

City of Fort Lauderdale

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Meeting Minutes

Tuesday, May 17, 2022

11:30 AM

Joint Workshop with Citizens' Police Review Board

City Hall - City Commission Chambers

100 North Andrews Avenue, Fort Lauderdale, FL 33301

CITY COMMISSION WORKSHOP

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

BEN SORENSEN Vice Mayor - Commissioner - District IV

HEATHER MORAITIS Commissioner - District I

STEVEN GLASSMAN Commissioner - District II

ROBERT L. McKINZIE Commissioner - District III

CHRIS LAGERBLOOM, City Manager

DAVID R. SOLOMAN, City Clerk

ALAIN E. BOILEAU, City Attorney

PATRICK REILLY, Interim City Auditor

CALL TO ORDER

Mayor Trantalis called the meeting to order at 11:40 a.m.

ROLL CALL

Commission Members Present: Commissioner Moraitis, Commissioner Steven Glassman, Commissioner Robert L. McKinzie, Commissioner Ben Sorensen (arrived at 12:02 p.m. and participated via communications technology) and Mayor Dean J. Trantalis

Citizens' Police Review Board (CPRB) Members Present: Chair Paul Eichner, Police Sergeant Benard Beck-O'Steen, Vice Chair Marc Dickerman, Police Lieutenant Avery Figueras and Michael Johnson

Citizens' Police Review Board (CPRB) Members Not Present: Police Officer Sabrina Byer, Antonya Johnson, Burnadette Norris-Weeks and Carol Lee Ortman

QUORUM ESTABLISHED

Also Present: City Manager Chris Lagerbloom, City Clerk David R. Soloman, City Attorney Alain E. Boileau and Interim City Auditor Patrick Reilly

OLD/NEW BUSINESS**BUS-1** [22-0505](#)

Joint Meeting with the Citizens' Police Review Board (CPRB) - (Commission Districts 1, 2, 3 and 4)

Chair Paul Eichner explained the purpose of this meeting as a follow-up to the previous workshop regarding the responsibilities of the Citizens' Police Review Board (CPRB). He provided a synopsis of prior discussions with the Commission about a proposed 2020 ordinance amendment (Amendment) initiated by the CPRB and feedback from the Fraternal Order of Police (FOP). The Amendment would expand CPRB review of Category One complaints, including access to the complete files, copies of all internal administrative investigations, and all Police Officer responses to resistance for the preceding year to allow the CPRB to make recommendations for employee training. He expounded on details related to the FOP's proposed changes to the Amendment and the CPRB's vote to maintain their proposed Amendment for Commission consideration. The position of the CPRB is that as an advisory board, it should provide input to the City Manager before a decision is made regarding employee disciplinary action.

Chair Eichner remarked on the position of the CPRB. Further discussion and comment ensued. He noted an email from prior CPRB Chair Christina Currie, which concurs with the CPRB and delves into related issues. Chair Eichner emphasized the importance of the CPRB as an impartial panel for addressing and diffusing community policing concerns.

Mayor Trantalis remarked on his understanding of the current procedure. Further comment and discussion ensued regarding the role of the FOP and the implementation of disciplinary action by the City Manager.

In response to Mayor Trantalis' questions, Chair Eichner confirmed the position of the CPRB in support of the City Manager imposing a decision regarding employee disciplinary action following consideration of CPRB input. Chair Eichner explained that the CPRB's proposed Amendment would also allow review of all matters in addition to Category One matters. The FOP's feedback would remove the ability of the CPRB to render its opinion to the City Manager before disciplinary action.

Mayor Trantalis commented on the types of complaints that the CPRB is allowed to review. Chair Eichner said the CPRB would like to expand their review to other types of complaints in addition to Category One complaints. Further comment and discussion ensued.

Mayor Trantalis recognized Eugene Gibbons, Esq., Fraternal Order of Police General Counsel. Mr. Gibbons provided an overview of the FOP's bargaining position with the City. He commented on the position of the FOP and expounded on details related to Florida Statutes and his legal opinion regarding the *Rights of Law Enforcement Officers*. Further comment and discussion ensued.

City Attorney Boileau explained details of the Ordinance as currently written, which is not being changed. The process of an employee requesting review by the City Manager is similar to an appellate procedure, and the Commission added this provision to the Ordinance. The FOP raised an issue regarding the CPRB providing its feedback to the City Manager following the recommendation of the Police Chief. Further comment and discussion ensued.

Commissioner Moraitis commented on concerns and opposition to expanding the purview of the CPRB and explained her perspective.

Mayor Trantalis commented on the intent of the Commission and the 2020 Ordinance amendment and his understanding of the FOP's

position regarding the CPRB's advisory role when employee disciplinary action is before the City Manager.

In response to Commissioner Moraitis' question, City Attorney Boileau confirmed the CPRB would opine on the Police Chief's disciplinary recommendation. Further comment and discussion ensued.

In response to Commissioner Glassman's question, City Attorney Boileau confirmed this topic will be included in Collective Bargaining Agreement negotiations and remarked that the alternative, the grievance process, would result in a longer timeline. City Attorney Boileau confirmed his position is that the current process that includes the 2020 amendment is not bargainable.

In response to Commissioner Moraitis' questions, City Attorney Boileau commented on the position of the City and the FOP. City Attorney Boileau confirmed the FOP and City Management will address FOP concerns during Collective Bargaining negotiations. City Manager Lagerbloom confirmed one (1) instance in which he reviewed employee disciplinary action. City Attorney Boileau confirmed the process and explained that a request by an employee for City Manager review is elective. Mr. Weissman confirmed.

In response to Commissioner Moraitis' questions, Bradley H. Weissman, Assistant City Attorney III, explained the details of the process:

1. Internal Affairs conducts an investigation and submits its findings to the Police Chief.
2. The Police Chief decides on the imposition of discipline and notifies the employee.
3. The employee has an opportunity to appeal the Police Chief's discipline decision to the City Manager. The employee would then have an opportunity to speak with the Police Chief with a union representative to appeal the decision.
4. Should there be no change in the decision of the Police Chief, there is a fourth step where the employee and a union representative can request a review by the City Manager for an ultimate decision. The City Manager has the authority to decide whether the discipline would remain or be reduced but could not increase. Further comment and discussion ensued.

Mr. Weissman explained following the Police Chief's disciplinary decision, the CPRB would receive the Category One matter and hold a publicly noticed meeting to discuss the issue. Those present would include Mr. Weissman, the internal affairs investigator, and the Police

Chief. The CPRB can agree or disagree with the findings of internal affairs and make its determination and recommendation regarding employee training to the Police Chief and City Manager. Further comment and discussion ensued.

Commissioner Glassman pointed out this is a change in the position of the City from the last Joint Workshop with the CPRB. He expounded on his viewpoint, including the importance of the CPRB's role and remarked on CPRB and FOP input in the backup information. He discussed existing checks and balances and the importance of continued dialogue. Further comment and discussion ensued.

Mayor Trantalis recognized CPRB Vice Chair Marc Dickerman. Vice Chair Dickerman explained the genesis of the CPRB's request that relate to community concerns.

Chair Eichner confirmed his understanding of Collective Bargaining Agreement items. He requested the Commission be mindful of the CPRB efforts and related community concerns. He commented that CPRB recommendations are advisory and enhance the City Manager's ability to make an informed decision.

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 12:23 p.m.