

**CITIZENS POLICE REVIEW BOARD MEETING
 CITY OF FORT LAUDERDALE
 CITY HALL 8TH FLOOR CONFERENCE ROOM
 100 NORTH ANDREWS AVENUE
 FT. LAUDERDALE, FLORIDA 33301
 April 8, 2013 – 6:00 P.M.**

Board Members	Attendance	1/2013 – 12/2013 Cumulative Attendance	
		P	A
James Jordan, Chair	P	3	0
Marc Dickerman, Vice Chair	P	3	0
Capt. John Appel	A	1	2
Ted Fling	A	2	1
Lt. Glenn Galt	P	2	1
Officer Nina Justice	A	2	1
Kenneth Staab	P	3	0
Maxine Streeter	P	3	0
Roosevelt Walters	P	2	1

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

Staff

Captain Doug MacDougall, Internal Affairs, Fort Lauderdale Police Department,
 Board Liaison

Sergeant David Cortes, Internal Affairs, Fort Lauderdale Police Department

J. Opperlee, Recording Secretary, Prototype, Inc.

Communication to City Commission

None.

A. Roll Call

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

B. Approve Minutes from March 11, 2013

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

C. General Information

Chair Jordan reported that Ms. Streeter had conducted research into the Ordinance that created the Board. Ms. Streeter advised that she had reviewed

the current Ordinance, which had been amended a number of times, as well as the legislative history of the Ordinances; however, she does not have copies of the minutes of City Commission meetings at which these Ordinances were discussed.

She noted that the Ordinance states the Board's decisions shall be advisory to the City Manager; they may sustain or not sustain a finding, exonerate, deem unfounded, or defer a case for more information. Ms. Streeter asked if the Board's authority was considered binding, or if they act in an advisory capacity only.

Mr. Walters said the Board's current role is advisory, which is consistent with the language of the original Ordinance; however, he asserted that the original Ordinance allowed the Board to recommend various disciplinary actions, such as additional training. He concluded that the Board may no longer exonerate an Officer or rule that charges are unfounded: they may only determine whether or not Internal Affairs conducted a proper investigation.

Ms. Streeter said both the original and current Ordinances allow the Board to make these recommendations. Mr. Walters said there are two additional Ordinances, chronologically between the original 1998 Ordinance and the current Ordinance, which take away this authority.

Capt. MacDougall stated that his understanding was once Internal Affairs came to a finding, the Board reviews the entire case; whether they do or do not concur with Internal Affairs' findings, the City Manager is notified.

Ms. Streeter offered the hypothetical example of a case in which Internal Affairs finding found an Officer guilty of an infraction, but the Board did not agree with this finding because they felt the Officer's actions were justified and he should be exonerated. She asked if the Board's vote to exonerate would be taken to the City Manager. Mr. Walters said the Board is tasked with reviewing the findings of Internal Affairs rather than reviewing the Officer's actions.

Ms. Streeter noted that the Board's recommendations have always been advisory rather than binding. Mr. Walters reiterated that they may only agree or disagree with Internal Affairs or defer until further investigation.

Chair Jordan recalled a recent investigation in which the Board disagreed with the findings of Internal Affairs and sent this recommendation to the City Manager; however, they had received no response regarding the recommendation. Ms. Streeter asked if the Board had followed up on their recommendation. Chair Jordan said the City Attorney had informed the Board that they did not have any actual authority.

Ms. Streeter observed that she had not been able to find language to this effect in the Ordinances. Mr. Walters said the City Attorney's statement was made first at a workshop and again at a City Commission Conference Agenda meeting on the same day. He advised that the minutes of these meetings would reflect the City Attorney's opinion on the Board's authority. He noted that in the past, the City Manager would typically respond to the Board regarding their recommendation, even if he did not agree with it.

Mr. Walters said the Board may no longer send the City Manager a recommendation for an Officer's exoneration. Capt. MacDougall pointed out that in this case, the Board is asked to submit a form including its findings and send it to the City Manager. Mr. Walters reiterated that the Board does not have this authority, as they are now reviewing Internal Affairs' investigations rather than an Officer's actions.

Ms. Streeter observed that the best example would be a test case, in which the Board disagreed with the findings of Internal Affairs and submitted their recommendation to the City Manager. Mr. Walters said a more accurate test case would be a case in which the Board ruled that charges were unfounded or that the Officer in question should be exonerated.

Chair Jordan suggested that the Board send a letter to the City Manager requesting a response in regard to the recent case in which they disagreed with Internal Affairs. Chair Jordan said they could also send the City Manager a copy of the minutes of that meeting. He commented that this could allow for more dialogue between the Board and the City regarding the Board's role.

Mr. Walters pointed out that often, by the time the Board reviews a case, the Officer in question may have already served a suspension or other corrective action, even if the Board disagreed with the findings. Chair Jordan said the Board could discuss the recent case with which they had disagreed at their next meeting, and send a letter to the City Commissioners requesting clarification of their role. Ms. Streeter recommended that they reach out to the City Manager before contacting the Commissioners.

Capt. MacDougall asked if the Board's request was to receive a letter of response from the City Manager. Chair Jordan said this would at least acknowledge the Board's work in reviewing cases; the City Manager could advise them of whether he agreed or disagreed with their recommendation.

Ms. Streeter asked if the City Manager is provided with the minutes when the Board sends a recommendation. Mr. Dickerman explained that the minutes of a given meeting have not been drafted at the time the recommendation is sent.

Chair Jordan said the Board could send the minutes of the October 2012 meeting, in which they had disagreed with Internal Affairs' findings, to the City Manager along with a letter asking to know the disposition of the case.

Mr. Staab remarked that since the Board acts in an advisory capacity, they are a resource for the City Manager. He proposed that the letter state that they feel they can offer the City Manager additional assistance if he feels it is necessary. Ms. Streeter agreed that this would be a very positive way for the Board to present their concerns.

It was determined that this issue would be tabled until further discussion at the next Board meeting, at which time they would determine the action they planned to take.

D. Election of Officers

It was noted that officers were elected at the March meeting.

E. Review the following Internal Affairs investigation:

- | | |
|------------------------|---|
| 1. Complainant: | Maria "Tina" Hernandez (IA Case 13-002) |
| 2. Allegation: | 1) Misusing City Property or Equipment |
| 3. Officer: | Jack Dicristofalo |
| 4. Disposition: | 1) Not Sustained |

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

Chair Jordan observed that the Complainant in this case has made numerous complaints, and asked if the Board would like to review these complaints individually or together. Mr. Walters explained that there are time restrictions related to the disposition of a case: Internal Affairs may have completed the investigation of one complaint while still investigating another. Capt. MacDougall confirmed that each investigation is separate.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:30 p.m.