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

1/2015 – 12/2015
Cumulative Attendance

<table>
<thead>
<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>Christina Currie</td>
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<td>Marc Dickerman</td>
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<td>Lt. Steve Greenlaw</td>
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<td>Skeet Jernigan</td>
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<td>Sgt. Adam Solomon</td>
<td>A</td>
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<td>Kenneth Staab</td>
<td>P</td>
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<tr>
<td>Roosevelt Walters</td>
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Staff
Christa Cole, Board Liaison
Sergeant David Cortes, Internal Affairs, Fort Lauderdale Police Department
Sergeant Jeffrey Brull, Internal Affairs, Fort Lauderdale Police Department
Sergeant Jack Lokeinsky, President, Fort Lauderdale Fraternal Order of Police Lodge 31
Cynthia Everett, City Attorney
Brad Weissman, Assistant City Attorney
Jamie Opperlee, Recording Secretary, Prototype, Inc.

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 May 11, 2015

Motion made by Mr. Dickerman, seconded by Mr. Walters, to approve. In a voice vote, the motion passed unanimously.
Motion made by Mr. Jernigan, seconded by Mr. Dickerman, to reorder the Agenda and take up Item D first and then come back to Item C. In a voice vote, the motion passed unanimously.

D. Review the following Internal Affairs investigation

1. Complainant: Anthony Williams
   (IA Case 15-006)
   Allegation: 1) Misusing City property or equipment
   Officer: Wesley Taylor
   Disposition: 1) Sustained

Motion made by Vice Chair Justice, seconded by Mr. Jernigan, to accept the findings of Internal Affairs.

Mr. Jernigan noted that the interview with the Officer in the case’s backup materials reflects inconsistent responses. He cited an example in which, after previously confirming that an inquiry was made after he would have been off duty, the Officer later responds that he could not recall more information. Sgt. Brull explained that it was necessary to confirm that the Officer was not training other individuals who might have gained access to his equipment. He noted that the after-hours use of equipment was one reason the Allegation in this case was Sustained.

Mr. Jernigan stated that his concern was primarily because the Officer changed his statement, which he felt was a greater issue than misuse of City property or equipment. He asked if there is policy addressing this inconsistency. Sgt. Brull advised that the Allegation occurred four years ago: although the Officer could confirm that he was working on the date of the infraction, he had been unable to recall every action taken on that date. He emphasized that the Officer did not attempt to deny that he committed the Allegation. Mr. Walters commented that he did not feel the investigation reflected a preponderance of evidence against the Officer.

It was clarified that most cases of this nature occurred in the past, as new protocols, policies, and procedures have been implemented in recent years to prevent similar infractions. Sgt. Cortes added that as of January 2015, Rules of Conduct specifically address misuse of the Driver and Vehicle Information Database (DAVID) system.

In a voice vote, the motion passed 7-1 (Mr. Walters dissenting).

C. General Information – Correction of Minutes

Mr. Jernigan distributed copies of an email sent to the Board by Mentha Manning, a retired Captain of the Fort Lauderdale Police Department. Chair Borwick requested that any future emails sent to the Board be forwarded to the members by the Liaison’s office. Assistant City Attorney Brad Weissman advised, however, that Internal Affairs
complaints are not part of the public record until their investigation is complete, and
should be forwarded to the Police Department, as a complaint sent via email could
trigger an investigation. Mrs. Cole clarified that members of the public are invited to
submit comments, not complaints, to the Board.

Mr. Jernigan continued that an email in relation to IA Case 14-090, which has been
discussed at previous Board meetings, states that an additional statement had been
taken from one of the Officers questioned in the case. This second statement was not
included in IA Case 14-090 when it was sent to the Board. He requested clarification of
why this additional statement was not part of the previous record, or if a new
investigation into IA Case 14-090 has been opened. Mr. Jernigan also asked if the
Board would have a way to know that additional information on a previously closed case
is coming forward.

Sgt. Cortes explained that an open investigation may not be discussed. Mr. Walters
clarified that it is possible for Internal Affairs to recall an individual for a second
interview, based upon other information that arose during the investigation. He also
asked if the additional information was received by Internal Affairs before or after the
case was sent to the Board.

Mr. Jernigan recalled that the Board had voted to request additional information
because they felt some aspects of IA Case 14-090 called for further investigation,
including the questioning of the Officer who has since provided a second statement. He
requested clarification of when and how the Board may seek additional information in a
case, recalling that when the Board made its motion to defer IA Case 14-090, it was not
clear at that time that additional information was not available.

Sgt. Cortes provided the Board with a copy of the Police Officer's Bill of Rights, which
he felt would help clarify some of the questions raised by the Board, including
terminology and protocol for the investigation of cases. He advised that unless
significant new information arises that is likely to affect the outcome of a case, all cases
must be closed within 180 days and may not be reopened in the absence of new and
significant information. Sgt. Cortes further clarified that the second statement would not
have been likely to affect the outcome of IA Case 14-090, which had resulted in
termination of the four Officers.

Sgt. Lokeinsky asserted that he felt further discussion of IA Case 14-090 was improper,
as no other Officers have been charged in relation to this case as a result of the second
statement. Mr. Jernigan explained that he would like to know what would have
happened if the new statement had resulted in disciplinary action against an Officer who
was not charged in the original case. It was confirmed that the outcome of the first case
would not have changed, but a new investigation could have been opened into that
Officer.
Vice Chair Justice requested access to additional statement(s) that had not been included in the original packet for IA Case 14-090. She pointed out that the Board should have access to every aspect of an investigation. It was noted that the Board had been provided with all the information that was available at the time the case was closed.

At this time Mr. Jernigan made a public records request for the second statement provided by Officer John Graul. He added that he would also like the statement to be forwarded to all Board members.

Mr. Jernigan also referred to a consultant’s report provided to the Board, which explains the methodology used by the consultant in assessing the Fort Lauderdale Police Department’s policies will include interviews, internal and external focus groups, and information from the Police Department’s leadership system, stakeholders, and community stakeholders. Mr. Jernigan asked if any of the Board members were invited to participate in these focus groups. Mr. Walters and Vice Chair Justice confirmed that they were contacted and/or knew other individuals who had been asked to participate.

E. Workshop reviewing Citizens Police review Board Ordinance – taking place after the conclusion of the meeting (closed door)

It was clarified that the workshop could not be held in a closed-door setting.

Ms. Currie referred to three ordinances governing other cities’ citizen review boards that addressed some of the concerns expressed by Board members regarding their duties. These ordinances, which are from Orlando, Fort Myers, and Miami, were provided in the members’ backup materials, and include different means by which boards can make recommendations.

Mr. Walters noted that some of these ordinances were similar to the original intent and authority of the Fort Lauderdale CPRB, which at an earlier time was able to modify the findings and disciplinary action taken by Internal Affairs. He asserted that this authority was amended and lessened over time by the City Commission, which ultimately rendered the Board less effective.

Chair Borwick suggested that the members discuss ideas on how the Fort Lauderdale Ordinance might be amended, and arrive at a draft Ordinance that could be forwarded to the appropriate entities. Mr. Jernigan stated that he was in favor of allowing the Board to recommend additional investigation or reinvestigation of a case, as well as the ability to modify the recommended disciplinary action. It was clarified that any investigations of Police Officers must be undertaken by the Police Department. Sgt. Cortes reviewed the procedure for Internal Affairs investigations under Florida Statute 112, noting that policy or procedural review is not permitted under the Ordinance that governs the Board.
Attorney Weissman advised that the workshop could focus on creating a wish list of the abilities and authority the members would like the Board to have; this list would then be vetted by the City Attorney’s Office to determine whether or not the Board may legally have this authority. The list could then be presented to the City Manager and ultimately to the City Commission for approval, disapproval, or amendment to the Ordinance.

Mr. Walters recalled that the Board was previously able to recommend additional training for Officers, as well as the ability to accept the findings of Internal Affairs without also accepting the recommended discipline. He stated that he would like to see this ability returned to the Board. Attorney Weissman observed that he felt the Board could still make this distinction, although he pointed out that discipline is progressive and multiple transgressions may result in more serious consequences or punishment.

Ms. Currie noted that the Board’s preference is for the language found in the 1994 Ordinance, and asked if this language could be reinstated. Attorney Weissman replied that because he did not know the reason this language was removed, he was not able to answer this question.

Mr. Jernigan requested clarification of the reference to a complaint review board in the Police Officer’s Bill of Rights. It was explained that this provides recourse for Officers who feel their rights have been violated by an investigation. Sgt. Lokeinsky added that an Officer’s contract states that s/he must be notified of the penalty assessed when discipline is meted out, which is determined before a case comes before the Board. The City Manager may not add to the disciplinary action recommended by the Chief of Police.

Attorney Weissman noted that there are currently two appellate cases in process that deal with subpoena power, which was viewed by one court as a violation of Florida Statute 112. There are conflicting opinions between jurisdictions as to whether or not subpoena power may be allowed.

Mr. Jernigan asked if the CPRB should consist solely of citizens instead of citizens and Police Officers. Ms. Currie, Chair Borwick, and Mr. Dickerman spoke in favor of the participation of Officers on the Board, as they constitute an important part of the community and provide critical perspective.

Sgt. Cortes commented that while the Board may not feel their actions are sufficiently effective, their ideas and recommendations have influenced cases and policy. He cited the example of the recent cases involving DAVID, noting that questioning has become more specific in these cases as a result of the concerns and issues raised by the Board.

Lt. Greenlaw observed that when he attends community meetings, such as homeowners’ associations, he often hears questions on tactics and procedures that are similar to the questions asked by the Board. He recommended that members accompany an Officer or Officers on a ride-along or take the Citizens on Patrol course.
Mr. Dickerman noted that in order to attend Citizens on Patrol, individuals must first attend the Citizens Police Academy.

Mr. Dickerman asked if the Board planned to meet in July. Chair Borwick suggested that they proceed with workshop activities if there are no pending cases at that time.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:26 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.]