



CITY OF FORT LAUDERDALE

CITIZENS POLICE REVIEW BOARD
CITY OF FORT LAUDERDALE
CITY HALL 8th FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA 33301
May 14, 2018 – 6:00 P.M.

1/2018 – 12/2018
Cumulative Attendance

<u>Board Members</u>	<u>Attendance</u>	<u>P</u>	<u>A</u>
Christina Currie, Chair	P	2	0
Kevin Borwick, Vice Chair	A	1	1
Sgt. Collis Atkinson	A	0	2
Marc Dickerman	P	1	1
Capt. Lynette Falzone	A	0	2
Skeet Jernigan	P	2	0
Lt. Cecil Stone	P	2	0
James Teague	P	2	0
Carol Ortman	P	1	1

Staff

Major Victor London, Commander, Internal Affairs, Fort Lauderdale Police Department
Sergeant Tarek Bazzi, Internal Affairs, Fort Lauderdale Police Department
Sergeant Wilgienson Auguste, Internal Affairs, Fort Lauderdale Police Department
Lee Feldman, City Manager
Brad Weissman, Senior Assistant City Attorney
Christa Cole, Administrative Aide and Board Liaison
Jamie Opperlee, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

A. Roll Call

Chair Currie called the meeting to order at 6:00 p.m. and roll was called. It was noted that a quorum was present.

B. Approve Minutes from January 8, 2018

Motion made by Mr. Jernigan, seconded by Lt. Stone, to approve the meeting minutes of January 8, 2018, with the following correction:

- Ms. Ortman should be noted as absent

In a voice vote, the motion passed unanimously.

C. General Information

a. Present new member – Carol Ortman

Ms. Ortman introduced herself, saying she lives in Coral Ridge and is retired as an administrator for the court system. She was interested in this board because she worked with police departments all her life.

Introductions were made by board members and staff present.

Chair Currie asked for an update on the body cams. Major London said the pilot program is still in effect, with 35-40 officers enrolled. He has not received a recent report, but as of January it was going well.

D. Review the following Internal Affairs investigations

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| 1. Complainant: | Chief Rick Maglione (IA Case 17-014) |
| Allegation: | 1) Response to Resistance-Deadly Force |
| Officer: | Cody Campbell |
| Disposition: | 1) Unfounded |

Motion made by Mr. Dickerman, seconded by Jernigan, to open discussion on the case. Motion not brought to vote.

Chair Currie reminded the board that voting is either to concur or not concur with the findings.

Motion made by Mr. Dickerman, seconded by Lt. Stone, to concur with the findings on IA Case 17-014. In a voice vote, the motion passed unanimously.

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| 2. Complainant: | Officer Carl Hannold (IA Case 17-074) |
| Allegation: | 1) Unsatisfactory Performance
2) Failure to know a rule, order, or directive governing the operation of the Department |
| Officer: | Karen Dietrich |
| Disposition: | 1) Sustained
2) Sustained |

Chair Currie stated they have to hear one case at a time.

Motion made by Mr. Jernigan, seconded by Lt. Stone, to concur with the findings on IA Case 17-014 Item 1 (Karen Dietrich).

Mr. Dickerman stated they all received a letter from Officer Carl Hannold, and he submitted it for the record. Chair Currie commented that although Officer Hannold was not present, she wished to thank him for corresponding with the board. Secondly, she

urged anybody who wants to file a complaint with IA to come forward - anonymous or not. She did not believe that being anonymous meant the person was a coward. Chair Currie also urged the board to consider the case as presented, without reference to an outside source or research.

Lt. Stone mentioned that a proffer was done. Mr. Bazzi explained that to avoid a secondary statement, Karen Dietrich was given dates to provide the information. Mr. Bazzi confirmed this same procedure is followed in any case brought before Internal Affairs. In this particular case, there were many dates that were in question, so information was provided to Major Dietrich beforehand so they could take her statement at one time.

Lt. Stone confirmed that a proffer was available to any officer who chose that route.

Major London elaborated that the dates supplied to Major Dietrich beforehand were just dates, but no entries were made. It was done simply to expedite the interview. The proffer was her attorney's option.

Chair Currie verified that with respect to this case, the individual could not get overtime. With regards to the time, it could have been categorized by Dietrich as management extra duty (where she could have received vacation compensation of 75% of her cash-out rate). Major London responded that management extra duty is a work code created for use by people with salaries. There is no compensation for it nor time off. It is just a way to log time spent working.

Chair Currie asked if Major Dietrich received any personal benefit as a result of these things being categorized wrong. Major London replied in the negative. If she had used leave time, it would have depleted that balance.

Major London further stated that the policy was amended after this occurred. The new policy affects everybody the same.

Chair Currie asked what prompted the information on the topic of flex time in the January Information Bulletin. Major London explained there were issues with people getting paid; the problem stemmed from software (Kronos) that was not paying officers incorrectly. If they did not enter the flex time properly, it resulted in a deficit for an overage of pay that ultimately had to be paid back. It did not affect salaried employees, but it told people how to adjust the schedule so that it would not result in the behind-the-scenes overages.

Knowing that some employees were getting overages, Chair Currie asked if anybody else was audited. Major London said the problem was widespread, mainly affecting the hourly workers. The bulletin had nothing to do with Major Dietrich per se. Chair Currie asked if the other workers will come before this board with the same allegations. Major London stated that the other cases were noted "on the spot" – they either had to pay it

back or they reported they did not get paid enough. This case was heard due to its egregious nature because Officer Hannold came forward with the impropriety.

Chair Currie asked if there had been any additional bulletins or trainings on this issue for people since the January bulletin, and Major London replied in the negative.

Chair Currie also asked why Major Dietrich is receiving less recommended discipline than her husband (Case #3). Major London said both deserve discipline, but Captain Dietrich had more occurrences of improper entries.

Chair Currie said that it seemed that allegation one and two were duplicates. Major London indicated based on the admission they did not know how to properly record their time, and secondly, they combined those errors with the continued pattern of behavior.

In a voice vote, the motion passed unanimously.

Motion made by Mr. Jernigan, seconded by Lt. Stone, to concur in IA Case 17-074, Item 2, with the recommendation of sustained. In a voice vote, the motion passed (5-1), with Mr. Dickerman opposed.

Motion made by Mr. Dickerman, seconded by Lt. Stone, to accept with the discipline given. In a voice vote, the motion passed unanimously.

Allegation:	1) Unsatisfactory Performance 2) Failure to know a rule, order, or directive governing the operation of the Department
Officer:	Robert Dietrich
Disposition:	1) Sustained 2) Sustained

Motion made by Mr. Dickerman, seconded by Mr. Teague, to concur with the findings on IA Case 17-014 Item 1 (Robert Dietrich). In a voice vote, the motion passed unanimously.

Motion made by Mr. Jernigan, seconded by Mr. Ortman, to concur in IA Case 17-074, Item 2, (Robert Dietrich) with the recommendation of sustained. In a voice vote, the motion passed (5-1), with Mr. Dickerman opposed.

Motion made by Mr. Jernigan, seconded by Lt. Stone, to accept the discipline given in IA Case 17-074 for Robert Dietrich.

Mr. Dickerman believed the discipline should be the same in both cases, even though one was more grievous than the other. Chair Currie concurred.

Motion to accept the discipline in IA Case 17-074 for Robert Dietrich passed (4-2), with Mr. Dickerman, and Chair Currie opposed.

3. Complainant	Chief Rick Maglione (IA Case 17-083)
Allegation	1) Soliciting a special privilege or using position for personal gain or private advantage of another 2) Engaging in conduct unbecoming a police officer/Police Department Employee
Officer	James Hayes
Disposition:	1) Unfounded 2) Sustained

Motion made by Mr. Dickerman, seconded by Mr. Teague, to concur with the findings on IA Case 17-083 Item 1 (unfounded).

Chair Currie stated she disagreed with the finding, claiming that the individual should have known what he was doing, and the claim that he was ignorant was “ridiculous.” She said it should have been sustained (founded) because he used his position as a law enforcement officer to do what he did.

Ms. Ortman found the incident to be “appalling,” and believed the finding should have been “sustained.”

Major London explained that his evaluation was made on the fact that Mr. Hayes was not on duty and not acting in an official capacity. There was “no nexus” to show he used his position as an officer.

[City Manager Feldman joined the meeting at 6:24 p.m.]

Mr. Jernigan asserted that a police officer is “always on duty,” and he did not find that to be an excuse. He said that bothered him. Mr. Jernigan used an example of an officer going into a Subway and asking for a free sandwich because he is a police officer. Attorney Weissman said that if he used his position as a police officer to get something to eat, that would be wrong. However, in this case, he is going to an acquaintance (whether police officer or not or whether he met the person through his job as a police officer) and asked to borrow something.

Mr. Teague said he did not know if the person he went to knew that Officer Hayes was a police officer. Several people replied in the affirmative. He questioned how it appeared from an ethical standpoint.

Major London stated that although he unfounded the special privilege part, he did apply “conduct unbecoming,” which describes what he did. What he did was not what he should have done as a police officer and representative of the Police Department. Officer Hayes estimated he pulled 7500 – 10,000 gallons of water. If he had got the meter and paid, he would have been out about \$36-\$61. With the punishment being rendered, the suspension will cost him \$330.

Motion failed (3-3), with Ms. Ortman, Mr. Teague, and Chair Currie opposed.

Attorney Weissman explained that the vote means they do not concur.

Motion made by Lt. Stone, seconded by Mr. Jernigan, to concur with the findings on IA Case 17-083 Item2 (sustained).

Mr. Dickerman said he was not in uniform and not acting as a police officer - it was just a moral indiscretion. Chair Currie countered that it was “extremely unbecoming,” explaining that if no discipline is given, it looks bad to the public.

Lt. Stone believed it did not matter if he was on or off duty. By stealing water, it negatively reflects on the Police Department.

Chair Currie asked Major London if he notified the Fire Department that Captain Snow White was questioned about the incident. Major London replied that they facilitated the interview through the Fire Department.

Motion passed (5-1) with Mr. Dickerman opposed.

Motion made by Lt. Stone, seconded by Mr. Jernigan, to agree with the discipline given in IA Case 17-083 for James Hayes (eight-hour suspension). Motion passed (4-2), with Mr. Dickerman and Mr. Teague opposed.

Mr. Teague asked how the eight hours was determined. Major London explained it is based on past disciplines issued to other officers committing the same charge and the officer’s history.

Allegation	1) Soliciting a special privilege or using position for personal gain or private advantage of another
Officer	Stylianee Damianides
Disposition:	1) Unfounded

Motion made by Mr. Dickerman, seconded by Mr. Jernigan, to concur with the unfounded findings of IA Case 17-083 with Officer Stylianee Damianides. Motion passed unanimously.

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There being no further business to come before the Board at this time, the meeting was adjourned at 6:35 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 J. Rubin, Prototype, Inc.]