



CITY OF FORT LAUDERDALE

CITIZENS POLICE REVIEW BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL 1<sup>ST</sup> FLOOR COMMISSION CHAMBERS  
100 NORTH ANDREWS AVENUE  
FT. LAUDERDALE, FLORIDA 33301  
JANUARY 8, 2018 – 6:00 P.M.

1/2018 – 12/2018  
Cumulative Attendance

<b>Board Members</b>	<b>Attendance</b>	<b>P</b>	<b>A</b>
Christina Currie, Chair	P	1	0
Kevin Borwick, Vice Chair	P	1	0
Sgt. Collis Atkinson	A	0	1
Marc Dickerman	A	0	1
Capt. Lynette Falzone	A	0	1
Skeet Jernigan	P	1	0
Lt. Cecil Stone	P	1	0
James Teague	P	1	0
Carol Ortman	A	0	1

**Staff**

Major Dana Swisher, Internal Affairs, Fort Lauderdale Police Department  
Sergeant Nick Coffin, Internal Affairs, Fort Lauderdale Police Department  
Sergeant Wilgienson Auguste, Internal Affairs, Fort Lauderdale Police Department  
Paul Bangel, Senior Assistant City Attorney  
Michael Mitchel, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**A. Roll Call**

Chair Borwick called the meeting to order at 6:05 p.m. and roll was called. It was noted that a quorum was present.

**B. Approve Minutes from December 11, 2017**

**Motion** made by Mr. Jernigan, seconded by Mr. Teague, to approve the meeting minutes of December 11, 2017. In a voice vote, the **motion** passed unanimously.

**C. General Information**

It was noted that a new Board member is expected to be in attendance at the next scheduled meeting.

### 1. Elect Chair and Vice Chair for 2018

**Motion** made by Lt. Stone, seconded by Mr. Jernigan, to nominate Christina Currie as Chair. In a voice vote, Ms. Currie was unanimously elected Chair.

**Motion** made by Mr. Jernigan, seconded by Chair Currie, to nominate Kevin Borwick as Vice Chair. In a voice vote, Mr. Borwick was unanimously elected Vice Chair.

### D. Review the following Internal Affairs investigation

- |                 |  |
|-----------------|--|
| 1. Complainant: | Brittany Hopkins (IA Case 15-054)  |
| Allegation:     | 1) Engaging in conduct unbecoming a police officer / employee<br>2) Doing or committing any act which delays return to duty<br>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<br>4) Divulging any information, without authority, relating to the business of the department or to an investigation being conducted |
| Officer:        | Renier Colina  |
| Disposition:    | 1) Sustained<br>2) Sustained<br>3) Sustained<br>4) Sustained   |
| Allegation:     | 1) Failure to promptly report misconduct of any City employee, including any violation of Department rule, order, or directive to an immediate supervisor or the Office of Internal Affairs<br>2) Discourtesy, insolence, or acting in an uncivil manner by word or act to any member of the public while acting in an official capacity   |
| Officer:        | Justin Fairburn  |
| Disposition:    | 1) Not Sustained<br>2) Sustained   |

Mr. Jernigan asked if the Board may move to accept the disposition of all allegations in the case at once. It was decided that each allegation would be individually reviewed and the Board may concur or not concur with the findings of Internal Affairs regarding each

allegation. Assistant City Attorney Paul Bangel advised, however, that he was not certain the individual review of each allegation is necessary.

It was clarified that the following four motions would address the allegations against Officer Renier Colina.

**Motion** made by Mr. Jernigan, seconded by Mr. Teague, to concur with the recommendation of Sustained in IA Case 15-054, Item number 1. In a voice vote, the **motion** passed unanimously.

**Motion** made by Vice Chair Borwick, seconded by Mr. Teague, on IA Case 15-[054], Count 2, to concur with Internal Affairs' investigation with a decision of Sustained. In a voice vote, the **motion** passed unanimously.

**Motion** made by Mr. Jernigan, seconded by Mr. Teague, to concur with the recommendation or disposition of Sustained in IA Case 15-054, Officer Renier Colina [regarding Allegation 3]. In a voice vote, the **motion** passed unanimously.

**Motion** made by Mr. Jernigan, seconded by Lt. Stone, to concur with the disposition in Case IA 15-054, Item 4, dealing with Officer Renier Colina.

Attorney Bangel advised that at this point in the process, the Board is asked to concur or not concur with the findings of Internal Affairs rather than the disposition of the Allegation.

Vice Chair Borwick stated that he was disturbed the Police Department was unaware of the activity involved in this case, pointing out that the Department could not account for the Officer's whereabouts or behavior until a third party reported the activity. Major Dana Swisher of Internal Affairs explained that the actions in this case occurred over a period of two months, and there was no indication of inappropriate activity. He noted that Officers undergo thorough background checks and lengthy training when they are hired. There is no mechanism in place to supervise Officers' every move unless there is a reason to do so.

Chair Currie asked if the Department can set up alerts in its tracking system to show certain activities, such as speeding or leaving an assigned district. Maj. Swisher replied that the Department uses an Automated Vehicle Locator System (AVLS) on all patrol vehicles. Systems are in place to establish alerts if a search is conducted on vehicles that operated over a certain speed, for example; however, only Internal Affairs may use "geo fence" capability to track an Officer's whereabouts if they are supervising that Officer. This is not considered monitoring, as monitoring would have to occur in real time.

Chair Currie asked if the alert system can alert an Officer's supervisor if his/her vehicle is tracked as exceeding a certain speed. Sergeant Wilgienson Auguste of Internal

Affairs added that the AVLS has a built-in alert system, which generates a memo to Internal Affairs and notifies the chain of command if a vehicle is speeding. He explained that data analysis in IA Case 15-054 came down to patterns and methods of the Officers' behavior. Statistics also provide quarterly feedback regarding Officers' productivity.

Vice Chair Borwick asked if protocols exist to ensure that Officers are patrolling their districts or engaging in productive activity at times when they are not directly involved in an incident. Maj. Swisher replied that this would require continuous monitoring by a superior Officer. The capability to track activity through a dispatch center was lost when the Department became part of a County-wide dispatch system.

Chair Currie asked if No Contact orders are common within the Police Department. Maj. Swisher advised that these orders are typically handed down by Internal Affairs in response to specific Officers' domestic situations in lieu of restraining orders. He characterized these orders as uncommon.

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

Attorney Bangel pointed out that under the new Ordinance, the Board may also make recommendations to the City Manager in agreement or disagreement with the Chief of Police's recommendations regarding discipline. It was decided that discipline would be discussed for each individual Officer after voting on each case has concluded.

At this time the Board moved on to address the allegations against Officer Justin Fairburn in IA Case 15-054.

**Motion** made by Lt. Stone, seconded by Vice Chair Borwick, to concur with the Internal Affairs findings of Not Sustained in Failure to properly report misconduct of any City employee, including any violation of Department rule, order, or directive to an immediate supervisor or the Office of Internal Affairs regarding Officer Fairburn.

Mr. Teague asked how it was possible Officer Fairburn was unaware of his partner's activities. It was clarified that the two Officers named in Case 15-054 were not partners.

It was clarified that the report on this case lists the disposition of Allegation 1 against Officer Fairburn as Unfounded, although other documentation states the Allegation was Not Sustained. Lt. Stone **revised** his **motion** to reflect the finding of Unfounded rather than Not Sustained.

In a voice vote, the **motion** passed 4-1 (Mr. Teague dissenting).

**Motion** made by Vice Chair Borwick, seconded by Mr. Jernigan, on IA Case 15-054 for Officer Fairburn to concur with the finding of Sustained for Count 2, Discourtesy,

insolence, or acting in an uncivil manner by word or act to any member of the public while acting in an official capacity.

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

The Board moved on to address discipline for Officer Renier Colina, who was suspended for 20 days without pay, immediately followed by termination of employment. Maj. Swisher confirmed that the former Officer has access to a grievance process if he wishes.

**Motion** made by Mr. Jernigan, seconded by Vice Chair Borwick, to agree with the Chief's recommendations of the 20-day suspension and then dismissal in the case of Renier Colina. In a voice vote, the **motion** passed unanimously.

**Motion** made by Vice Chair Borwick, seconded by Lt. Stone, to agree with the discipline as presented by Chief Rick Maglione on IA Case 15-054, Justin Fairburn, on Count 2. In a voice vote, the **motion** passed unanimously.

2. Complainant:  
Allegation:

Chief Rick Maglione (IA Case 15-087)

1) Untruthfulness – To Wit:

Circumstances surrounding previous complaint in 2012

2) Untruthfulness – To Wit: Honestly issues surrounding leave requests and reasons for leave requests

3) Engaging in conduct unbecoming a police officer / Department employee

4) To regularly or continuously associate or have dealings with a person whom an employee knows to be under active criminal investigation or indictment, or has a reputation in the community or in the department for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties

5) Engaging in off-duty employment without proper authorization

6) The following will not be permitted for employees to work: Employment as a bodyguard

7) Knowingly making or signing any false or inaccurate statement in any official investigation, report, or records or attempting to induce or cause another to do so

8) Untruthfulness – To Wit: Failure to fully

	disclose prior employment on employment application
Officer:	Dmitri Jacques
Disposition:	1) Sustained
	2) Sustained
	3) Sustained
	4) Sustained
	5) Sustained
	6) Sustained
	7) Sustained
	8) Sustained

The Board agreed by consensus that the eight Allegations listed in IA Case 15-087 would be addressed as a single item.

**Motion** made by Mr. Jernigan, seconded by Mr. Teague, in the IA Case 15-087, as it relates to all eight counts as previously read, to accept the findings of Concur in items 1, 2, 3, 4, 5, 6, 7, and 8.

Chair Currie asked what would happen regarding the supervisor who allowed Officer Dmitri Jacques to take undocumented leave. Maj. Swisher replied that this supervisor was considered to have been preyed upon by Officer Jacques and would be counseled further on this issue by Command Staff.

Chair Currie also asked if Internal Affairs is allowed to work on a case before they receive notification that the State Attorney's investigation is complete. Sergeant Nick Coffin of Internal Affairs explained that once a case has been sent to the State Attorney's Office, the Department may work on information that has already been gathered, but may not conduct any new investigation.

Sgt. Coffin continued that this case was considered an extraordinary situation in which there was sympathy for the Officer due to his personal circumstances, and the activities involved in the case are not considered to occur on a regular basis. Vice Chair Borwick pointed out that the individual responsible for checking time cards committed an egregious mistake and should be held accountable. Maj. Swisher clarified that not every instance of misconduct occurred on a single supervisor's watch: multiple supervisors approved the undocumented time off from work.

Mr. Jernigan added that superior Officers should be expected to follow procedures when making decisions about leave time. He also felt this activity constituted a violation of protocol regardless of whether or not the supervisors were misled by the Officer. Chair Currie, however, pointed out that the Officer's circumstances were known throughout the Department and did not feel supervisors should be penalized for showing sympathy. Vice Chair Borwick advised that his concern was for the pattern of behavior by the Officer, which provided an opportunity to abuse circumstances.

Mr. Jernigan stated that while he felt there may be more to the case than the Board has been privy to, he was willing to accept the judgment of Internal Affairs regarding disposition of the Allegations. Mr. Teague noted that the Officer's actions were a disservice not only to his fellow Officers but to the public he was sworn to serve.

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

Regarding discipline in IA Case 15-087, Mr. Jernigan asked if a 20-day suspension without pay is standard before termination. Maj. Swisher replied that this provides the Officers with an opportunity to appeal the termination through the grievance process.

**Motion** made by Mr. Jernigan, seconded by Mr. Teague, to agree with the discipline in IA Case 15-087. 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 7:12 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.]