



**CITY OF FORT MYERS
CITIZENS POLICE REVIEW BOARD
FEBRUARY 8, 2022
5:30 PM**

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

*Michele Parker
Chair*

*Erma Boyd-Dorsey
Vice Chair*

Danielle L. O'Halloran

Forrest H. Banks

Robert Votaw, Jr.

Amanda L. Dennis

Nzingha Gaines

Steven Brown-Cestero

ACTION AGENDA

CALL TO ORDER

The meeting was called to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE

Chair Parker led the Pledge of Allegiance.

ROLL CALL

Absent: Nzingha Gaines, Board Member

PUBLIC INPUT (Three (3) minute time limit) - **NONE**

OLD BUSINESS

OATH OF OFFICE

1. Danielle O'Halloran, Reappointment to the Citizens Police Review Board, term effective January 22, 2022, through January 21, 2025

Gwen Carlisle, City Clerk, administered the Oath of Office for Danielle O'Halloran, Ward 4 reappointment to the Citizens Police Review Board.

NEW BUSINESS/PRESENTATIONS

2. Minutes and Board Report of the Citizens Police Review Board meeting held on January 11, 2022

Approved.

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)

3. **Case No.:** Prelim 2021-037
Investigator: Sergeant James Langton
Complainant: Bryan Lamar Didley
Officer: Officer Craig Henry

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Policy Related to Complaint: Alleged Complaint: Standard of Conduct
Chief of Police Disposition: No Policy Violation
Discipline: None

[REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION]

Approved.

4. **Case No.:** Prelim 2021-045
Investigator: Sergeant James Langton
Complainant: Joe Schmoe
Officer: Sergeant Ramy Moussa
Policy Related to Complaint: Alleged Complaint: Standard of Conduct
Chief of Police Disposition: No Policy Violation
Discipline: None
Complainant: Joe Schmoe
Officer: Officer David Cameron
Policy Related to Complaint: Alleged Complaint: Standard of Conduct
Chief of Police Disposition: No Policy Violation
Discipline: None
Complainant: Joe Schmoe
Officer: Officer Jasmine Vasallo
Policy Related to Complaint: Alleged Complaint: Standard of Conduct
Chief of Police Disposition: No Policy Violation
Discipline: None
Complainant: Joe Schmoe
Officer: Officer Kelly McCurry
Policy Related to Complaint: Alleged Complaint: Standard of Conduct
Chief of Police Disposition: No Policy Violation
Discipline: None

Approved.

5. **Case No.:** Prelim 2021-047
Investigator: Sergeant Dan Losapio
Complainant: Joel Vanchura
Officer: Unknown
Policy Related to Complaint: Alleged Complaint: Harassment & failed to identify themselves
Chief of Police Disposition: Insufficient Evidence to Investigate
Discipline: None

Approved.

6. **Case No.:** Prelim 2021-055
Investigator: Sergeant Dan Losapio

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Complainant: Robert Shaw

Officer: Officer Jerry Moore

Policy Related to Complaint: Alleged Complaint: Standard of Conduct

Chief of Police Disposition: No Policy Violation

Discipline: None

Approved.

7. **Case No.:** Prelim 2021-058

Investigator: Sergeant James Langton

Complainant: Michael Goudie

Officer: Officer Jimmy Hernandez

Policy Related to Complaint: Alleged Complaint: Performance of Duty

Chief of Police Disposition: No Policy Violation

Discipline: None

Approved.

8. **Case No.:** Prelim 2021-060

Investigator: Sergeant Dan Losapio

Complainant: Joseph Winpisinger

Officer: Major William Newhouse

Policy Related to Complaint: Alleged Complaint: Rudeness

Chief of Police Disposition: Insufficient Evidence to Investigate

Discipline: None

Approved.

9. **Case No.:** Prelim 2021-061

Investigator: Sergeant Dan Losapio

Complainant: Mike Goudie

Officer: Officer Tyler Williams

Policy Related to Complaint: Alleged Complaint: Standard of Conduct

Chief of Police Disposition: Insufficient Evidence to Investigate

Discipline: None

Approved.

MANDATORY REVIEW BY BOARD (NONE)

(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 2021-012

Investigator: Sergeant James Langton

Complainant: Kim Harris

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Officer: Sergeant Matthew Zarillo

Policy Related to Complaint: 9.1 General Rules of Conduct Section II (A) (9)
Standard of Conduct

Chief of Police Disposition: Sustained

Discipline: Counseling

Complainant: Sergeant James Langton

Officer: Sergeant Matthew Zarillo

Policy Related to Complaint: 25.3 Mobile Video/Audio Recording Equipment
Section IV (A) Body-Worn MVR Operating Procedures

Chief of Police Disposition: Sustained

Discipline: Counseling

Approved.

11. **Case No.:** Admin 2021-014

Investigator: Sergeant James Langton

Complainant: James Tisdall

Officer: Officer Myles Kosch

i. **Policy Related to Complaint:** 24.2 Unbiased Policing Section I (A) Biased
Policing

Chief of Police Disposition: Unfounded

Discipline: None

ii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (9)
Standard of Conduct

Chief of Police Disposition: Unfounded

Discipline: None

Motion: *Full Review of Case No. Admin 2021-014*

Approved.

Motion carried: 4-3. Board Member Banks, Board Member Votaw, and Board Member Brown opposed.

12. **Case No.:** Admin 2021-015

Investigator: Sergeant Dan Losapio

Complainant: Kizzie Baker

Officer: Detective Miguel Hernandez

Policy Related to Complaint: 9.1 General Rules of Conduct Section VI (E)
Overreacting

Chief of Police Disposition: Sustained

Discipline: Counseling/Policy Review

Complainant: Jamie and Shelby Burger

Officer: Detective Miguel Hernandez

Policy Related to Complaint: 9.1 General Rules of Conduct Section VI (E)
Overreacting

Chief of Police Disposition: Unfounded

Discipline: None

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Approved.

Motion carried: 6-1. Board Member Votaw opposed.

13. **Case No.:** Admin 2021-016

Investigator: Sergeant James Langton

Complainant: Lourdes Feliciano

Officer: Officer William Beaton

i. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (9)
Standard of Conduct

Chief of Police Disposition: Unfounded

Discipline: None

ii. **Policy Related to Complaint:** 25.3 Mobile Video/Audio Recording Equipment
Section IV (A) Body-Worn MVR Operating Procedures

Chief of Police Disposition: Sustained

Discipline: Counseling/Policy Review

Approved.

14. **Case No.:** Admin 2021-018

Investigator: Captain Joshua Steinman

Complainant: Cindy Pledger

Officer: Officer Kelly Witt

i. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (9)
Standard of Conduct

Chief of Police Disposition: Not Sustained

Discipline: None

ii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (5)
Rules Governing Conduct

Chief of Police Disposition: Other

Discipline: Policy will be researched for potential change

iii. **Policy Related to Complaint:** 25.3 Mobile Video/Audio Recording Equipment
Section IV (A) Body-Worn MVR Operating Procedures

Chief of Police Disposition: Sustained

Discipline: Policy Review

Complainant: Captain Joshua Steinman

Officer: Officer Tori Johnston

Policy Related to Complaint: 9.1 General Rules of Conduct Section II (A) (5)
Rules Governing Conduct

Chief of Police Disposition: Other

Discipline: Policy deficit will be researched

Motion failed. 3-2-2. Vice Chair Boyd-Dorsey and Board Member Banks opposed. Board Member O'Halloran and Board Member Dennis recused.

Motion: To table Case No. 2021-018 to the March 8, 2022 Citizens Police Review Board meeting.

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Approved.

Motion carried 5-0-2. Board Member O'Halloran and Board Member Dennis recused.

15. Case No.: IA 2021-012

Investigator: Lieutenant Lesa Breneman

Complainant: Vianka Rodriguez/Lieutenant Lesa Breneman

Officer: Officer Brian Leon

i. Policy Related to Complaint: 9.1 General Rules of Conduct Section II (A) (9)
Standard of Conduct

Chief of Police Disposition: Sustained

Discipline: Termination

ii. Policy Related to Complaint: 9.1 General Rules of Conduct Section II (A) (8)
Performance of Duty

Chief of Police Disposition: Sustained

Discipline: 40 Hour Suspension

iii. Policy Related to Complaint: 25.2 Police Vehicle Management & Assignments
Section IV (A) Transportation of Passengers

Chief of Police Disposition: Sustained

Discipline: Reprimand

iv. Policy Related to Complaint: 25.2 Police Vehicle Management & Assignments
Section IV (A) Transportation of Passengers

Chief of Police Disposition: Sustained

Discipline: Counseling

v. Policy Related to Complaint: 13.4 Computer Usage and Records Section III (C)
1 Global Positioning System (GPS)

Chief of Police Disposition: Sustained

Discipline: Reprimand

vi. Policy Related to Complaint: 9.1 General Rules of Conduct Section II (A) (2)
Obedience to laws, rules, ordinances, and department directives

Chief of Police Disposition: Not Sustained

Discipline: None

vii. Policy Related to Complaint: 9.1 General Rules of Conduct Section II (A) (9)
Standard of Conduct

Chief of Police Disposition: Not Sustained

Discipline: None

Approved.

16. Case No.: IA 2021-013

Investigator: Sergeant Dan Losapio

Complainant: John Caltagirone

Officer: Officer Joshua Kuhl

i. Policy Related to Complaint: 9.1 General Rules of Conduct Section III (M)
Misrepresentation or Falsification

Chief of Police Disposition: Sustained

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- Discipline:** Termination
- ii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (9)
Standard of Conduct
Chief of Police Disposition: Not Sustained
Discipline: None
- iii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (9)
Standard of Conduct
Chief of Police Disposition: Not Sustained
Discipline: None
- iv. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (9)
Standard of Conduct
Chief of Police Disposition: Not Sustained
Discipline: None

Approved.

17. **Case No.:** IA 2021-021

Investigator: Lieutenant Lesa Breneman

Complainant: Robert Burandt, Esq.

Officer: Former Inspector General Donald Oswald

- i. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (3)
Reporting violations of law, ordinances, rules or orders
Chief of Police Disposition: Sustained
Discipline: Employee Resigned
- ii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section IX (D)
Divulging Internal Information
Chief of Police Disposition: Sustained
Discipline: Employee Resigned
- iii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section IX (D)
Divulging Internal Information
Chief of Police Disposition: Sustained
Discipline: Employee Resigned
- iv. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section X (E)
Requesting Services of City Departments
Chief of Police Disposition: Sustained
Discipline: Employee Resigned
- v. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (36)
Internal Affairs Investigations & Administrative Investigations
Chief of Police Disposition: Sustained
Discipline: Employee Resigned
- vi. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (36)
Internal Affairs Investigations & Administrative Investigations
Chief of Police Disposition: Sustained
Discipline: Employee Resigned
- vii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (36)
Internal Affairs Investigations & Administrative Investigations

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Chief of Police Disposition: Sustained

Discipline: Employee Resigned

- viii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (36)
Internal Affairs Investigations & Administrative Investigations

Chief of Police Disposition: Sustained

Discipline: Employee Resigned

Councilperson Streets provided the Board correspondence from Burandt, Adamski, Feichthaler & Sanchez, PLLC, representing former employee, Major William Newhouse and correspondence from David Z. Seide, Government Accountability Project, representing former employee, Inspector General Donald E. Oswald. He suggested that the Board review both cases for fairness as they go hand in hand.

Donald Oswald, Former Inspector General, suggests that the Board request full review of both cases.

Motion: *Table Case No. IA 2021-021 to the April 12, 2022 Citizens Police Review Board meeting.*

Approved.

Motion: *Request that the Board be provided the full review materials for Case No. IA 2021-009 and Case No. IA 2021-021 while waiting for the independent agency to conduct the investigation on IA 2021-009.*

Approved.

Direct City Attorney to advise if the two-month timeframe regarding tabling Case No. IA 2021-021 is realistic, at the March 8, 2022, Citizens Police Review Board meeting.

OTHER BUSINESS

NEXT MEETING ANNOUNCEMENT – The next meeting will be held on March 8, 2022 at 5:30 p.m.

ADJOURNMENT 7:14pm

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.