A. Roll Call

Chair Borwick called the meeting to order at 6:00 p.m. Roll was called and it was noted a quorum was present.

B. Introduction of Temporary Commander of Internal Affairs

Captain Dana Swisher, Temporary Commander of Internal Affairs, introduced himself at this time. He added that Major Victor London will be the incoming Major in this Department when he returns from the FBI Academy.

C. Approve Minutes from October 3, 2016
Motion made by Mr. Walters, seconded by Ofc. Atkinson, to approve. In a voice vote, the motion passed unanimously.

D. General Information

Chair Borwick recalled that the Board recently attended a luncheon meeting with the City Commission, and asked Assistant City Attorney Brad Weissman if there were any updates or further activity at this time. Attorney Weissman replied that he has been assigned the task of drafting changes to the Ordinance discussed at this meeting. He will send this draft to the City Attorney for review, and will then send it to Board members before the next meeting as well.

Chair Borwick confirmed that the Board will hold a meeting in December 2016 even if there is no Internal Affairs investigation to be discussed.

E. Review the Following Internal Affairs Investigation

1. Complainant: Chief Franklin C. Adderley  
   (IA Case 13-020)  
   Allegation: 1) Response to Resistance – Deadly Force  
   Officer: Cherilyn Valenzuela  
   Disposition: 1) Exonerated  
   Allegation: 1) Response to Resistance – Deadly Force  
   Officer: Lauren Mager  
   Disposition: 1) Exonerated

At this time Chair Borwick opened public comment. As there were no members of the public wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

Chair Borwick requested that the Board vote on the disposition of the case against each Officer separately, but discuss the two cases together.

Motion made by Mr. Staab, seconded by Ofc. Atkinson, to accept the findings, which show that the investigation action was that [Officer Cherilyn Valenzuela] was exonerated.

Capt. Swisher clarified that this case was sent to the State Attorney’s Office as soon as the Internal Affairs investigation began. Attorney Weissman added that due to a potential conflict, the Governor was asked to appoint a prosecuting attorney other than the State Attorney for Miami-Dade County.

Mr. Jernigan asked to know the status of the Officer(s) during the time this case was under investigation by the State Attorney’s Office. Capt. Swisher replied that the Officers were on administrative leave until medically cleared to return to duty.
Chair Borwick asked if the distance between the individual firing a weapon and the suspect was measured in order to assess risk. Capt. Swisher advised that the distance was measured by crime scene personnel, but added that there is no set standard, as the threat is left to the Officer’s discretion under the conditions of the incident.

In a voice vote, the motion passed unanimously.

**Motion** made by Lt. Stone, seconded by Capt. Falzone, to accept the findings, Exonerated in this case [for Officer Lauren Mager]. In a voice vote, the motion passed unanimously.

2. Complainant: Chief Franklin C. Adderley  
(IA Case 16-029)  
Allegation: 1) Conduct prejudicial disruptive to the good order of the Department  
2) Failure to conduct a complete or proper investigation  
Officer: Tige Beaching  
Disposition: 1) Sustained  
2) Sustained

Chair Borwick asked that the Board review and vote upon each Allegation independently.

At this time Chair Borwick opened public comment. As there were no members of the public wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

**Motion** made by Lt. Stone, seconded by Mr. Walters, to accept Internal Affairs’ finding of Sustained as to the charge of conduct prejudicial disruptive to the good order of the Department.

Mr. Walters requested clarification of whether or not it was appropriate for a supervisor to assign work to an individual outside his Department without first checking with the individual’s own supervisor. Sergeant Adam Solomon of Internal Affairs replied that this was not uncommon: due to their caseloads, Detectives may be working on so many cases that their superior Officers do not check in on them regularly with regard to every case.

In a voice vote, the motion passed unanimously.

**Motion** made by Mr. Staab, seconded by Mr. Walters, to accept the findings of the disposition being Sustained [in relation to Allegation 2, Failure to conduct a complete or proper investigation].
Mr. Walters pointed out that there appeared to be some scrivener’s errors regarding the dates in the case, and recommended that these be amended to the correct dates.

Chair Borwick requested additional information regarding the autonomy provided to Officers working cases. Sgt. Solomon advised that this depends upon an Officer’s unit: for example, some units have fewer cases and more scrutiny given to each case. The Property Crimes Unit, however, typically carries a great many cases.

Chair Borwick noted that the report states that basic information was missing from the investigation conducted by Ofc. Beaching, and asked if additional training has been made available to him. Capt. Falzone replied that after this case, a training program was provided to new Detectives. She further explained that in the Property Crimes Unit, each Detective might be carrying 50 to 100 cases, which are typically triaged by the Detectives according to the type of evidence available to them. If more avenues may be followed, cases are pursued; if no additional evidence or leads are available, these cases are closed out.

In a voice vote, the motion passed unanimously.

F. Ongoing Discussion Reference Changes in Ordinance

Mr. Jernigan asked to know the typical cost of Internal Affairs investigations. Capt. Swisher replied that all cases involve a substantial amount of time, depending upon the number of statements taken and other factors. The Internal Affairs Division has a budget for its building lease, utility and office costs, and personnel including one Major, four Sergeants, and an Administrative Aide.

Capt. Swisher introduced new Internal Affairs Sergeant Gary Martin, who joined the Division in October 2016. Sgt. Martin has more than 20 years with the Police Department.

Capt. Swisher continued that information from one of the cases heard at tonight’s meeting was recently covered in the local media. He cautioned that this may have a negative effect on what the Board hopes to accomplish. It was clarified that the meeting Agenda is part of the public record. Attorney Weissman added that it is not unusual for members of the press to see these Agendas and make a public records request for backup materials. He explained that for purposes of accounting, the City wishes to keep track of what has been disseminated to the press, so in the event of a complaint or litigation, they have a record of what was provided or said.

Chair Borwick stated that he would strongly discourage any Board member from providing their backup materials to others, either in advance of or after a meeting.
Chair Borwick continued that at the recent joint meeting, the City Commission made it clear that they welcome recommendations from the Board. He advised that in the future, he would ask the members at the end of each meeting to provide any recommendations they wished to be sent on to the City Commission.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:44 p.m.

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

[Minutes prepared by K. McGuire, Prototype, Inc.]