

**CITIZENS POLICE REVIEW BOARD MEETING
CITY OF FORT LAUDERDALE
CITY HALL 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FLORIDA 33301
January 9, 2012 – 6:00 P.M.**

Board Members	Attendance	1/2012 – 12/2012 Cumulative Attendance	
		P	A
Alan Stotsky, Chair	P	1	0
Eileen Helfer, Vice Chair	P	1	0
Lt. John Appel	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	P	1	0
Roosevelt Walters	P	1	0

A quorum was present for the meeting.

Staff

Harvey Jacques, Internal Affairs Sergeant, Fort Lauderdale Police Department
Romney Rogers, City Commissioner
Amanda Lebofsky, Recording Secretary, Prototype, Inc.

Communications to the City Commission

None.

A. Roll Call

Chair Stotsky called the meeting to order at 6:00 p.m. and roll was called. The Board members, Staff, and guests introduced themselves.

B. Approve Minutes from December 12, 2011

Motion made by Mr. Walters, seconded by Mr. Dickerman, to approve the minutes of the December 12, 2011 meeting. In a voice vote, the **motion** passed unanimously.

The following Item was taken out of order on the Agenda.

E. Discuss the Request for Internal Affairs Statistics 2007-2011

Chair Stotsky introduced former Board Chair Steve Muffler. He explained that Mr. Muffler has conducted a great deal of research into how other cities address the kinds of issues seen by the Board.

Mr. Muffler stated that he could explain to the Board how they fit in with other review boards in the State of Florida, and how they can address some of the challenges they face. If the public perceives that an oversight board is not or is somehow prevented from doing its job, they can lose faith in that review body. He provided the Board members with pocket-sized copies of the U.S. Constitution and CD-ROM copies of his presentation.

Mr. Muffler pointed out that there are over 150 civilian review boards throughout the United States, which are allowed different powers by the different states: for example, in Florida, boards can only review cases, while other states may allow much greater authority. All these boards are represented by the National Association for Civilian Oversight of Law Enforcement (NACOLE). In 1990, the U.S. Department of Justice provided a pamphlet on review boards, which cities interested in starting a review board may use as a guiding document.

Mr. Muffler stated that review boards in Florida are purposefully weak due to State law. An Officers' Bill of Rights dictates how an Officer may be investigated, who may conduct such an investigation, and the procedures of that investigation. The Fort Lauderdale Board only reviews files once this investigation is complete and the Police Chief has made a formal decision regarding the case. The board consists of six civilians and three sworn Officers; Mr. Muffler noted that roughly 90% of the other review boards in Florida are made up of civilians only, although they are advised by members of the Internal Affairs Department.

The Fort Lauderdale CPRB was established as the result of an incident, as are most review boards. It was put in place to review files. Mr. Muffler recalled that during his five years as Chair, the Board saw files that stemmed from both citizens' complaints and complaints closed by the Chief of Police. This was because transparency was perceived as the best course of action.

Mr. Muffler continued that during his last year as Chair, it was noticed that only certain files were being sent to the Board. The Board asked the City Attorney's Office to advise them why this was now the case. The City Attorney stated that his interpretation of the Board's charge was as follows: they would only get files dealing with civilian complaints from that time forward. Mr. Muffler commented that regardless of whether or not this was a correct interpretation, the result was "a neutering of this Board," which could result in lowered public confidence in the Board as a review body.

At present, he stated the Board is at a tipping point in the public's perception. Mr. Muffler advised that he has scheduled a meeting with the City Manager and Chair Stotsky to try and resolve this issue. He felt the best course of action was for all closed files to be sent to the CPRB. Other alternatives include disbanding the Board if no oversight was being provided, or amending the Ordinance that created the Board, which could only be done by the City Commission. He recommended that the Board members express their concerns to their City Commissioners and provide the Commissioners with copies of his presentation.

He continued that another option is for the City to hire an independent police monitor (IPM). In order to conform to the Officers' Bill of Rights, this individual would have to be employed by the City and embedded within the Police Department, although he or she could be made accountable only to the City Manager or City Commissioners. This individual would audit every file for timeliness and propriety, render an independent report, and send it to the Board. This would not give the Board greater authority, but would appoint and embed a civilian familiar with law enforcement tactics. Mr. Muffler said he is partial to this course of action, as he is aware that it works very well and costs comparably less than other options.

Mr. Muffler said his intent was to advise the Board on what other review boards were doing. He reiterated that he would meet with the City Manager and advise him of the issues facing the Board. Currently he did not believe the reason for the Board's creation was being facilitated. He warned that if he had concerns regarding its effectiveness, the general public was likely to have even greater concern.

He concluded that unions are not in favor of selectively sending files to review boards, as this could be perceived as targeting certain Officers. He felt the best solution was "all or nothing." The Board allows a forum for citizens to state their complaints, which might otherwise be done at City Commission meetings and could take a great deal of the Commission's time. He stated again that the best course of action was to send all completed files to the Board.

Chair Stotsky thanked Mr. Muffler for his presentation, and recommended that the Board members take some time to digest this information prior to their next meeting and then decide how they would like to formally present their issues to the City Commission. He asked for the Board's feedback on the presentation.

Motion made by Mr. Walters, seconded by Mr. Jordan, to review the information that Mr. Muffler gave [the Board] and formulate something of their own opinion to discuss at the next meeting.

Mr. Dickerman stated that he did not want to wait until the next Board meeting to address this issue, and asked if a workshop might be held in the interim. Mr.

Muffler advised that a change of meeting date required a two-week notice of the meeting, and added that there are only three prospective locations for a meeting. Chair Stotsky said he would ask whether or not an earlier date is available.

Mr. Fling said the biggest problem facing the Board is the determination of which files they should review. He felt it would not be possible to resolve this issue without the City Attorney's agreement, and pointed out that the Board's purpose as stated by Ordinance is "confusing and contradictory." The Board does not know which files they may or may not review. In addition, the Police Department must follow the direction provided to them by the City Attorney and City Commission.

Chair Stotsky agreed that there would be no changes to the Board's ability to review cases without support from inside the City. Mr. Fling said a meeting with the City Manager that did not include the City Attorney would be a waste of time, as the City Attorney had the greatest influence on what cases the Board may see.

Mr. Jordan said the Board should establish a philosophy of what they wanted to accomplish, as this might make a stronger case for their ability to see more files. Mr. Walters said the Ordinance that created the Board spelled out its authority, but the City Attorney's interpretation of this Ordinance had weakened this authority. He also noted that the difficulty lay in the Ordinance's reference to complaints investigated by Internal Affairs. He pointed out that the Ordinance states the Board shall "review all complaints investigated by the Internal Affairs Division of the Police Department."

Mr. Jordan explained that his question was what the Board planned to do with the files if they were sent. Chair Stotsky said the Ordinance did not need to be changed: instead, the Board should see those files referred to within the Ordinance. He asked to know the percentage of complaints investigated by Internal Affairs, as opposed to the percentage of complaints that are instead investigated by an Officer's Sergeant or Captain.

Sgt. Jacques provided the Board members with a handout including these statistics. Chair Stotsky added that he understood there would be cases coming to the Board for review at the next couple of meetings, although not at the volume at which they were previously seen.

Sgt. Jacques explained that as of 2011, there are three Officers being investigated by the State Attorney's Office; until this Office makes a ruling, Internal Affairs will not get these cases back for administrative investigation. He noted that Internal Affairs cannot influence the amount of time an investigation by the State Attorney's Office may take, citing a case from 2009 that was only recently returned to Internal Affairs as an example.

He referred the Board members to the statistical handout, noting the number of Category 1 and Category 2 cases investigated. Sgt. Jacques advised that Category 2 cases are not investigated by Internal Affairs, but are investigated at the Command level. He pointed out the example of 2008, in which there were 22 total Internal Affairs cases, which would have come before the Board upon completion. They may or may not have been completed and sent to the Board within the same year in which they occurred. This is one reason why there may be a discrepancy between the number of cases generated in a given year and the number of cases seen by the Board in that year.

Chair Stotsky observed that while Internal Affairs investigated 22 cases in 2009, for example, they investigated only 13 cases in 2010. He noted that this drop in the volume of cases investigated by Internal Affairs could be indicative of the drop in the volume of cases coming before the Board. Sgt. Jacques noted that there were 170 total citizen complaint-generated cases in 2010. Chair Stotsky asked if the remaining 157 complaints that did not go to Internal Affairs were seen by senior Officers. Sgt. Jacques explained that 113 of these cases came in as Category 2 complaints, which would not come before Internal Affairs.

Mr. Fling asked if it is possible for Internal Affairs to monitor the status of cases at the State Attorney's Office. Sgt. Jacques said the State Attorney's Office does not have a set time limit in which a case must be investigated. Mr. Fling observed that the State Attorney's Office appears to be creating a bottleneck of cases, and asked if this could be addressed. Sgt. Jacques said he did not have a solution for this issue.

Chair Stotsky asked if the 170 complaints received in 2010 were a combination of citizens' complaints and possibly Officers' or Chief's complaints. Sgt. Jacques clarified the breakdown of the 170 complaints, noting that some are identified as Category 1 no force and Category 1 force, for example. He reviewed the statistics from different years with the Board members, noting that more complaints have been documented and handled in recent years, but not all of these are Internal Affairs cases.

Mr. Walters recalled that at the December 2011 Board meeting, the members had discussed holding a workshop with the City Commission. He asked if this could be done so they could address the Board's issues with the Commissioners rather than with the City Manager only, as the City Commission determines what is appropriate for the Board.

Officer Justice requested that a meeting be held in February even if there are no cases for the Board to review at that time. Chair Stotsky recommended that the members educate themselves further on the information provided by Mr. Muffler and Sgt. Jacques, so they would have clear opinions on what recommendations

they should make to the City Commission. He also invited Mr. Muffler to attend the February Board meeting in case the members had further questions regarding his presentation.

Mr. Walters asserted that a change would have to be made, as the Ordinance was amended according to the interpretation of the City Attorney's Office. Mr. Muffler clarified that the Ordinance was never formally amended: the only amendment that has occurred was the change of name from Citizens Review Board to Citizens Police Review Board. The City Attorney's interpretation was not an actual amendment.

Vice Chair Helfer asked if it would be possible to make Mr. Muffler's presentation available to the City Commission so they would have an understanding of the Board's concerns. Mr. Muffler said the presentation includes a video segment as well as a PowerPoint and a pdf on the CD-ROM.

Mr. Walters explained that he was concerned with how much time the Commissioners would need to make a decision after seeing the presentation and reviewing the Board's concerns. Chair Stotsky said he felt the members should present their recommendations as a Board and let the Commissioners use the presentation as a tool to learn more about the issue. Mr. Dickerman agreed, noting that an advisory board is tasked with making recommendations to the Commission.

Chair Stotsky requested that the **motion** be stated again for clarity. It is as follows: **motion** made by Mr. Walters, seconded by Mr. Jordan, to review the information that Mr. Muffler gave [the Board] and formulate something of their own opinion to discuss at the next meeting.

Mr. Walters **amended** his **motion** as follows: "the next meeting" would be replaced by "the February meeting."

Chair Stotsky clarified that the **motion** meant the members should come to the February meeting prepared to discuss what they determine is important to be presented to the City Commission. He again encouraged the members to review all the information available on the CD-ROM.

Mr. Walters called the question. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. Dickerman, seconded by Mr. Walters, to authorize the Chairman to request a workshop with the City Commission.

Mr. Jordan asked when such a workshop might be scheduled. Chair Stotsky said he would request that the workshop be held in March.

In a voice vote, the **motion** passed unanimously.

Officer Justice advised that she would not be able to attend the next meeting, and asked if she could be provided with any materials for review. Mr. Jordan said this information would be sent to Officer Justice through the Liaison's Office.

D. Election of Officers

Motion made by Vice Chair Helfer, seconded by Mr. Walters, to nominate Chair Stotsky for another term as Chair. In a voice vote, the **motion** passed unanimously.

Motion made by Vice Chair Helfer, seconded by Mr. Walters, to nominate Mr. Jordan to serve as Vice Chair. In a voice vote, the **motion** passed unanimously.

Jayne Post, private citizen, asked if the Internal Affairs statistics were available to the public. Sgt. Jacques said they would be available through a Public Records Request of the Police Department.

Ms. Post requested clarification that the Board had not been sent any new cases since the December 2011 meeting. Chair Stotsky explained that if they had received any cases, they would have been presented. He added that he was confident there will be cases available in the future once the files are completed, as suggested by the statistics.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:08 p.m.

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