

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

Board Members	Attendance	1/2012 – 12/2012 Cumulative Attendance	
		P	A
Alan Stotsky, Chair	A	6	2
James Jordan, Vice Chair	P	8	0
Lt. John Appel	A	4	4
Marc Dickerman	P	8	0
Ted Fling	A	5	3
Lt. Glenn Galt	A	6	2
Eileen Helfer	P	8	0
Officer Nina Justice	P	5	3
Roosevelt Walters	P	7	1

It was noted that a quorum was present for the meeting.

Staff

Captain Doug MacDougall, Internal Affairs, Fort Lauderdale Police Department
 J. Opperee, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

A. Roll Call

Vice Chair Jordan called the meeting to order at 6:00 p.m. and roll was called.

B. Approve Minutes from September 10, 2012

Motion made by Mr. Dickerman, seconded by Mr. Walters, to approve. In a voice vote, the **motion** passed unanimously.

C. General Information

None.

D. Review the Following Internal Affairs Investigation

1. **Complainant:** Chief Franklin C. Adderley (IA Case 12-059)
2. **Allegation:** 1. Failure to safeguard arrestee's property
3. **Officer:** Hamoud Alsamawi and Reserve Dave Barnes
4. **Disposition:** 1. Not Sustained

Motion made by Mr. Dickerman, seconded by Ms. Helfer, to accept the findings on case #12-059.

Officer Justice noted that both the arrestee and Officer Alsamawi confirmed a white envelope was present. She stated that an arresting Officer is required to take an inventory of the arrestee's property; however, according to the statement, this was not done, even though the arrestee stated multiple times that there was a specific amount of cash in the envelope. She concluded that because this envelope was missing and had not been inventoried after a lawful arrest, she felt disciplinary action should be taken.

Capt. MacDougall advised that he had met with Operations Chief Steve Kinsey to discuss this issue, and was informed that this command would decide what kind of counseling slip would be appropriate. He confirmed that the investigation is closed in this case.

Officer Justice asked for clarification of how a closed investigation by Internal Affairs would be referred to Operations. Capt. MacDougall explained that Operations would follow up on the case. Mr. Walters pointed out that the Board typically offers input on both the findings of a case and the disciplinary action taken. Capt. MacDougall said his discussions with Chief Kinsey led him to understand that disciplinary action would include a counseling slip as well as training.

Mr. Walters added that he would not vote in favor of the **motion**. He continued that he believed the incident occurred, as both the arrestee and the arresting Officer stated there was an envelope, and the arrestee pointed out how much money was in the envelope. He did not see how Internal Affairs could conclude that the allegation was Not Sustained, as there was no determination of what happened to the envelope. He noted as well that a Detention Officer overheard the discussion between the arrestee and the arresting Officer, in which the arrestee asked the Officer if his money would be safe. Mr. Walters asserted that it was incumbent upon the arresting Officer to verify whether or not there was money in the envelope.

Capt. MacDougall said he was also frustrated in this case, as he did not know what happened to the envelope or whether or not Police Department personnel were responsible for it. He observed that the Reserve Officer noted there were "miscellaneous papers" involved, but he did not know if the envelope in question was passed on to the Broward Sheriff's Office.

Mr. Walters pointed out that the Detention Officer's statement advised if a sealed envelope is among an arrestee's property, it is opened in order to investigate the contents; however, the Detention Officer said there was no envelope in this case. He added that the arresting Officer stated the envelope was first on the trunk of the car and then on the floorboard, but the envelope disappeared before it could reach the booking desk. For this reason, he felt the finding should be sustained on the arresting Officer.

Capt. MacDougall said this was why the finding was Not Sustained: neither Officer in the case could be proved wrong nor right, and the envelope could not be found. Mr. Walters asserted that this was not a good finding. Officer Justice agreed, stating again that the envelope should have been inventoried and the arrestee had specifically stated there was money in the envelope. Mr. Walters said the charge was related to the lack of safeguards of the arrestee's property.

In a roll call vote, the **motion** failed 0-5 (Vice Chair Jordan, Mr. Dickerman, Ms. Helfer, Officer Justice, and Mr. Walters dissenting).

Mr. Dickerman asked if the Board had any further options with regard to the case. Mr. Walters advised that according to the City Attorney's interpretation of the Ordinance that formed the Board, the Board may not take any action other than accepting or not accepting the findings.

Officer Justice said she would like to know the decision made by Operations regarding disciplinary action, as the case was closed by Internal Affairs and sent back to Operations.

Vice Chair Jordan suggested that at the next meeting, the Board could discuss what they can or cannot do and the level of their authority. Mr. Walters said the Board did not have sufficient authority to take any action, and for this reason they had little impact in the eyes of the community.

Mr. Dickerman asked if the Officers involved in the current case would be informed of the Board's decision, although the decision does not affect them. Capt. MacDougall said he believed the Officers would be notified. Ms. Helfer asked if Operations would be informed of their decision as well. Capt. MacDougall said he would confirm this.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:27 p.m.