

**CITIZENS POLICE REVIEW BOARD MEETING
 CITY OF FORT LAUDERDALE
 CITY HALL 8TH FLOOR CONFERENCE ROOM
 100 NORTH ANDREWS AVENUE
 FT. LAUDERDALE, FLORIDA 33301
 JULY 12, 2010 – 6:00 P.M.**

Board Members	Attendance	1/10 – 12/10 Cumulative Attendance	
		P	A
Alan Stotsky, Chair	P	6	0
Eileen Helfer, Vice Chair	P	6	0
Lt. Glenn Galt	A	4	2
Sgt. William Schultz	P	4	2
George Trodella	A	3	3
Officer Nina Justice	P	4	2
Roosevelt Walters	P	5	0

Staff

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

Guests

Jack Lokeinsky, Fraternal Order of Police
 John Terrill, complainant, Dock Master at the Lauderdale Marine Center
 Mark Pratt, General Manager of the Lauderdale Marine Center

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.

B. Approve Minutes of the Board’s June 2010 Meeting

Mr. Walters noted corrections to the June minutes.

Motion made by Mr. Kerney, seconded by Officer Justice, to approve the minutes of the Board’s June meeting as amended. In a voice vote, Board approved unanimously.

C. General Information

Chair Stotsky said Mr. Trodella had been absent from three Board meetings due to severe illness. The absences would result in his receiving a letter that he had been removed from the Board. Capt. Maglione said Mr. Trodella could request reinstatement.

Motion made by Mr. Walters, seconded by Ms. Helfer, to remove Mr. Trodella from the Board. In a voice vote, Board unanimously approved.

Chair Stotsky announced that there were already two vacancies on the Board and said they would contact the Commissioners to request that these appointments be made.

D. Review the Following Internal Affairs Investigation

3. IA Case 10-065

Complainant:	John A. Terrill
Allegation:	Conduct prejudicial disruptive to the good order of the Department
Officer:	Sergeant Andrew Pallen
Disposition:	Not Sustained

Chair Stotsky opened the public input portion of the meeting.

Mr. Jack Lokeinsky, Fraternal Order of Police, said Sgt. Pallen had asked him to represent him at this hearing. Mr. Lokeinsky explained that Mr. Terrill had filed another complaint against Sgt. Pallen, which was an ongoing investigation, and Mr. Lokeinsky had advised him not to speak publicly. On behalf of Sgt. Pallen, Mr. Lokeinsky requested the Board determine that the allegation was unfounded.

Mr. John Terrill, complainant, said he was the Dock Master at Lauderdale Marine Center. He said the case was about Sgt. Pallen's having escalated a civil matter and slandering Mr. Terrill. Mr. Terrill said in a meeting on January 13 involving Mark Pratt, the General Manager of Lauderdale Marine Center, himself, Jim Parks, a boat owner named Jerry Taylor and three Police Officers, one of whom was Sgt. Pallen, the meeting had been disrupted by an angry outburst from Sgt. Pallen. Sgt. Pallen had stated at this time that Mr. Terrill had "lied to him a thousand times over."

Mr. Terrill said he had served as Chair of the Marine Advisory Board for six years and he believed that "my involvement with Sgt. Pallen in this matter is significant as it relates to my service as the Chairman of the Marine Advisory Board."

Mr. Terrill said he had problems with the report. He said Sgt. Pallen's rationale for preventing the boat's movement was based on his claim of maintaining the peace. Mr. Terrill said those present at the time, with the exception of the Police, had testified that there had been no threat of violence. Mr. Terrill said the Marine Center had provided video to the Police Department showing Sgt. Pallen in his Police-issued truck, parked in front of the boat for seven hours. Mr. Terrill said there had been no physical altercations on the video.

Mr. Terrill said he had been doing his job. He did not know why Sgt. Pallen had "lost his cool" but he assumed it "had to have been something related to the Marine Advisory Board because that's the only relationship I have." Regarding the boat seizure, Mr. Terrill said an Admiralty attorney had advised the City Attorney that the towboat operator had a right to seize the boat, provided there were "proper records from a court." Mr. Terrill said he did not believe that in this case there had ever been evidence that the records were legal.

Mr. Walters asked Mr. Terrill what remarks from Sgt. Pallen had been slanderous. Mr. Terrill stated Sgt. Pallen had said, "You have lied to me a thousand times over." This was stated in front of his immediate supervisor and the rest of the management at the Lauderdale Marine Center.

Mr. Walters said other witnesses had not indicated that Sgt. Pallen had directed that remark to Mr. Terrill.

Capt. Maglione said witnesses had indicated that Sgt. Pallen had made this remark in response to being told he did not need to baby sit the boat. Those witnesses said Sgt. Pallen's remark was akin to, "I've been lied to before" as opposed to pointing at Mr. Terrill and calling him a liar.

Mr. Terrill said the boat owner had been very specific about Sgt. Pallen's remark, and had indicated in the interview that it was clear Sgt. Pallen was directing the remark at Mr. Terrill.

Mr. Walters agreed with Capt. Maglione that some witnesses did not feel Sgt. Pallen's remark had been directed at Mr. Terrill. Mr. Walters asked Mr. Terrill what he felt Sgt. Pallen should have done. Mr. Terrill said arguments at the Marine Center were not unusual, but he could not recall a time in the past two years when an officer had remained in a situation for seven hours when there had been no threat of violence. Mr. Terrill said Officer Clark, who had responded the night before, had determined this was a civil matter and told the towboat operator to move out of the way, which the towboat operator had done.

Chair Stotsky thought Sgt. Pallen had gone above and beyond the call of duty to bring the owner back.

Mr. Walters suggested the reason there had been no physical altercations was because Police officers were present.

Ms. Helfer said Sgt. Pallen had received a call from the towboat operator to return at 8:00 a.m. Mr. Terrill agreed. Ms. Helfer agreed with the witnesses who believed Sgt. Pallen's remark had not been directed at Mr. Terrill.

Mr. Terrill confirmed for Officer Justice that there had been an issue regarding who would take possession of the boat. This was why Sgt. Pallen was present.

Mr. Lokeinsky said Sgt. Pallen took his personnel file seriously. Mr. Lokeinsky said Mr. Terrill's superior had indicated that Mr. Terrill should not have been involved in this situation. Mr. Lokeinsky said Mr. Terrill had phoned him at his office several months prior to this incident and told him that Sgt. Pallen was "picking on the fuel barge" and he wanted him to be removed from the Marine Unit. Mr. Lokeinsky had informed Mr. Terrill that this was not what he did and he did not get involved in such things. The day after this incident, but prior to Mr. Terrill's complaint to Internal Affairs, Mr. Terrill had phoned Mr. Lokeinsky and stated, "Now I got him; if you don't get him thrown out of the Marine Unit, I'm going to go to Internal Affairs and lodge a complaint." Mr. Lokeinsky had again informed Mr. Terrill that he did not get involved in such matters, and Mr. Terrill had gone to Internal Affairs.

Mr. Lokeinsky reiterated his request for the Board to find the allegation unfounded because conduct prejudicial to the good order of the Police Department had to shed a bad light on the Department, which this case had not done.

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

Mr. Mark Pratt, General Manager of the Lauderdale Marine Center, stated he had instructed Mr. Terrill to make a complaint to the Police Department. He said he was present when Sgt. Pallen had "screamed at John" and there was "no question in anybody standing there that it was directed towards John." He said he had instructed Mr. Terrill to lodge the complaint because his customer had complained that his civil rights were "being neglected" and he was being held against his will at the facility. Mr. Pratt said there was no court order holding the customer there, but the Police had held him there for seven hours.

Mr. Pratt explained to Chair Stotsky that the boat was not in peril the day this had happened, and therefore was not subject to salvage. Mr. Pratt said the boat owner wanted to leave and the salvage crew wanted to take the boat somewhere else and

prevented the boat from leaving. During the night, the Police had moved the towboat so the owner could go to Key West. Mr. Walters said the salvage company employee had said if he could not dry dock the boat there, he would take it somewhere he could dry dock it until he could "get my money." Mr. Pratt said that had happened at 3 p.m. the next afternoon just before the boat had been allowed to leave.

Mr. Walters reiterated his motion to support the findings of Internal Affairs and Ms. Helfer seconded it. In a roll call vote, Board approved 5 – 0.

Capt. Maglione reminded the Board that there would be no meeting in August.

There being no further business before the Board, the meeting was adjourned at 6:39 p.m.

[Minutes prepared by J. Opperlee, ProtoType Services]