

City of Fort Lauderdale

*City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov*



Meeting Minutes

Wednesday, June 28, 2017

12:00 PM

Joint Workshop with Citizens' Police Review Board

City Commission Conference Room

CITY COMMISSION WORKSHOP

FORT LAUDERDALE CITY COMMISSION

***JOHN P. "JACK" SEILER Mayor - Commissioner
BRUCE G. ROBERTS Vice Mayor - Commissioner - District I
DEAN J. TRANTALIS - Commissioner - District II
ROBERT L. McKINZIE - Commissioner - District III
ROMNEY ROGERS - Commissioner - District IV***

***LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
CYNTHIA A. EVERETT, City Attorney***

ROLL CALL

Present 5 - Vice Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Robert L. McKinzie, and Romney Rogers

Excused: Mayor John P. "Jack" Seiler

QUORUM ESTABLISHED

Citizens' Police Review Board Members Present: Chair Kevin Borwick, Vice Chair Christina M. Currie, Esq., Collins Atkinson, Marc Dickerman, Lynette Falzone, Skeet Jernigan, Kenneth Staab, and James Teague

Not Present: Cecil Stone

Also Present: Assistant City Manager Chris Lagerbloom, City Clerk Jeffrey A. Modarelli, City Attorney Cynthia Everett, and City Auditor John Herbst

Not Present: City Manager Lee R. Feldman

No e-comments were submitted for this meeting.

CALL TO ORDER

Vice Mayor Roberts called the meeting to order at 12:05 p.m.

Commissioner Trantalis arrived at 12:08 p.m.

OLD/NEW BUSINESS

BUS-1 [17-0839](#) Discussion - Citizens' Police Review Board Ordinance

For reference purposes, Vice Mayor Roberts confirmed the revised ordinance and the Minutes of the last Joint Workshop with the Citizens' Review Board (Board) have been distributed to each attendee.

Chair Kevin Borwick confirmed the only item on this agenda concerns the Board's revised ordinance. Vice Chair Christina Currie, Esq., commented on the history of revisions to this ordinance that allow Board members to better serve the community. It is also includes feedback from Chief of Police. The current draft ordinance is inclusive

of revisions made at the last workshop and has been approved by the Board to submit to the Offices of City Manager and City Attorney.

Chair Borwick and Vice Chair Currie asked attendees having feedback, recommendations, questions or comments on the most recent amended version of the ordinance to speak.

Board Member Skeet Jernigan noted the primary ordinance changes are located on page three and four. Mr. Jernigan confirmed the Board made an effort to identify items the Board can address and how to communicate their recommendations to the City Manager. The goal is to clearly communicate their input and recommendations.

In response to Commissioner McKinzie's question, Mr. Jernigan confirmed the revised ordinance's definitions will allow the Board to make recommendations with more authority about changes and recommendations to better reflect the Board's input.

Vice Chair Currie reviewed revisions in the "Duties" Section of the ordinance, speaking about the issue concerning requests to the City Manager or Chief of Police, allowing the Board to make recommendations that are in the best interests of the community. She discussed options available for the Board regarding input. Commissioner McKinzie confirmed this had been an issue. Chair Borwick commented the issue was related to the definitions of a case and how the Board could provide input relevant to the case, speaking to the community on the adequacy of the Board's input. He confirmed this modification allows for additional impact of Board decisions.

Vice Chair Currie confirmed it allows the Board to recommend training options without hesitation. Commissioner Rogers commented on the former City Attorney's interpretation of the scope of the Board's duties, asking if this issue has been addressed in the revised ordinance. Ms. Currie confirmed this was addressed, commenting on a 2006 memo from former City Attorney Harry Stuart that was given to the Board. She expounded on missing language from the original ordinance regarding the Board's scope of authority. The revised ordinance addresses Board Member Roosevelt Walter's concern on this topic.

Vice Mayor Roberts asked City Attorney Everett for her input. Assistant City Attorney Brad Weissman stated one of the Board's original concerns was the original ordinance requiring the Board to reach the same decisions as Internal Affairs (IA) determined, i.e., sustain, not sustain, exonerate, or unfounded. The Board was concerned about their limitation as to those findings when reviewing the case. They were not able to express their opinion with regard to

the investigation and the proposed discipline the subject officer may need in lieu of or in addition to discipline, i.e., training. The amendments authorize the Board to agree or disagree with the findings of IA and render an opinion as to other ancillary issues.

The revised ordinance also gives authority for the Board to review the proposed Police Body Camera Policy Pilot Program and to make recommendations and changes (Section 2-249, subsection D.). This can be done De Novo, via a citizen inquiry or at the request of the Chief of Police or City Manager.

Mr. Weissman also commented on concerns that certain complaints were not being communicated to the Board. The revised ordinance ensures any Category One Complaint, regardless of the source, will be brought before the Board for their consideration and recommendations (Section 2-249, paragraph A).

Chief Maglione explained and confirmed these changes clarify the Board's duties are about transparency and receiving input from outside stakeholders. It is not about the police self-policing. He stated that instead of the Board coming to a finding on the officer, the Board addresses the IA investigation's finding, i.e., was it thorough, objective, and if they are in agreement. Should they not be in agreement, it allows the Board to make recommendations.

In response to Commissioner Trantalis's inquiry about if the Board does not agree with the IA investigation and there is a need for additional facts, Chief Maglione confirmed Florida State Statute 112 (Statute 112) does not allow the reopening of an investigation unless additional information that would affect the outcome is provided.

When the discipline is addressed, Chief Maglione confirmed the Board recommendation is considered a recommendation, explaining the procedures and timeline involving officer discipline. He stated the timeline for discipline changed from twenty days to thirty-five days from the time the case is closed to allow for procedural issues regarding the decision. The City Manager makes the final decision on discipline.

Commissioner Trantalis commented and expounded on his experience as a member of the Board and the limitations placed on the Board in the past, noting the need for a level of trust. He commented that the expansion of the Board's responsibilities is a step in the right direction. Chief Maglione discussed and explained the requirements of the Florida Department of Law Enforcement allowing for a mechanism for investigating allegations of misconduct of their

officers.

Vice Mayor Roberts applauded the codifying of the mechanisms available to the Board, commenting on a recent Florida Supreme Court case. Commissioner Rogers commented on the benefits of the revised ordinance.

Vice Chair Currie acknowledged the guidance of Assistant City Attorney Weissman through this process, commenting that her input has always been accepted in an open manner.

Board Member Jernigan stated Board Member Roosevelt Walters was instrumental in keeping the Board focused on where the Board experienced problems, citing specific examples. Mr. Walters's assistance in helping the Board grasp and understand the real problem areas assisted Assistant City Attorney Weissman in finding solutions and the Board producing the revised ordinance. Vice Mayor Roberts thanked and expounded on Mr. Walters's commitment to the community and getting things accomplished through his understanding of the history in the City.

Mr. Walters stated this is his City and the community means a great deal to him, commenting on his loss several months ago. He thanked the Commission and the community for its turnout at the wake and funeral in appreciation and respect of his family. As a result of this, he continues to work to make a difference, commenting on changes made and changes still in need of being completed. The Board is moving in the right direction. He commented on the wording of the revised ordinance he thought were not necessary. Mr. Walters thanked the present and former Commission.

Assistant City Attorney Weissman commented on his positive opinion of the Police and Fire Rescue Departments, noting their approachability and respectfulness. Board Member Marc Dickerman acknowledged the dedication and talent of the Board, confirming the ordinance's revisions concerning issues and language were done collectively.

Vice Mayor Roberts requested City Attorney Everett have the First Reading of this revised ordinance at the July 11, 2017 Commission Meeting. City Attorney Everett confirmed she would speak to City Manager Feldman upon his return about achieving this goal, noting the need for proper notice and modifications to accommodate gender-neutral language.

Chief Maglione discussed the Board's concurrence or nonoccurrence

with the findings of an IA investigation, their recommendations, explaining the reasons for the wording of the revised ordinance noted earlier by Mr. Walters. Vice Mayor Roberts recommended keeping the wording as is for First Reading and could be further discussed prior to the Second Reading. Further discussions continued on the wording and definitions of what the Board can do in Item 2, Subsection D. Mr. Jernigan commented on the restrictions of State Statute 112, confirming the revised ordinance allows the Board to express its opinion.

Assistant City Attorney Weissman confirmed although Statute 112 prohibits the reopening of an IA investigation on an officer, there is nothing that prevents the Board from addressing improper actions by IA that are in violation of Police Policy or State law. Further comments continued on this issue. Commissioner Trantalis noted the need to give the community a comfort level that nothing improper is occurring, confirming he does not recall this happening.

Commissioner Rogers commented on the revisions to the ordinance, allowing the Board the ability to disagree and cite its reasoning. It gives the public confidence on oversight. Mr. Jernigan commented on the Board's improved scope, citing previous situations when the Board could not investigate or gather information allowing for the generation of new information to allow for an extension of the investigation on the part of IA. The revised ordinance allows the Board to express their level of concern and its recommendations to the City Manager.

Commissioner McKinzie commented on the input of Mr. Walters making a true difference, with the hope that more like him will follow and serve on the Board.

Chief Maglione presented Board Member Roosevelt Walters with an inscribed crystal piece in recognition of his dedication and service to the City. Chief Maglione stated Mr. Walters has seen this issue go full circle, giving a brief historic overview of this issue and the service and dedication of Mr. Walters to this Board for a total of sixteen and one-half years.

Mr. Walters thanked Chief Maglione, the Board and the Commission, confirming his confidence that the Board will continue to work on the behalf of the City. He commented both the Board and the community need to continue to work towards ensuring good community policing. Mr. Walters also stated there was less turbulence in the community when the public was allowed to air their comments, complaints, and concerns.

Vice Mayor Roberts thanked everyone for their time.

ADJOURNMENT

Vice Mayor Roberts adjourned the meeting at 12:44 p.m.