

**CITIZENS POLICE REVIEW BOARD MEETING
CITY OF FORT LAUDERDALE
CITY HALL 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FLORIDA 33301
May 13, 2013 – 6:30 P.M.**

Board Members	Attendance	1/2013 – 12/2013 Cumulative Attendance	
		P	A
James Jordan, Chair	A	3	1
Marc Dickerman, Vice Chair	A	3	1
Capt. John Appel	P	2	2
Ted Fling	P	3	1
Lt. Glenn Galt	A	2	2
Officer Nina Justice	P	3	1
Kenneth Staab	A	3	1
Maxine Streeter	P	4	0
Roosevelt Walters	P	3	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

Sergeant Edgar Cruz, Internal Affairs, Fort Lauderdale Police Department

Sergeant Mike Dodson, Internal Affairs, Fort Lauderdale Police Department

Matthew Cobb, Risk Management, City of Fort Lauderdale

Guy Hine, Risk Management, City of Fort Lauderdale

J. Oppерlee, Recording Secretary, Prototype, Inc.

Communication to City Commission

None.

A. Roll Call

The meeting was called to order at 6:30 p.m. Capt. MacDougall noted that Chair James Jordan's absence from tonight's meeting was excused. As Vice Chair Dickerman was also absent, an Acting Chair must be appointed for the meeting.

Motion made by Officer Justice, seconded by Ms. Streeter, to recommend Roosevelt Walters to be Acting Chair. In a voice vote, the **motion** passed unanimously.

Roll was called and it was noted a quorum was present.

B. Approve Minutes from April 8, 2013

Motion made by Ms. Streeter, seconded by Mr. Fling, to accept the minutes. In a voice vote, the **motion** passed unanimously.

C. General Information

Capt. MacDougall recalled that when the Board makes a recommendation on one of its allowable findings – Sustained, Not Sustained, Exonerated, Unfounded, or Deferred for more information – its decision is then sent to the City Manager. The City Manager had responded after the April 8 Board meeting by stating he did not take exception to their recommendation.

Mr. Fling asked if the City Manager had provided a response regarding an earlier case heard by the Board on October 8, 2012. Ms. Streeter recalled that the Board had raised some objections to the disposition of this case, and communicated these objections to the City Manager's Office at that time. Capt. MacDougall explained that there is no process currently in place by which a response can be sought from the City Manager. He hoped that the recent communication from the City Manager was the beginning of such a process.

Ms. Streeter asked if the City Manager could be informally asked to respond in writing to the objections raised at the October 8 meeting. She noted that the Board had wished to learn whether or not their findings were being taken into consideration when the final resolution of the case was determined.

Capt. MacDougall recalled that in the case discussed at the October 8 meeting, the Officer in question had been presented with an employee interview form and possibly retraining.

A/Chair Walters concluded that in the future, if the Board did not agree with the findings of Internal Affairs, they would like to be notified of the position taken by the City Manager with regard to the final resolution of a case, such as whether or not the City Manager agreed or disagreed with Internal Affairs' findings.

D. Review the following Internal Affairs investigation(s):

- | | |
|------------------------|---|
| 1. Complainant: | Maria "Tina" Hernandez (IA Case 13-004) |
| Allegation: | 1) Misusing City Property or Equipment |
| Officer: | Clay Barrett |
| Disposition: | 1) Not Sustained |

Motion made by Officer Justice, seconded by Ms. Streeter, to accept Internal Affairs' findings. In a voice vote, the **motion** passed unanimously.

2. **Complainant:** Henry Louis Lambert (IA Case 12-028)
 Allegation: 1) Discourtesy, Insolence or acting in an uncivil
 manner by word or act to any member of the
 public while acting in an official capacity
 2) Falsification of an official report
 3) Failure to conduct a complete or proper
 Police investigation
 Officer: Joseph Curtis
 Disposition: 1) Not Sustained
 2) Not Sustained
 3) Sustained

Motion made by Mr. Fling, seconded by Capt. Appel, to accept the findings of Internal Affairs.

Ms. Streeter stated that she did not agree with the findings regarding the allegation of discourtesy or falsification of an official report, or the Sustained findings with regard to whether or not a complete and proper investigation was conducted. She asked Capt. MacDougall how Internal Affairs had arrived at the conclusion of Not Sustained. Capt. MacDougall explained that there was no way to prove or disprove that the act had occurred, as two individuals had stated it happened and two had stated it did not.

Capt. Appel added that all parties involved had vested interests in their statements, and no independent entity had witnessed the incident. This meant greater weight could not be given to the statements made by either side.

Ms. Streeter asked if there had been any witnesses associated with the call to which the Officers had responded. A/Chair Walters said while there had been witnesses, there was not a way to determine when they had arrived on the scene, or what they might have witnessed. He concluded that the Allegations of discourtesy could not be proved, as Internal Affairs had not accepted one party's statement over the other party's statement.

Ms. Streeter asked how the finding of Not Sustained had been determined with regard to the second allegation of Falsification of an official report. Capt. MacDougall said this was Not Sustained because no intent to falsify had been identified. He explained that during the investigation, Internal Affairs had identified a 12-minute discrepancy in the Police report, and the Officer responsible was charged accordingly. While the original report was altered, it was determined that this was an attempt to include an event chronologically that resulted in a mistake, rather than an intentional falsification.

Sgt. Dodson added that the Officer in question had not been able to refer to the CAD or AVL reports to confirm the time at which a specific event had occurred. Internal Affairs had been able to review this report.

A/Chair Walters commented that while the falsification was not intentional, and the Officer had been attempting to follow his Captain's order by including the incident, the falsification had occurred even without intent. Capt. Appel stated that without intent, falsification does not happen. Ms. Streeter did not agree with this statement.

A/Chair Walters continued that the Officer's correction to his report was not voluntary. Capt. Appel said the Officer had been asked to include more detail in the report, and pointed out that this is one reason for supervisory review of reports. He asserted that there is nothing wrong with an Officer supplementing a report with additional information about an incident, particularly when a Commanding Officer has advised that the report needs more information. Officer Justice stated, however, that if an incident is not initially documented and a Commanding Officer or Supervisor asks that this incident be included, it is incumbent upon the Officer to document it accurately.

In a voice vote, the **motion** to accept the findings of Internal Affairs passed unanimously.

Allegation:	1) Discourtesy, Insolence or acting in an uncivil manner by word or act to any member of the Public while acting in an official capacity 2) Failure to conduct a complete or proper Police Investigation
Officer:	John Giga
Disposition:	1) Not Sustained 2) Sustained

Motion made by Capt. Appel, seconded by Officer Justice, to accept the findings of Internal Affairs

It was clarified that Officer Giga was not implicated in the Allegation of falsification of an official report.

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

There being no further business to come before the Board at this time, the meeting was adjourned at 6:58 p.m.