



CITY OF FORT LAUDERDALE

CITIZENS POLICE REVIEW BOARD MEETING
CITY OF FORT LAUDERDALE
CITY HALL 8th FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA 33301
Monday, February 11, 2019 - 6:00 P.M.

1/2019 – 12/2019
Cumulative Attendance

Board Members	Attendance	P	A
Christina Currie, Chair	P	1	0
Kevin Borwick, Vice Chair	A	0	1
George Castrataro (arr. 6:20 p.m.)	P	1	0
Paul Eichner	P	1	0
Sgt. DeAnna Greenlaw	P	1	0
Detective Matthew Guerra	P	1	0
Carol Ortman	P	1	0
Lt. Cecil Stone	P	1	0
James Teague	A	0	1

Staff

Major Victor London, Internal Affairs, Fort Lauderdale Police Department
Sgt. Keven Dupree, Internal Affairs
Chris Lagerbloom, City Manager
Brad Weissman, Assistant City Attorney, Police Legal Advisor
Christa Cole, Internal Affairs Liaison
Jamie Opperlee, Recording Secretary, Prototype, Inc.

A. Roll Call

Chair Currie called the meeting to order at 6:06 p.m. and roll was called. It was noted that a quorum was present.

B. Approve Minutes from October 8, 2018

Motion made by Ms. Ortman, seconded by Detective Guerra, to approve the meeting minutes of November 15, 2018. In a voice vote, the **motion** passed unanimously (7-0).

C. General Information

1. Introduce new board members

Paul Eichner introduced himself, stating he is a retired attorney who has represented police departments and local governments.

2. Discuss Ordinance C-18-36 changes

Mr. Weissmann advised there was an OAG investigation that determined the City was not following its rules for committee/board appointments. Some members were staying past term limits when replacements could not be found.

Mr. Weissman stated that the City Commission approved an amendment to Section 2-19, and he explained the changes:

- Calculation of expiration of appointments
- Termination of appointments
- Re-appointments

3. Clarify Citizens Police Review Board absence rules

Ms. Cole said that this board was created with absence rules that differ from other city boards. The rule for this board is that a member is allowed two consecutive absences or a total of three absences per year. She clarified that there are no excused absences.

Mr. Weissman clarified that the City Commission can vote to excuse an absence, but this would normally only apply to someone who would be unable to serve for an extended period of time.

A make-up meeting is considered a regular meeting for attendance purposes. However, a meeting that is set up for a specific purpose would not be considered a regular meeting for attendance purposes.

4. Discuss possible future meeting date conflicts

Ms. Cole requested that members notify her in advance if they have a meeting date conflict, such as a religious holiday.

The November meeting will be rescheduled since it falls on Veterans' Day. If there are no cases, the meeting will be cancelled.

[Mr. Castrataro arrived at 6:20 p.m.]

Mr. Castrataro then introduced himself, noting he is an attorney.

City Manager Lagerbloom introduced himself, pointing out that he began his career in law enforcement. He remarked on the accountability of the Police Department. He advised the members to be thorough, candid, and honest, and said he did not foresee any changes as far as the board's task.

5. Vote for Chair and Vice Chair seats

The terms will end in January of 2020.

Motion made by Mr. Eichner, seconded by Ms. Ortman, to nominate Ms. Currie for Chair. There were no other nominations. In a voice vote, the **motion** passed unanimously (7-0).

Motion made by Lt. Stone, seconded by Detective Guerra, to nominated Mr. Borwick for Vice Chair. There were no other nominations. In a voice vote, the **motion** passed unanimously (7-0).

D. Review the following Internal Affairs Investigations

1. Complainant: Jarvis Crawford
(IA Case 15-035)
Allegation: 1) Unnecessary use of force
2) Excessive response to resistance
Officer: Michael Peugh
Disposition: 1) Not Sustained
2) Unfounded

Motion made by Lt. Stone, seconded by Sgt. Greenlaw, to concur with the disposition of IA Case 15-035, Item 1, with a recommendation of not sustained.

Chair Currie established that kicking in the head or face could be considered deadly force, especially it was intentional.

Major London stated that the officer was not put on leave after the incident, nor was he evaluated for fitness for duty. Chair Currie asked why that did not happen, per the Resistance Reporting Form guidelines.

Major London responded that there was a different Police Chief and a different Internal Affairs Commander, so he could not explain what happened. Fitness for duty would be up to Human Resources. Major London elaborated that each Police Chief has discretion to decide what he wants done based on the circumstances at the time, so he did not feel qualified to answer the question of why it did not happen.

Chair Currie asked if officers were trained to kick someone in the face when they want someone to move their hands, and Major London replied in the negative.

Lt. Stone commented they are encouraged to use force needed to prevent a perceived deadly attack, and he thought that was what the officer did.

Chair Currie clarified that she was generally addressing kicking in the face, not necessarily either of the allegations.

Mr. Eichner believed the kick in the face was extreme, but did not know what he would have done “in the heat of the moment.” He was bothered that emotions clouded the Officer’s professionalism, since a family member was involved. Mr. Eichner noted that the suspect admitted he had a gun in his backpack, although he was already on the ground.

Mr. Weissman advised that the policy is not detailed on when an officer can use that type of response, and it is done that way purposely because every situation cannot be covered. According to Florida law, an officer can use deadly force if a “reasonable officer” in the same position would believe that force would be necessary in order to prevent deadly harm to himself or others.

Regarding the training, Sgt. Greenlaw said the lesson plans cover training regarding defensive tactics; however, they cannot teach for every eventuality. Officers are trained to use reasonable force to meet the perceived resistance. The officer in question would have received training that year unless he was on light duty.

Chair Currie asked if anyone had checked to see if the officer had a history of kicking people in the head. Major London answered in the negative.

Lt. Stone advised that his disciplinary history should not be used in making this decision.

Major London said they reviewed the officer’s statement to the State Attorney and had no questions.

At the request of Mr. Castrato, the members of the Police Department present introduced themselves and their role.

In a roll call vote, the **motion** to concur with the findings of not sustained for unnecessary use of force in IA Case 15-035 resulted in a tie (3-3), with Chair Currie, Mr. Castrataro, and Ms. Ortman opposed and Det. Guerra abstaining.

Det. Guerra disclosed that he was a potential victim of the subjects of the investigation.

Motion made by Lt. Stone, seconded by Ms. Ortman, to concur with the disposition of IA Case 15-035, Item 2, with a recommendation of unfounded.

Ms. Ortman asked why the officer in the case was the lead when he was a victim of the crime. Major London explained that the officer said he happened to be nearby and responded. There is now a policy stating that if an officer is a victim they cannot take police action.

Chair Currie was disturbed that the officer had his shotgun on his lap when he was driving around the street. Major London elaborated that the officer stated that he got out initially to provide cover and, when the suspect fled, he took the shotgun and pursued him. Major London said that action was in compliance.

In a roll call vote, the **motion** to concur with disposition of IA Case 15-035, Item 2, with a recommendation of unfounded resulted in a tie (3-3), with Chair Currie, Mr. Castrataro, and Ms. Ortman opposed and Det. Guerra abstaining.

There were no recommendations on the situation.

Chair Currie reported she attended the body cam training and encouraged others to contact Ms. Cole to arrange to go.

With no further discussion, Chair Currie adjourned the meeting at 6:50 p.m.

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