

**CITIZENS POLICE REVIEW BOARD MEETING
CITY OF FORT LAUDERDALE
CITY HALL 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FLORIDA 33301
SEPTEMBER 13, 2010 – 6:00 P.M.**

Board Members	Attendance	1/10 – 12/10 Cumulative Attendance	
		P	A
Alan Stotsky, Chair	A	6	1
Eileen Helfer, Vice Chair	P	7	0
Marc Dickerman	P	1	0
Lt. Glenn Galt	P	5	2
James Jordan	P	1	0
Officer Nina Justice	P	5	2
Sgt. William Schultz	P	5	2
Roosevelt Walters	P	6	0

Staff

Capt. Rick Maglione, Internal Affairs

B. Chiappetta, Recording Secretary, Prototype, Inc.

Guests

Jack Lokeinsky, Fraternal Order of Police

Sgt. T. McCarthy, Internal Affairs

Sgt. Harvey Jacques, Internal Affairs

Communication to the City Commission

None.

A. Roll Call

Vice-Chair Helfer called the meeting to order at 6:02 p.m. and determined that a quorum of Board members was present. She welcomed new members Marc Dickerman and James Jordan to the Board.

B. Approve Minutes from July 12, 2010

Motion made by Mr. Walters, seconded by Officer Justice, to approve the minutes of the July 12, 2010 meeting. In a voice vote, the **motion** passed unanimously.

C. General Information

Capt. Maglione stated a letter had been sent to former Board member George Trodella due to absences. There has been no response thus far. Capt. Maglione noted that Mr. Trodella may request reinstatement to the Board if he wishes.

D. Review the following Internal Affairs Investigations

1. IA Case 10-079

Complainant:	Frank Adderley, Chief of Police
Allegation:	Use of Deadly Force
Officer:	Sergeant Gayle Schoen
Disposition:	Exonerated

Vice Chair asked if the Board members had any comments on the investigation.

Mr. Walters requested that only one name be used when depositions are taken, as this could lead to confusion. Capt. Maglione explained that the Sergeant in this case goes by two names, and agreed to pass on this request. Vice Chair Helfer suggested including the name by which an individual is known in parentheses on the cover sheet.

Motion made by Mr. Walters, seconded by Mr. Dickerman, to accept the findings of Internal Affairs. In a voice vote, the **motion** passed unanimously.

2. IA Case 10-198

Complainant:	Frank Adderley, Chief of Police
Allegation:	Use of Deadly Force
Officer:	Officer Brandon Barlow
Disposition:	Exonerated

Mr. Walters requested help in understanding the procedure for shooting into an occupied dwelling. Capt. Maglione said it is illegal to shoot into an occupied dwelling, but only if there is intent to commit a crime. He explained that the Homicide Unit, Internal Affairs, and the State Attorney must view the event through the officer's eyes to determine what prompted him to act.

He continued that in this case, the Officer pursued an individual he believed to have attempted an occupied burglary with intent to harm the individuals inside. The suspect then fled and was believed to be armed, who then ran into a house where the Officer heard shouting. The Officer did not know if the fleeing individual had created a hostage or barricaded subject situation. He saw the individual he had pursued through the window and believed he reached for a firearm, fired upon him, and missed. The facts of the case, which were that the individual had heard a crime being committed and went to the scene out of

curiosity and fled when the Officer attempted to initiate contact, were not known until an investigation occurred.

Mr. Walters asked if the Officer should have pursued the individual into the house. Capt. Maglione advised that this is “a judgment call.” In some cases, when in fresh pursuit, he stated, it can be better to apprehend a fleeing suspect immediately.

Mr. Walters said he felt the Officer had pursued the individual into “an unknown situation” that could have exposed him to greater danger. Capt. Maglione replied this could occur with any call to which an officer responds, and he could not “second-guess” the Officer pursuing a presumed suspect on foot.

Motion made by Mr. Walters, seconded by Mr. Jordan, to accept the findings of Internal Affairs. In a voice vote, the **motion** passed unanimously.

There being no further business before the Board, the meeting was adjourned at 6:13 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]