

**CITIZENS POLICE REVIEW BOARD MEETING
CITY OF FORT LAUDERDALE
CITY HALL 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FLORIDA 33301
FEBRUARY 22, 2011 – 6:00 P.M.**

1/11 – 12/11

Board Members	Attendance	Cumulative Attendance	
		P	A
Alan Stotsky, Chair	P	1	0
Eileen Helfer, Vice Chair	P	1	0
Marc Dickerman	P	1	0
Ted Fling	P	1	0
Lt. Glenn Galt	P	1	0
James Jordan	P	1	0
Officer Nina Justice	A	0	1
Sgt. William Schultz	P	1	0
Roosevelt Walters	P	1	0

Staff

Sgt. Timothy McCarthy, Internal Affairs
Sgt. Dana Swisher, Internal Affairs
J. Opperee, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

A. Roll Call

Chair Stotsky called the meeting to order at 6:02 p.m. and roll was called.

B. Approve Minutes from December 13, 2010

Motion made by Mr. Walters, seconded by Vice Chair Helfer, to approve the minutes of the December 13, 2010 meeting as written. In a voice vote, the **motion** passed unanimously.

C. General Information

Sgt. Swisher reported that Capt. Maglione is attending the National Academy of the FBI through March 2011. He is filling in during the Captain's absence.

D. Election of Officers

Motion made by Mr. Dickerman, seconded by Vice Chair Helfer, to nominate Mr. Stotsky for Chair. In a voice vote, he was unanimously reelected.

Motion made by Mr. Walters, seconded by Mr. Dickerman, to nominate Ms. Helfer for Vice Chair. In a voice vote, she was unanimously reelected.

E. Review the following Internal Affairs investigation:

1. IA Case 09-184

Complainant:

Lee Ferrell

Allegations:

1. Falsification of an official report
2. Conduct unbecoming a Police Officer
3. Intentionally making an unlawful arrest
4. Careless or reckless use of a firearm, baton, or other weapon
5. Unnecessary use of force
6. Failure to conduct a complete or proper police investigation
7. Failure to answer questions of a superior officer or an investigator assigned to the Office of Internal Affairs concerning Department administration matters or conduct relating to the performance of official duties

Officer:

Jason Hersh

Disposition:

All charges sustained

Chair Stotsky requested that all the charges be taken together.

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

Mr. Fling referred to an issue raised by the attorney for Officer Hersh on p.3 of Officer Hersh's statement, which suggests that the practices and policies of the Fort Lauderdale Police Department should be reevaluated in this and similar situations. It is noted that Officer Hersh's statement itself cannot be affirmatively used in a criminal prosecution. Mr. Fling asked if this policy must be changed, and if a different Officer must handle the criminal and Internal Affairs investigations or the same Officer may handle both.

Sgt. Swisher said there is not a problem with the Department's policies. He explained that while he gathered the information for the Internal Affairs investigation, he realized that there was "some kind of criminal element" to the case and took the issue to the State Attorney's Office, which determines whether

or not they want to pursue the issue. The Police Department does not assign one of its own Detectives from the Criminal Investigations Division to investigate one of its Officers due to the possibility of conflict. Whenever an Officer is investigated by the Police Department, it is done by Internal Affairs.

Sgt. Swisher said he took statements from witnesses for the State, and the State Attorney's Office took its own statements and ultimately filed charges. This was when he spoke to the State Attorney, who advised him to proceed with the administrative hearing. He concluded that there are no policies or practices in need of change, and business is conducted in the same way that "any other Internal Affairs unit across the country" would do.

Mr. Fling noted that Assistant State Attorney Spencer Multack stated there were no objections to the way the Office of Internal Affairs had acted, and had commended the administrative investigation against the Officer. He said he felt if there had been an issue with any administrative procedures, it would have been raised at this point.

Mr. Fling commended Sgt. Swisher for his investigation.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:12 p.m.

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