CITIZENS POLICE REVIEW BOARD
CITY OF FORT LAUDERDALE
CITY HALL 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FLORIDA 33301
MARCH 30, 2015 – 6:00 P.M.

1/2015 – 12/2015
Cumulative Attendance

<table>
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<tr>
<th>Board Members</th>
<th>Attendance</th>
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<tr>
<td>Kevin Borwick, Chair</td>
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<td>Det. Nina Justice, Vice Chair</td>
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<td>Marc Dickerman</td>
<td>P</td>
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<td>Lt. Steve Greenlaw</td>
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<td>Skeet Jernigan</td>
<td>P</td>
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<td>Sgt. Adam Solomon</td>
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<td>Kenneth Staab</td>
<td>P</td>
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<td>Maxine Streeter</td>
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<td>Roosevelt Walters</td>
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Staff
Major Karen Dietrich, Board Liaison, Internal Affairs, Fort Lauderdale Police Department
Chief Franklin C. Adderley, Fort Lauderdale Police Department
Sergeant Jeffrey Brull, Internal Affairs, Fort Lauderdale Police Department
Sergeant David Cortes, Internal Affairs, Fort Lauderdale Police Department
Sergeant Cecil Stone, Internal Affairs, Fort Lauderdale Police Department
Sergeant Francisco Vetancourt, Internal Affairs, Fort Lauderdale Police Department
Brad Weissman, Assistant City Attorney
Jamie Opperlee, Recording Secretary, Prototype, Inc.

Also Present
Larry Barszewski, Sun-Sentinel
Rochelle Bilal, Vice Chair, National Black Police Association
Donnell Bryant
George Burrows
Sonya Burrows
Marsha Ellison, President, Broward NAACP
Dellica Harris
Dr. Rick Holton
Charles King
Chuck Malkus
Mike Tucker

Communications to City Commission
None.
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. Approve Minutes from March 9, 2015

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

C. General Information

Mr. Staab stated he would recuse himself from voting on Item 1 due to a perceived conflict.

Mr. Jernigan requested clarification of the Board’s responsibility, pointing out that the Board’s decision to sustain or not sustain the findings of Internal Affairs would not change the actions already taken by the City Manager relative to IA Case 14-090. Mr. Weissman replied that the Board is asked to render an advisory opinion, which the City Manager would consider at the appropriate time, although he noted that he could not speak to the weight the City Manager might give to that opinion.

Mr. Jernigan asked what the Board’s role in the process might be, as its actions have been preempted by actions taken by the City Manager. He asserted that the Board should make any recommendations before action is taken by City Management rather than after the fact, as otherwise the recommendations have no active role in the activities of City Management or the Police Department. He characterized the Board’s role in the proceedings as “a rubber stamp.”

Major Dietrich advised that the Board’s role is to ensure the Police Department is policing itself and conducting proper investigations. Mr. Walters stated that this meant the Board’s only options are to sustain or not sustain the findings of Internal Affairs.

D. Review the following Internal Affairs investigation

Chair Borwick advised that the Board would vote upon the findings separately for each Officer named in the case.

1. Complainant: Priscilla Perez (IA Case 14-090)
   Allegation: 1) Engaging in conduct unbecoming a Police Officer / Employee
               2) Conduct prejudicial to the good order of the Department
   Officer: Alex Alvarez
   Disposition: 1) Sustained
2) Sustained
Officer: Jason Holding
Disposition: 1) Sustained
2) Sustained

Officer: James Wells
Disposition: 1) Sustained
2) Sustained

Officer: Christopher Sousa
Disposition: 1) Sustained
2) Sustained

**Motion** made by Mr. Walters, seconded by Mr. Dickerman, to adopt the findings of the Internal Affairs Case 14-090 for Alex Alvarez: engaging in conduct unbecoming a Police Officer.

Vice Chair Justice distributed a handout to the Board at this time, stating that it was a letter from her to the other Board members recommending that Case 14-090 be returned to Internal Affairs for further investigation for the following reasons:

1. She did not feel the allegations of child abuse by Officer Alex Alvarez was thoroughly investigated
2. A portion of the video listed in the allegations against Officer Alvarez shows a dog identified by witnesses as a Fort Lauderdale Police Department K-9; however, Internal Affairs did not clarify the handler of the dog or the video’s origins, or how Officer Alvarez received the photograph of the dog
3. The video gives the impression that regular Officers may gain access to the K-9 Unit facility, although this is not the case
4. Questions asked by Internal Affairs investigators were, at times, leading and/or poorly constructed, particularly when referring to profane or racially charged language used by the four charged Officers
5. Internal Affairs does not clarify the extent of the relationship between the accused Officers and witness Officers whose images do not appear in the video

Vice Chair Justice concluded that the Board must hold the Fort Lauderdale Police Department accountable for the investigation, and that open or unclear questions should be clarified for the benefit and reputation of the Department.

The Board discussed the allegations further, with the clarification that a Senior Officer who saw a portion of the video in question determined that its nature was offensive and advised Officer Alvarez against further distribution of the video. Mr. Walters pointed out that the Senior Officer did not, however, take any further action, such as providing the video to other Officers who were higher in the chain of command. He also noted that because Officer Alvarez was allowed to resign rather than being terminated, he may be able to retain benefits. Sgt. Vetancourt replied that Officer Alvarez took the initiative to resign on his own, as he had no indication of how the case might proceed at the time of his resignation. He did not believe the Officer would be able to retain his benefits.
With regard to the video and text messages exchanged by the four Officers charged in this case, Mr. Walters observed that the Officers appeared to not take these communications seriously, but indicated that they felt the communications were not intended to be offensive. He felt this case was ultimately damaging to the relationship between the Police Department and the community. Sgt. Vetancourt stated that he felt the Department and the City took the proper course of action in terminating the Officers.

Mr. Jernigan expressed concern with what he perceived as a double standard in the type of investigation that occurred in this case, which differed from the type of questioning and investigation that might have occurred if the individuals involved were not Police Officers. He added that there is a need to ensure that the policies and procedures of the Police Department are being fully enforced, as well as a need for further investigation to determine if new policies should be established. He concluded that one such change should be ensuring greater transparency of the internal operations of the Police Department.

Mr. Jernigan asked if Internal Affairs was looking into the possibility that other Officers may be involved in this particular case. Vice Chair Justice stated that she shared this concern, which led to her recommendation that the investigation be returned to Internal Affairs. Sgt. Vetancourt responded that the case is based solely on the evidence provided by the Complainant, which identified the four Officers listed above. He added that the Officers’ cell phone and computer records were not requested.

Sgt. Vetancourt addressed the concerns Vice Chair Justice had raised in her letter, clarifying that Officer Alvarez had been previously written up by a Lieutenant with regard to the child abuse investigation; with regard to the dog in the video, Officer Wells confirmed that he had sent texts of the photo of the dog. He advised that the use of profane language in the interviews occurred when quoting or referring to the texts sent by the Officers. He concluded that Officer Alvarez had resigned from the Police Department on the day his interview was scheduled, which is why he was not questioned.

Mr. Walters asked if Internal Affairs had reviewed any cases conducted by the four Officers to determine whether or not those Officers acted with bias. Maj. Dietrich replied that all cases are reviewed as a matter of procedure, which made further review of these Officers’ cases unnecessary. She noted, however, that the State Attorney’s Office may choose to investigate further.

Mr. Dickerman asked if the four individuals’ certification as Police Officers would be revoked. Maj. Dietrich advised that it would not, as the Florida Department of Law Enforcement (FDLE) does not classify this case as a moral character violation. Sgt. Vetancourt added that FDLE maintains a database in which the reasons for the Officers’ termination would be recorded and available if they sought work as Police Officers elsewhere.
Vice Chair Justice stated that if the Police Department does not revisit the child abuse investigation, it would not be indicative of the zero-tolerance policy asserted by the City with regard to the Officers' behavior. Sgt. Vetancourt reiterated that Officer Alvarez’s resignation had precluded further investigation of his actions in this case.

It was confirmed that the four Officers were placed on leave with pay during the period of investigation. Mr. Jernigan asked if it might be possible for the City to recoup this pay in light of the findings of the investigation and the firing of the Officers. He also asserted that he did not find it acceptable that FDLE did not classify this issue as a moral character violation. It was noted that none of the four Officers was fully vested in his pension at the time of dismissal.

In a roll call vote, the motion to adopt the findings of Internal Affairs failed 2-5 (Vice Chair Justice, Mr. Dickerman, Mr. Jernigan, Ms. Streeter, and Mr. Walters dissenting). [Mr. Staab recused himself. A memorandum of voting conflict is attached to these minutes. Chair Borwick did not vote.]

Motion made by Vice Chair Justice, seconded by Mr. Walters, for Case 14-090, to recommend that this case be sent back to Internal Affairs for further investigation and defer the case for more information.

It was clarified that the motion referred to all four Officers named in the case rather than to Officer Alvarez alone.

In a roll call vote, the motion passed 5-2 (Lt. Greenlaw and Sgt. Solomon dissenting). [Mr. Staab recused himself. A memorandum of voting conflict is attached to these minutes. Chair Borwick did not vote.]

Mr. Weissman confirmed that the Board’s recommendation would be sent to the City Manager, who would then determine if the case would be returned to Internal Affairs for further investigation, as requested. Ms. Streeter asked that Vice Chair Justice’s letter to the Board also be provided to the City Manager, along with a request for determination on whether or not action would be taken regarding the following Officers who were questioned as part of the investigation: Officer Pedro Cabrera, Detective John Graul, Officer Vincent Schrider, and Officer Tim Shields.

At this time Chair Borwick opened the floor to public comment.

Rochelle Bilal, Vice Chair of the National Black Police Association, requested clarification of the extent of the investigation into other Officers not named in IA Case 14-090. She felt the electronic devices, including phones and hard drives, of these Officers should have been taken into custody to determine the extent of their involvement in the incidents. She added that the interrogative techniques used in the
investigation used leading questions, and asked what training was given to Internal Affairs Officers with respect to these techniques.

Ms. Bilal also asked if Internal Affairs had interviewed colleagues of the four Officers with regard to their behavior and actions. She wished to know how many African Americans the Officers may have come into contact with and arrested or charged, in order to determine whether or not they targeted the City’s African American population. She concluded that she agreed with Mr. Jernigan’s statement that FDLE should record this case as a moral character violation, and would like to know if there was documentation supporting FDLE’s decision that the case did not qualify as such.

Marsha Ellison, President of the Fort Lauderdale/Broward National Association for the Advancement of Colored People (NAACP), stated that she felt City officials had misled the public during their recent press conference regarding this case, as a question was asked regarding the Officers’ certifications. She explained that the City’s response indicated that FDLE would make a determination on whether or not these certifications would be revoked, which conflicted with the finding of no moral character violation discussed at tonight’s meeting.

Ms. Ellison concluded that she felt the case was indicative of biased policing, as the Police Department’s policy allows Officers against whom a complaint is made to participate in the decision of whether or not to advance the complaint to Internal Affairs. Sgt. Vetancourt responded that any member of the Department may receive a complaint. Maj. Dietrich added that the nature of a complaint determines where it is sent: for example, complaints of discourtesy and policy complaints are handled by Command, while criminal allegations would go to Internal Affairs. Ms. Streeter commented that this decision should be made by an independent entity.

Dr. Rick Bolton, private citizen, stated that this case presents the opportunity for Fort Lauderdale to show that they have zero tolerance for the activities cited in this case. He added that FDLE should also take this opportunity by changing its classification system to include this case as a moral character violation.

Charles King, private citizen, advised that 87% of Officers in the Fort Lauderdale Police Department reside outside the City. He felt a residency requirement for Police Officers should be implemented.

Sonya Burrows, private citizen, asked if the Internal Affairs investigation had questioned any African American Officers regarding their contact with the four Officers named in the complaint. Sgt. Vetancourt said they had not, as it could be inferred from the communications among the four Officers that they were maligning their African American coworkers. He advised that in order to preserve the integrity of a case, each case must be kept confidential to an extent; in addition, each case must focus narrowly on the evidence provided, which was why past cases handled by the four Officers were
not investigated. Ms. Burrows concluded that she felt the review process used by Internal Affairs was offensive and should be revamped.

Dellica Harris, Fort Lauderdale Police Officer, said she did not agree with the suggestion of a residency requirement for Officers. She referred to a conversation with her son after he viewed a news story about the incident and he had asked, “Mom, do they like you?” Ms. Harris stated, “Not only are the citizens not safe, what about me?”

Mr. Walters asked what changes would be made if the City Manager referred the case back to Internal Affairs, as recommended by the Board. Sgt. Vetancourt replied that Internal Affairs would attempt to address the specific questions raised by the Board, including Vice Chair Justice’s letter and questions regarding other Officers contacted in the investigation.

Police Chief Franklin C. Adderley of the Fort Lauderdale Police Department stated that there are two more phases of the disciplinary process: now that the Board’s recommendation has been sent to the City Manager, Internal Affairs will respond to the direction the City Manager provides.

Mr. Jernigan requested that the Board’s recommendation to the City Manager also include review of the complaint sent to FDLE regarding the Officers’ certification. He added that while this investigation focused on the video and text messages exchanged by the four Officers named in the case, he felt it should also be broadened beyond these specific items.

Donnell Bryant, retired Fort Lauderdale Police Officer, recalled that there were only 13 African American Police Officers in the Department when he began his career there. He pointed out that diversity training does prevent an individual’s negative and harmful attitudes from being reflected at work.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:30 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.]