



CITY OF FORT LAUDERDALE

**CITIZENS POLICE REVIEW BOARD
CITY OF FORT LAUDERDALE
CITY HALL 8th FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FLORIDA 33301
June 11, 2018 – 6:00 P.M.**

**1/2018 – 12/2018
Cumulative Attendance**

Board Members	Attendance	P	A
Christina Currie, Chair	P	3	0
Kevin Borwick, Vice Chair	P	2	1
Sgt. Collis Atkinson	P	1	2
Capt. Lynette Falzone	P	1	2
Skeet Jernigan	P	3	0
Carol Ortman	P	2	1
Lt. Cecil Stone	P	3	0
Maxine Streeter	P	1	0
James Teague	P	3	0

Staff

Major Victor London, Commander, Internal Affairs, Fort Lauderdale Police Department
Sgt. Luan Malushi
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 May 14, 2018

Motion made by Mr. Jernigan, seconded by Ms. Ortman, to approve the meeting minutes of May 14, 2018, with the following correction:

- Capt. Falzone should have two absences

In a voice vote, the motion passed unanimously.

C. General Information

1. Present new member – Maxine Streeter

Ms. Streeter introduced herself, noting this is her second appointment to the CPRB. She is a litigator, but used to serve in the Attorney General's office representing law enforcement agencies in use of force cases.

2. Farewell and plaque presentation to Marc Dickerman

Vice Chair Borwick commended Mr. Dickerman's service on the board, specifically bringing candor and a unique point of view. On behalf of the board, Vice Chair Borwick thanked Mr. Dickerman, and Ms. Cole presented him with a plaque. Mr. Dickerman said it had been an honor and pleasure serving on the board.

Chair Currie asked board members to notify Ms. Cole if they can attend meetings. She also reminded all that they will be getting City email addresses. Vice Chair Borwick sought clarification on whether all board communications would need to go through the City email addresses from now on. Mr. Weissman believed so, because the intent was to keep personal emails isolated from City business. Upon a request from Mr. Jernigan, Mr. Weissman said he will look into it further and get back to the board.

Chair Currie announced the National Association of Civilian Oversight of Law Enforcement in September/October and displayed a flyer.

Chair Currie asked for an update on the body cams.

Major London reported that the pilot program is halfway through and they have not had any issues yet. He further reported the following:

- They have Motorola and Axxon competing for the contract
- Over 12,000 videos have been captured
- Only problem so far is slow playback due to bandwidth

Mr. Weissman also said that the State Attorney's office has had problems downloading the video from the server. IT is working on it and suspect it is the State Attorney's server. Locally, the police are making hard copies.

Major London stated he got an update from Chief Gregory, who did not mention any issues with either vendor.

Vice Chair Borwick recalled they were supposed to get information regarding protocols of using the body cams. He also asked if any body cam footage has been reviewed and if there has been any benefit to support installing them across the entire department. Major London said they would find out at the end of the pilot program, which will happen in six months.

Mr. Weissman clarified that when the body cams are turned on or off is a matter of policy which the board participated in creating.

Vice Chair Borwick commented that officers who were not tech-savvy were averse to using the body cams, and the board recommended assigning body cams to a cross section of younger officers who were more familiar with technology. Major London stated the program was set up in conjunction with the Union and it was voluntary; the body cams were distributed across all districts and shifts and the Rapid Offender Control Unit.

Mr. Weissman advised they can decide if the pilot was successful by monitoring the number of the citizen complaints in communities where the body cams are used. The complaints can be analyzed. Other than successful prosecutions, Mr. Weissman was not sure what other measures could be used to track success.

Vice Chair Borwick stated that pilot programs should have benchmarks and measurable goals/objectives. He believed the body cams protect not only the offenders, but also the police.

Ms. Streeter asked if there was a written protocol to implement the pilot program. Mr. Weissman replied that they wrote a policy, but they really wanted to know which equipment was most reliable and easiest to use. In deciding on the equipment, they also had to ensure it was compatible with the existing department software and equipment.

Mr. Jernigan asked how much equipment is added to a current uniform with the body cam, and he was informed it is a cordless three- to four-inch square box.

Lt. Stone recalled an incident where a police officer was exonerated from being abusive due to a body cam. These types of incidents are written up and kept in a log.

Chair Currie believed that if there was more information going out to the public, it could help alleviate negative opinions about the body cams.

Sgt. Malushi stated that the idea of the body cams was to be more transparent with the public – not to win cases. He did not know how to measure transparency with the public.

D. Review the following Internal Affairs investigations

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|----|--------------|---|
| 1. | Complainant: | Chief Rick Maglione
(IA Case 16-072) |
| | Allegation: | 1) Response to Resistance-Deadly Force |
| | Officer: | Vincent Falzone |
| | Disposition: | 1) Exonerated |

Allegation:	1) Response to Resistance-Deadly Force
Officer:	Johnathan Jones
Disposition:	1) Exonerated

Captain Lynette Falzone submitted a conflict form, stating that the first officer is her brother.

Motion made by Lt. Stone, seconded by Vice Chair Borwick, to concur with the disposition of IA Case 16-072 regarding Officer Vincent Falzone with the deposition of Exonerated.

Chair Currie played several videos taken from jump drives obtained from McDonald's surveillance within File Folder 20161128132833: CH14-216-11-28-12-12-36, and CH03-2016-11-28-12-07-09). The videos are taken from two angles.

Chair Currie stated that when she looked at policies D2A, D3A, and D3B, which talk about prohibited actions, she felt the officers had created a substantial risk to innocent bystanders because the officers chose to do the incident at a drive-thru. Civilians were present and walking into the establishment. The officers also prevented anyone from having much egress by intentionally placing their vehicles and bodies in the manner that they did. She believed it was poor decision-making that made it difficult for anybody (civilians) to go anywhere. She asked how they factored that in with regards to the burden placed on someone who is shooting at the car.

Major London acknowledged the tactics used could have been better and, as a result, the officers received additional training for felony stops. His burden was to evaluate whether their use of deadly force was appropriate.

Chair Currie asked what factors are considered when an officer decides where to execute the felony stop. Major London replied that it is ideal to do it in a place that is not surrounded by civilians. In this situation, they wanted to prevent the vehicle from fleeing. The decision to make a felony stop is not always ideal, but he thought the Sergeant on duty did not make the decision lightly.

Chair Currie asked if officers are trained that shooting at a moving vehicle will stop the vehicle. Major London answered that they are not trained to shoot at a moving vehicle (that is prohibited), but if they are going to shoot at a vehicle, they will try to shoot at the driver, not the vehicle.

Chair Currie followed up by asking if the officers are trained that if they shoot at, and hit, a person who is behind the wheel of a car that is turned on, that it will prevent that car from moving. Major London did not believe so.

In a voice vote, the **motion** passed (7-1-1), with Capt. Lynette Falzone abstaining and Chair Currie opposed.

Motion made by Lt. Stone, seconded by Sgt. Atkinson, to concur with the disposition of IA Case 16-072 regarding Officer Johnathan Jones with the disposition of Exonerated.

Vice Chair Borwick commented it is not an easy job when there are “hardened felons on the street” and officers have an opportunity to corner them and arrest them. He said it is not as easy as thought to track them down. He said sometimes they have to give some latitude to the Police Department to use their judgment. Vice Chair Borwick stated he gives some leeway so that police officers can do the “dirty work” they have to do to get the people off the street. He said he fully supports aggressive decision-making if they can lock up the “worst of the worst.”

While Mr. Jernigan agreed in theory with Vice Chair Borwick, he was disturbed that the incident took place at the drive-thru window with the employees right there at the open window. He suggested the car might have been stopped before it approached the window. He was pleased that the officers were given additional training.

Ms. Streeter pointed out that the decision was not made by either one of the detectives on their own – it was a coordinated plan with their supervisor and other detectives. She felt they acted responsibly and appropriately, but was concerned that none of their four shots hit anybody. They did hit the car, but no people.

Sgt. Atkinson pointed out they were also dealing with metal and glass, which are unpredictable.

Lt. Stone said he was pleased that Internal Affairs recognized that the tactics employed were not the best and recommended additional training. He believed the officers feared for their lives and took action to protect themselves and others.

In a voice vote, the **motion** passed (8-1), with Chair Currie opposed.

Vice Chair Borwick recalled that Chief Adderly had insisted that any person joining the board had to go through the Citizens Police Academy program. He wondered if that was still a requirement, and if the new members would be provided with the information. Major London did not think there was a Citizens Police Academy scheduled, but he said he would find out and report back.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:42 p.m.

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

Citizens Police Review Board

June 11, 2018

Page 6

[Minutes prepared by J. Rubin, Prototype, Inc.]

Attachments:

Flyer for National Association of Civilian Oversight of Law Enforcement – Chair Currie