

**CITIZENS POLICE REVIEW BOARD MEETING
CITY OF FORT LAUDERDALE
CITY HALL 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FLORIDA 33301
December 10, 2012 – 6:00 P.M.**

Board Members	Attendance	1/2012 – 12/2012 Cumulative Attendance	
		P	A
Alan Stotsky, Chair	P	7	2
James Jordan, Vice Chair	P	9	0
Lt. John Appel	P	5	4
Marc Dickerman	P	9	0
Ted Fling	P	6	3
Lt. Glenn Galt	P	7	2
Eileen Helfer	P	9	0
Officer Nina Justice	A	5	4
Roosevelt Walters	P	8	1

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

Staff

Captain Doug MacDougall, Internal Affairs, Fort Lauderdale Police Department
Sergeant David Cortes, Internal Affairs, Fort Lauderdale Police Department
Sergeant Edgar Cruz, Internal Affairs, Fort Lauderdale Police Department
Sergeant Mark Renner, Internal Affairs, Fort Lauderdale Police Department
J. Opperee, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

A. Roll Call

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

B. Approve Minutes from October 6, 2012

Chair Stotsky requested clarification of whether or not the Board had found fault with the case presented at the October 6 meeting. Mr. Walters explained that the Board had disagreed with the findings of Internal Affairs. Vice Chair Jordan said this conclusion had been reported, although there had been no official response. Mr. Walters pointed out that no response is required.

Vice Chair Jordan noted that the issue of the Board's relevance had been discussed before and was still pertinent. Chair Stotsky advised that this was not an issue he could address, as he will be "termed out" and will no longer be part of the Board in the future.

Mr. Walters recalled that the current City Commission has agreed with the City Attorney with regard to determining the Board's role and what they should or should not be able to do. He did not feel they have an active function, as they are no longer allowed to recommend training or have input into the disciplinary process: the Board is allowed only to agree or disagree with the findings of Internal Affairs. He concluded that it would not be recommended to go back before the City Commission while the City Attorney remains the same.

Vice Chair Jordan stated that he did not know what action the Board could take. Chair Stotsky suggested that he could recommend the reappointment of a former Board chair, as this individual was very knowledgeable about what is done with similar boards in other cities. Lt. Appel added that in his experience, the City Commission or City Manager would not contradict the City Attorney on issues such as the Board's purview.

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

C. General Information

It was noted that Chair Stotsky, Ms. Helfer, and possibly Mr. Walters would not return to the Board the following month.

Mr. Walters observed that there is a great difference in the number of cases the Board receives now than in the past. He added that he did not feel his or other comments had significant impact on the outcome of the cases, which was troubling to him.

D. Review the Following Internal Affairs Investigation:

- | | |
|------------------------|--|
| 1. Complainant: | Allen Smith (IA Case 12-009) |
| 2. Allegation: | 1. Officer accessed complainant's driver's license information for non-work-related reasons. |
| 3. Officer: | Jason Wood |
| 4. Disposition: | Exonerated |

Motion made by Vice Chair Jordan, seconded by Ms. Helfer, to accept the findings.

Mr. Walters requested clarification of personal or non-personal use. Capt. MacDougall said this issue may come before the Board again, as tonight's case is one of the first instances in which the Department was affected. He explained that if information is disseminated, or if the individual accessing information is an unauthorized user, the access of information is a crime. The allegation in this case was that the Complainant's information was accessed for non-work-related reasons; however, it was determined that the Officer's access of information was justifiable, as his only reason for accessing the information was for a response to a work-related investigation.

Chair Stotsky observed that the Officer had said he was accessing the system for a criminal investigation. Capt. MacDougall said the Officer had meant the information would be used for a future criminal investigation: were the Officer not employed to respond to criminal investigations, he would not have accessed the information. He felt this fell into the same category as an investigation.

Chair Stotsky asked what the Complainant could have done at the scene that resulted in a criminal investigation. Capt. MacDougall replied that when an Officer responds to a scene, this constitutes a criminal investigation; furthermore, the Complainant could have been provided with information that he was not supposed to have. He felt this was justification for the accessing of information, as the Complainant, despite being a public defender, was not supposed to have this information.

In a voice vote, the **motion** passed 7-1 (Mr. Fling dissenting).

Mr. Fling remarked that he had attempted in the past to get the City Attorney to listen to the Board, as its membership is composed of citizens and Officers who are informed and interested citizens. He did not feel the City Attorney's Office had acted appropriately in its limiting of the Board's responsibilities.

Chair Stotsky stated that he was glad to have served the City, and hoped that the Board has accomplished some good during his time of service.

Capt. MacDougall presented Ms. Helfer with a plaque from the Fort Lauderdale Police Department in recognition of her service to the community and the City. The Board recognized her service with a round of applause.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:21 p.m.