



**CITY OF FORT MYERS
CITIZENS POLICE REVIEW BOARD
MAY 11, 2021
5:30 PM**

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

*Danielle L. O'Halloran.
Chair*

*Erma Boyd-Dorsey
Vice Chair*

Michele Parker

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 O'Halloran led the Pledge of Allegiance.

ROLL CALL

Absent: Board Members Brown and Gaines. *Board Member Banks arrived at 5:35 p.m.*

PUBLIC INPUT (Three (3) minute time limit)

None.

OLD BUSINESS

1. Citizens Police Review Board Annual Report that will be presented to the Mayor and City Council

Motion: Chair O'Halloran to present the Annual Report to the Mayor and City Council on June 21, 2021. Board Members are encouraged to attend and participate if their schedule allows.

Approved.

NEW BUSINESS/PRESENTATIONS

2. Minutes and Board Report of the Citizens Police Review Board meeting held on April 13, 2021

Approved.

IG Comments:

Donald Oswald, Inspector General, extended an invitation to the Board Members and Councilperson Streets to participate in a virtual firearm training session on the following available dates during the evenings:

Monday, May 24, 2021; Wednesday, May 26, 2021; Monday, May 31, 2021; Wednesday, June 2, 2021; Monday, June 7, 2021; or Wednesday, June 9, 2021.

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IG Oswald noted that the training will be held at the Police Academy and will work with the City Clerk's Office to coordinate the exact time and date for the Board Members to attend.

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 2021-003
Investigator: Sergeant Daniel Morency
Complainant: George Joyner
 - (a) **Officer:** Detective Miguel Hernandez
Policy Related to Complaint: Alleged Complaint: Performance of Duty
Chief of Police Disposition: No Policy Violation
Discipline: None
 - (b) **Officer:** Officer Jari Sanders
Policy Related to Complaint: Alleged Complaint: Performance of Duty
Chief of Police Disposition: No Policy Violation
Discipline: None

Approved.

4. **Case No.:** Prelim 2021-014
Investigator: Lieutenant Lesa Breneman
Complainant: Robert Hartman
 - (a) **Officer:** Unknown
Policy Related to Complaint: Alleged Complaint: Feared FMPD Officers
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

5. **Case No.:** Admin 2020-021
Investigator: Sergeant Dan Losapio
Complainant: James Carroll
 - (a) **Officer:** Officer Michael Perry
Policy Related to Complaint: 9.1 General Rules of Conduct Section II (A) (9)
Standard of Conduct
Chief of Police Disposition: Unfounded
Discipline: None**Complainant:** Sergeant Dan Losapio
 - (a) **Officer:** Officer Michael Perry

- i. **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
- 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: Policy Review

Approved.

- 6. **Case No.:** Admin 2020-022
Investigator: Lieutenant Jesus Ramos
Complainant: Daniel Barksdale, Timothy Henderson, Tywaun Thomas, Evan Baran
 - (a) **Officer:** Lieutenant Peter Tarman
Policy Related to Complaint: 9.1 General Rules of Conduct Section II (A) (21) Conduct Toward the Public
Chief of Police Disposition: Sustained
Discipline: Reprimand

Approved.

- 7. **Case No.:** Admin 2020-023
Investigator: Lieutenant Brian O'Reilly
Complainant: Johntavis Rogers and Joshua Rogers
 - (a) **Officer:** Detective Brandon Birch
 - i. **Policy Related to Complaint:** 24.2 Unbiased Policing Section II Procedures (A) Fair and Impartial Treatment (1)
Chief of Police Disposition: Not Sustained
Discipline: None
 - ii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A)(21) Conduct Toward the Public
Chief of Police Disposition: Unfounded
Discipline: None
 - iii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A)(16) Derogatory Remarks
Chief of Police Disposition: Sustained
Discipline: Counseling/Policy Review
 - (b) **Officer:** Officer Jari Sanders
 - i. **Policy Related to Complaint:** 24.2 Unbiased Policing Section II Procedures (A) Fair and Impartial Treatment (1)
Chief of Police Disposition: Not Sustained
Discipline: None
 - ii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A)(21) Conduct Toward the Public
Chief of Police Disposition: Unfounded

Discipline: None

(c) **Officer:** Officer Luke Walsh

- i. **Policy Related to Complaint:** 24.2 Unbiased Policing Section II Procedures
(A) Fair and Impartial Treatment (1)

Chief of Police Disposition: Not Sustained

Discipline: None

Approved. *Chair O'Halloran recused herself.*

8. **Case No.:** Admin 2020-025

Investigator: Lieutenant Jesus Ramos

Complainant: Nancy Kelly Scafuri

(a) **Officer:** Sergeant Jose Gomez

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

Chief of Police Disposition: Unfounded

Discipline: None

- ii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section III
General Conduct On-Duty (N) Political Views & Membership

Chief of Police Disposition: Unfounded

Discipline: None

Approved.

9. **Case No.:** Admin 2020-028

Investigator: Sergeant Daniel Morency

Complainant: Chad Svoboda

(a) **Officer:** Officer Terrell Brown

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

Chief of Police Disposition: Sustained

Discipline: Counseling

Complainant: Sergeant Daniel Morency

(a) **Officer:** Officer Luckenson Remy

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.

OTHER BUSINESS

BOARD MEMBER COMMENTS

Board Member Banks noted that complaints related to not following proper body camera procedures are rising and conveyed the need for Officers to understand its to everyone's detriment if they do not follow it.

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Major Bill Newhouse thanked Board Member Banks for his comment and replied that this shows the Police Department is holding the officers accountable for their actions.

NEXT MEETING ANNOUNCEMENT – The next meeting will be held on June 8, 2021 at 5:30 p.m.

ADJOURNMENT (6:05 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.