

**CITIZENS POLICE REVIEW BOARD MEETING
 CITY OF FORT LAUDERDALE
 CITY HALL 8TH FLOOR CONFERENCE ROOM
 100 NORTH ANDREWS AVENUE
 FT. LAUDERDALE, FLORIDA 33301
 May 12, 2014 – 6:00 P.M.**

Board Members	Attendance	1/2014 – 12/2014 Cumulative Attendance	
		P	A
Marc Dickerman, Chair	P	4	0
Det. Nina Justice, Vice Chair	P	4	0
Kevin Borwick	P	3	1
Ted Fling	P	3	2
Lt. Steve Greenlaw	A	3	1
Sgt. Adam Solomon	P	4	0
Kenneth Staab	P	3	2
Maxine Streeter	P	4	0
Roosevelt Walters	P	4	0

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

Staff

Sgt. David Cortes, Internal Affairs, Fort Lauderdale Police Department
 Sgt. Frank Vetancourt, Internal Affairs, Fort Lauderdale Police Department
 Assistant City Attorney Brad Weissman
 J. Opperlee, Recording Secretary, Prototype, Inc.

Communication to the City Commission

None.

A. Roll Call

Chair Dickerman called the meeting to order at 6:00 p.m.

B. Approve minutes from April 14, 2014

Motion made by Mr. Walters, seconded by Ms. Streeter, to approve [as amended].

Mr. Fling noted a correction: he wished to clarify that he felt the Board should not be “beating up on” Internal Affairs or questioning the reports provided by that Department.

Ms. Streeter noted a correction on p.1: in her comment regarding the disposition of the case, "exonerated" should begin with a lower-case E, as the term as defined by Internal Affairs differs slightly from its dictionary definition.

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

C. General Information

None.

D. Review the following Internal Affairs investigation

Complainant:	Rick & Matthew Porras and Kelly Cabot (IA Case 13-113)
Allegation:	1) Reporting Incidents/Offenses 2) Unnecessary use of Force 3) Discourtesy, insolence or acting in an uncivil manner by word or act to any member of the public while acting in an official capacity 4) Traffic Stops
Officer:	Dimitri Jacques
Disposition:	1) Sustained 2) Not Sustained 3) Not Sustained 4) Not Sustained

Regarding Allegation 1, Reporting Incidents/Offenses: **motion** made by Mr. Walters, seconded by Ms. Streeter, that the Board agrees with Internal Affairs with #1. In a voice vote, the **motion** passed unanimously.

Regarding Allegation 2, Unnecessary Use of Force: **motion** made by Vice Chair Justice, seconded by Mr. Walters, to accept the findings of Internal Affairs.

The Board discussed the allegation, noting that the term Not Sustained, as used by Internal Affairs, means there is insufficient evidence to confirm or refute the complaint, while the term Unfounded means there is no credible evidence to support the allegation. Ms. Streeter asserted that the allegation in this case should be Unfounded. Assistant City Attorney Brad Weissman explained that Not Sustained is the appropriate allegation because there is no corroborating witness or physical evidence to prove or disprove the allegation.

Sgt. David Cortes of Internal Affairs advised that the 911 recording included in the members' backup materials contains an allegation that force was used against the complainant, and the Officer's report includes a reference to restraining the individual. It was noted that the video included in the backup materials does not show the incident

clearly, and the individuals in the complainant's vehicle could not be considered independent witnesses. Mr. Fling observed that all the witnesses in this case were considered juveniles. Chair Dickerman pointed out that this does not affect their status as witnesses.

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

Regarding Allegation 3, Discourtesy: **motion** made by Vice Chair Justice, seconded by Mr. Walters, to accept the findings of Internal Affairs as Not Sustained.

Ms. Streeter pointed out that there were inconsistencies in the complainants' statements and the Officers on the scene said no profanity was used. She felt the allegation should be Unfounded for this reason. Sgt. Cortes noted that the discourtesy was alleged to occur not only in front of the Miramar Officers, but during the initial contact between the Officer and the complainants. It was also noted that the manner in which the Officer used his car could also be considered part of the discourtesy.

In a voice vote, the **motion** passed 6-2 (Mr. Fling and Ms. Streeter dissenting).

Regarding Allegation 4, Traffic Stops: **motion** made by Vice Chair Justice, seconded by Mr. Walters, to accept the findings by Internal Affairs of Not Sustained.

Mr. Walters requested clarification of how witnesses provide statements to Internal Affairs. Sgt. Cortes explained that witnesses, including Police Officers, are allowed to review their reports, as well as the reports of other Officers, to determine whether or not there are discrepancies.

Ms. Streeter noted that she had provided the Board members with copies of the Florida Administrative Code, as well as a handout from Internal Affairs including definitions of terms. She pointed out that this Code states the Board may defer a case for more information. Attorney Weissman advised that the Board's authority is provided by City Code. Mr. Walters stated that the Board had previously had a different level of authority than it has at present. Attorney Weissman said the Board would have to request any additional authority, such as recommending disciplinary changes, from the City Commission.

There being no further business to come before the Board *at* this time, the meeting was adjourned at 6:38 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.