to admit him, but Mr. Douglas stated his chart showed three broken ribs that he had never experienced, so he believed this was not his chart.

Mr. Douglas noted that he did not fit the physical description offered by the officers. He stated in August 2007, during the time he was taking this case to trial, there was a warrant for his arrest from Officer Nelson stating Mr. Douglas had touched him against his will. Mr. Douglas stated, "Among all that, I've actually beat this case twice with

these two officers.” He had been charged with Battery on a Law Enforcement Officer, trespassing and resisting arrest without violence.

Chair Stotsky said it appeared from the case that he was taken to Broward General Medical Center and refused treatment. Mr. Douglas said he did not recall any of this and he had never signed a refusal for treatment.

Mr. Walters asked Mr. Douglas about his health today. Mr. Douglas said he could not answer this because he had been rejected when he went to the hospital. He stated he had pain in his pelvis, chest and shoulder every night, and he attributed this to the incident. Mr. Douglas had an MRI, but said this did not show his pelvis or his shoulder. Mr. Douglas said a public defender had taken pictures of him in jail approximately 3 days after he was arrested. Mr. Douglas informed Mr. Walters that his hair was his own; he did not have weaves. At the time of arrest, he also had facial hair.

Mr. Walters asked Mr. Douglas if he remembered being handcuffed and put in Officer Jackson’s car. Mr. Douglas remembered this, and said he had sat in the car for 20 minutes. He stated when Officer Jackson got in the car, he taunted Mr. Douglas and said the officers had “kicked your ____.” Mr. Douglas said he did not remember the hospital at all. Mr. Walters said the officer’s deposition indicated Mr. Douglas had fought with hospital staff and not let anyone touch him.

Mr. Walters said the officer’s deposition indicated there were no nightsticks involved. Mr. Douglas reiterated he had demanded medical attention before being put in the car. Officers’ depositions noted Mr. Douglas’s head had been bleeding at the scene, but no one had called EMS. Mr. Douglas said the pictures he had were dated and had the public defender’s last name on them.

Mr. Walters asked Mr. Douglas how he accounted for the fact that he did not remember being at the hospital. Mr. Douglas reiterated that he remembered nothing from the hospital. He said he had spoken with Officer Jackson in the car from the club to the jail.

Mr. Douglas informed Mr. Kerney that he had drunk a couple of beers that night. Mr. Kerney asked why two security guards at the club would say Mr. Douglas had been discharged and asked not to return to the club. Mr. Douglas said, “I know that these are friends with Officer Nelson and Officer Jackson because several time I’ve went to the club before this incident occurred and I seen them huddled up in little sessions and things to that nature.”

Mr. Kerney said there were too many inconsistencies in Mr. Douglas’s testimony and that of his witness. Mr. Douglas’s nephew had stated Mr. Douglas had been tasered two years before Fort Lauderdale Police carried tasers. Mr. Kerney said it would be

difficult for him to overturn the Internal Affairs findings. Mr. Douglas stated there were also inconsistencies with the Police's witnesses.

Motion made by Mr. Kerney, seconded by Ms. Helfer, to support the findings of Internal Affairs.

Chair Stotsky asked Mr. Douglas why he did not leave when he was asked to leave and he was issued "some kind of trespass citation." Mr. Douglas stated this never occurred; he was never asked to leave.

Mr. Walters stated one security guard had said he escorted Mr. Douglas from the club but the outside security guard said Mr. Douglas was just entering the club when the incident happened. Capt. Maglione reminded the Board that they were judging what Police officers had done, not what the bouncers had done.

Capt. Maglione clarified that there were two cases regarding Mr. Douglas, one in 2005 and one in 2007. He believed Mr. Douglas was confusing this case with the 2007 case when he fled from officers at the club after being told to leave and an arrest warrant was issued.

Sgt. Swisher stated on June 25, Mr. Douglas had been escorted out of the club and Officer Nelson told him he could return another time. Less than 5 minutes later, Mr. Douglas attempted to re-enter the club. Mr. Walters said he was concerned that Mr. Douglas had been misidentified because one security guard stated he escorted him from the club to the door and witnessed the incident with Police. Mr. Walters added that Mr. Douglas had been described as wearing a checked shirt when he entered, but later as wearing a white tank top.

Mr. Kerney stated he was not saying that Mr. Douglas was lying, but he thought they would not hear testimony that was "compelling enough tonight to overturn this stack of papers and all the investigation that went in: that's why it's unfounded." Mr. Walters agreed, but felt the outcome should be not sustained. He said, "There was nothing about any of the depositions that was similar after they said good morning or good evening."

Capt. Maglione stated the accusation was: "did the officers use unnecessary force or was their force in response or justified response to the resistance put up by Mr. Douglas, and we determined it was; it was a justified use of force." Mr. Walters felt this would result in a finding of exonerated. He said, "I have not seen anything in these papers that said what he was accused of he did." He felt there was "no consistency in any " of the statements. Mr. Walters said he favored a not sustained decision. He explained the different findings to Mr. Douglas.

In a roll call vote, motion **passed** 6 – 1 with Mr. Walters opposed.

1. IA Case 09-163

Complainant: Franklin C. Adderley, Chief of Police
Allegations: 1) Unnecessary use of force
2) Conduct unbecoming
3) Conduct prejudicial
4) Department member shall detail the response to resistance in an offense report and route a copy of the report to Internal Affairs
Officer: (Reserve Officer) John Wezkiewicz
Disposition: 1) Not Sustained
2) Not Sustained
3) Sustained
4) Sustained

Motion made by Mr. Walters, seconded by Officer Justice, to support the findings of Internal Affairs on all four allegations. In a voice vote, Board approved unanimously.

2. IA Case 09-171

Complainant: Franklin C. Adderley, Chief of Police
Allegation: Response to Resistance – Deadly Force
Officers: Sergeant Paul Cristafaro
Officer Brandon Diaz
Officer Christopher Young-Tem
Officer Matthew Bucella
Officer Alec Lassman
Officer Matthew Finstad
Disposition: Exonerated

Motion made by Mr. Walters, seconded by Mr. Kerney, to support the findings of Internal Affairs.

Ms. Helfer asked if officers were helped after this happened regarding how to handle a case like this. Capt. Maglione stated it was mandatory for all officers to see a psychologist within the first three days.

Mr. Walters remarked that 50 rounds had been fired; “22 in the guy.” Chair Stotsky wondered if this was necessary use of force. Capt. Maglione said there were six officers. Mr. Walters said he had problems with reloading and continuing to shoot, but he would support the findings.

In a voice vote, Board approved unanimously.

4. **IA Case 10-022**
Complainant: Franklin C. Adderley, Chief of Police
Allegation: Response to Resistance – Deadly Force
Officers: Officer Joseph Hannold
Officer Brandon Diaz
Officer Jose Lopez
Disposition: Exonerated

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

There being no further business before the Board, the meeting was adjourned at 6:50 p.m.

[Minutes prepared by J. Opperlee, ProtoType Services]