



**CITY OF FORT MYERS  
CITIZENS POLICE REVIEW BOARD  
JANUARY 12, 2021  
4:30 PM**

Oscar M. Corbin, Jr. City Hall  
2200 Second Street  
Fort Myers, Florida, 33901

**ACTION AGENDA**

*Danielle L.  
O'Halloran.  
Chair*

*Shawn T. Walker  
Vice Chair*

*Michele Parker*

*Forrest H. Banks*

*Erma Boyd-Dorsey*

*Robert Votaw, Jr.*

*Amanda L. Dennis*

*Nzingha Gaines*

*Steven Brown-Cestero*

**CALL TO ORDER**

(See video @ 4:30 p.m.)

**PLEDGE OF ALLEGIANCE**

(See video @ 4:31 p.m.)

**OATH OF OFFICE**

1. Erma Boyd-Dorsey, Ward 2 reappointment (Gwen Carlisle, City Clerk)

The Oath of Office for Erma Boyd-Dorsey will be administered at the February 9, 2021 meeting.

(See video @ 4:32 p.m.)

2. Steven Brown-Cestero, Ward 6 Appointment (Gwen Carlisle, City Clerk)

Gwen Carlisle, City Clerk, administered the Oath of Office for Steven Brown-Cestero, Ward 6 appointment to the Citizens Police Review Board.

(See video @ 4:32 p.m.)

**ROLL CALL**

Absent: Vice Chair Walker and Board Member Parker (See video @ 4:33 p.m.)

**PUBLIC INPUT** (Three (3) minute time limit)

**OLD BUSINESS**

3. Dates for Firearms Training Simulator (Donald Oswald, Inspector General)

Inspector General Donald Oswald stated that the ride-a-long program and been suspended and the Training Center is requesting to postpone scheduling Firearms Training due to the proximity that is required. The dates for training will be provided when the COVID crisis subsides.

**Citizens Police Review Board – ACTION AGENDA**

**January 12, 2021**

**2 | Page**

A motion was not made. (See video @ 4:34 p.m.)

**NEW BUSINESS/PRESENTATIONS**

4. Law Enforcement Officer Bill of Rights, Internal Affairs (IA) Policies and Procedures, and Sunshine Law training (Donald Oswald, Inspector General and Grant Alley, City Attorney)

Inspector General Donald Oswald provided Law Enforcement Officers' Bill of Rights training and Major William Newhouse provided an overview of the Internal Affairs Investigative Process. City Attorney Grant Alley will provide Sunshine Law training on a one-on-one basis as needed and/or as requested.

A motion was not made. (See video @ 4:35 p.m.)

5. Minutes of Citizens Police Review Board held on December 8, 2020

Approved. (See video @ 5:30 p.m.)

**CONSENT AGENDA**

*(Any Board Member may remove an Item from the Consent Agenda and place it on the Regular Agenda for discussion following the Consent Agenda)*

5. **Case No.:** Prelim 2020-059  
**Policy Related to Complaint:** Alleged Complaint: Bias Based Policing / Conduct Towards the Public  
**Complainant:** Mishti Thomas  
**Officer:** Officer Jimmy Hernandez  
**Chief of Police Disposition:** No Policy Violation  
**Discipline:** None  
**Investigator:** Sergeant Daniel Morency

**MOTION:** Board Member Dennis moved to remove Item 5, Case No. Prelim 2020-059 from the consent agenda; seconded by Chair O'Halloran. Motion carried unanimously.

(See video @ 5:31 p.m.)

6. **Case No.:** Prelim 2020-060  
**Policy Related to Complaint:** Alleged Complaint: Performance of Duty  
**Complainant:** Chance Smith  
**Officer:** Officer Jonathan King  
**Chief of Police Disposition:** No Policy Violation  
**Discipline:** None  
**Investigator:** Sergeant Daniel Morency

Approved. (See video @ 5:31 p.m.)

7. **Case No.:** Prelim 2020-067  
**Policy Related to Complaint:** Alleged Complaint: Unlawful Arrest / Harassment

**Citizens Police Review Board – ACTION AGENDA**

**January 12, 2021**

**3 | Page**

**Complainant:** Devontae Hogan  
**Officer:** None  
**Chief of Police Disposition:** No Policy Violation  
**Discipline:** None  
**Investigator:** Sergeant Dan Losapio

Approved. (See video @ 5:31 p.m.)

8. **Case No.:** Prelim 2020-069  
**Policy Related to Complaint:** Alleged Complaint: Bias Based Policing  
**Complainant:** Vadis Parson  
**Officer:** Officer Joseph Way  
**Chief of Police Disposition:** No Policy Violation  
**Discipline:** None  
**Investigator:** Sergeant Dan Losapio

Approved. (See video @ 5:31 p.m.)

9. **Case No.:** Prelim 2020-071  
**Policy Related to Complaint:** Alleged Complaint: Bias Based Policing / Knowledge of Laws and Rules  
**Complainant:** Nathan Dimoff  
**Officers:** Officer Jimmy Hernandez and Officer Yanny Morales  
**Chief of Police Disposition:** No Policy Violation  
**Discipline:** None  
**Investigator:** Lieutenant Brian O'Reilly

Approved. (See video @ 5:31 p.m.)

**PULLED FROM CONSENT**

5. **Case No.:** Prelim 2020-059  
**Policy Related to Complaint:** Alleged Complaint: Bias Based Policing / Conduct Towards the Public  
**Complainant:** Mishti Thomas  
**Officer:** Officer Jimmy Hernandez  
**Chief of Police Disposition:** No Policy Violation  
**Discipline:** None  
**Investigator:** Sergeant Daniel Morency

**MOTION:** Chair O'Halloran moved for a full review of Case No. Prelim 2020-059. Seconded by Board Member Dennis. Motion carried 5-2. Board Members Brown and Votaw opposed.

(See video @ 5:34 p.m.)

**MANDATORY REVIEW BY BOARD - (NONE)**

**Citizens Police Review Board – ACTION AGENDA**

**January 12, 2021**

**4 | Page**

*(\* Indicates a full review is required or voted on under the City Ordinance Rules and Procedures for the Citizens Police Review Board)*

**NON-MANDATORY REVIEW BY BOARD**

10. **Case No.:** Admin 2020-017  
**Investigator:** Sergeant Daniel Morency  
**Complainant:** Michelle Upshaw  
**Officer:** Officer Rosemary Urena  
**Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty  
**Chief of Police Disposition:** Unfounded  
**Discipline:** None

Approved. (See video @ 5:55 p.m.)

11. **Case No.:** Admin 2020-018  
**Investigator:** Sergeant Daniel Morency  
**Complainant:** Harrison Samson
- (a) **Officer:** Officer Bryan Koski
1. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (1) Knowledge of laws, rules, ordinances, and general orders  
**Chief of Police Disposition:** Other Finding  
**Discipline:** Retraining
  2. **Policy Related to Complaint:** General Order 24.2 Unbiased Policing Section II (A) (1) Fair and Impartial Treatment  
**Chief of Police Disposition:** Unfounded  
**Discipline:** None
- (b) **Officer:** Officer Jerry Moore
1. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (1) Knowledge of laws, rules, ordinances, and general orders  
**Chief of Police Disposition:** Other Finding  
**Discipline:** Retraining
  2. **Policy Related to Complaint:** General Order 24.2 Unbiased Policing Section II (A) (1) Fair and Impartial Treatment  
**Chief of Police Disposition:** Unfounded  
**Discipline:** None

Approved. (See video @ 5:56 p.m.)

**OTHER BUSINESS**

Chair O'Halloran requested that the Board collectively meet to discuss the presentation and/or recommendations that will be submitted to City Council regarding the Citizens Police Review Board Annual Report, as well as, discuss recommendations or revisions to policy and procedures to the Fort Myers Police Department. The consensus of the Board was to commence the February 9, 2021 meeting at 4:30 p.m. to discuss the presentation and recommendations.

**Citizens Police Review Board – ACTION AGENDA**

**January 12, 2021**

**5 | Page**

(See video @5:59 p.m.)

City Attorney Alley and City Clerk Carlisle will provide a recommendation regarding the Board Report and written dissenting opinions as outlined by Ordinance 3507 at the February 9, 2021 meeting.

(See video @ 6:00 p.m.)

**NEXT MEETING ANNOUNCEMENT** – The next meeting will be held on February 9, 2021.

Chair O’Halloran stated that the next meeting will be held on February 9, 2021 at 4:30 p.m., unless otherwise directed by the City Clerk’s Office.

**ADJOURNMENT**

The meeting adjourned at 6:09 p.m.

*If a person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

*Special Requirements: If you require special aid or services as addressed in the Americans with Disabilities Act, please contact the City Clerk’s Office at (239) 321-7035 or for the hearing impaired, TDD telephone number (239) 332-2541.*