

**MINUTES
CITY OF FORT MYERS
CITIZENS POLICE REVIEW BOARD
JANUARY 11, 2022**

The Citizens Police Review Board of the City of Fort Myers, Florida, met in regular session at Oscar M. Corbin, Jr. City Hall, 2200 Second Street, its regular meeting place in Fort Myers, Florida, on Tuesday, January 11, 2022, at 5:30 p.m. Present were Michele Parker Chair, presiding; Robert W. Votaw, Jr.; Erma Boyd-Dorsey; Forrest H. Banks; Amanda L. Dennis; Nzingha Gaines; and Steven Brown-Cestero, Board Members. Also present were Johnny Streets, Council Member Liaison to the Citizens Police Review Board; Grant W. Alley, City Attorney; Gwen Carlisle, City Clerk; and Lily Baker, Recording Specialist. Absent: Danielle L. O'Halloran; Board Member

PLEDGE OF ALLEGIANCE

Chair Parker led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Roll call was taken by Lily Baker, Recording Specialist. Absent: *Danielle L. O'Halloran, Board Member.*

PUBLIC INPUT (Three (3) minute time limit)

NEW BUSINESS/PRESENTATIONS

3. Comments and concerns from Councilman Johnny W. Streets, Jr.

Councilman Streets thanked the Board for their service to the city. He urged the Board to call upon on him, as the Council Member Liaison to the Board, and he will assist with any concerns they may have. He stated that he has included documentation in the agenda packet for their review and further discussion at a later date. The documents included: Law Enforcement Officers' Bill of Rights; Coping with Police Misconduct in West Virginia; Citizen Involvement in Officer Disciplinary Procedures, Chapter 4 Alternative Models for Police Disciplinary Procedures; Police Review Boards and Police Accountability; and an email complaint received from David Seide an attorney from the Government Accountability Project, on behalf of former Inspector General Donald Oswald.

OLD BUSINESS

1. Discussion on recommendations the Board would like to present to City Council for consideration in amending the current Citizens Police Review Board ordinance, and update to the request of the Police Department to provide a list of closed Internal Affairs cases initiated internally and externally for the last two years.

Board Member Brown and Board Member Banks requested that Councilman Streets work with the City Manager and the City Attorney to determine if the language should be clarified in the Citizens Police Review Board Ordinance regarding the review of closed cases initiated internally and externally.

2. **Case No.:** Prelim 2021-034 **(tabled from the November 9, 2021, Citizens Police Review Board Meeting)*
Investigator: Captain Jason Fields

Complainant: Dawn Stoner

Officer: Officer Nicholas Mallone

Policy Related to Complaint: Alleged Complaint:
Unprofessional

Chief of Police Disposition: No Policy Violation

Discipline: None

Summary of Complaint: Internal Affairs received a written complaint from Dawn Stoner where she advised that during a traffic stop, Officer Nicholas Mallone was “unprofessional and inappropriate”. Ms. Stone stated that Officer Mallone yelled at her, and she was afraid for her safety due to his “rage”. Ms. Stoner also questioned the court date issued on the citations and believed the officer purposely gave her the wrong court date.

Captain Jason Fields presented the details of this case and stated that a review of Officer Mallone’s body-worn camera captured a traffic stop for violating a steady red light. He noted that Officer Mallone was stern with his communication but did not use inappropriate or profane language, nor did he yell at the complainant with rage. Captain Fields stated that in his communication with Ms. Stoner, she was understanding and expressed confusion with the court date issued on the citation. Captain Fields added that it appeared that Officer Mallone’s mistakenly wrote in an upcoming court date but verbally explained that appearance in court was not mandatory unless she requested one through the Clerk of Courts.

MOTION: It was moved by Board Member Votaw to accept the findings of the police department for Case No. Prelim 2021-034; seconded by Board Member Brown.

A roll call vote was taken as follows: Boyd-Dorsey – Aye; Gaines – Aye; Votaw – Aye; Brown – Aye; Banks – Aye; Dennis – Aye; Parker – Aye; Motion carried unanimously.

NEW BUSINESS/PRESENTATIONS

3. Comments and concerns from Councilman Johnny W. Streets, Jr.

Councilperson Streets addressed this item earlier in the meeting.

4. Minutes and Board Report of the Citizens Police Review Board meeting held on November 9, 2021

MOTION: It was moved by Board Member Brown to approve the minutes; with corrections on page 12, recording of the Board Member votes on Case No. Admin 2021-004; and Board Report of the Citizens Police Review Board meeting held on November 9, 2021; seconded by Board Member Dennis.

A roll call vote was taken as follows: Boyd-Dorsey – Aye; Gaines – Aye; Votaw – Aye; Brown – Aye; Banks – Aye; Dennis – Aye; Parker – Aye; Motion carried unanimously.

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 2021-011

Investigator: Sergeant Daniel Morency

Complainant: Samantha Doerr

Officer: Undetermined

Policy Related to Complaint: Alleged Complaint:
Unprofessional

Chief of Police Disposition: Insufficient Evidence to
Investigate

Discipline: None

6. **Case No.:** Prelim 2021-038

Investigator: Sergeant James Langton

Complainant: James Kendall

Officer: Unknown

Policy Related to Complaint: Alleged Complaint: Failed
to respond to a call for service

Chief of Police Disposition: No Policy Violation

Discipline: None

7. **Case No.:** Prelim 2021-049

Investigator: Lieutenant Lesa Breneman

Complainant: Terrance Truesdale

Officer: Unknown

Policy Related to Complaint: Alleged Complaint:
Harassment

Chief of Police Disposition: Insufficient Evidence to
Investigate

Discipline: None

8. **Case No.:** Prelim 2021-050

Investigator: Lieutenant Lesa Breneman

Complainant: Not Public Record (Per F.S.S. 119.071 2.H.)

Officer: Unknown

Policy Related to Complaint: Alleged Complaint:
Harassment

Chief of Police Disposition: Insufficient Evidence to
Investigate

Discipline: None

MOTION: It was moved by Board Member Brown to approve the Consent Agenda as presented; seconded by Board Member Votaw.

A roll call vote was taken as follows: Boyd-Dorsey – Aye; Gaines – Aye; Votaw – Aye; Brown – Aye; Banks – Aye; Dennis – Aye; Parker – Aye; Motion carried unanimously.

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

9. **Case No.:** IA 2021-005

Investigator: Sergeant James Langton

Complainant: Patricia Balaban

Officer: Officer Brandon Winters

- i. **Policy Related to Complaint:** General Order 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:** General Order 9.1 General Rules of Conduct Section II (A) (9) Standard of Conduct
Chief of Police Disposition: Sustained
Discipline: Termination
- iii. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (9) Standard of Conduct
Chief of Police Disposition: Sustained
Discipline: Reprimand

Complainant: Sergeant James Langton

Officer: Officer Brandon Winters

- i. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Termination
- ii. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Termination
- iii. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Termination
- iv. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Termination
- v. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Termination
- vi. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Reprimand

- vii. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Reprimand
- viii. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Reprimand
- ix. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Reprimand
- x. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Reprimand
- xi. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Reprimand
- xii. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Reprimand
- xiii. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (A) (8) Performance of Duty
Chief of Police Disposition: Sustained
Discipline: Reprimand
- xiv. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (M) Misrepresentation or falsification
Chief of Police Disposition: Sustained
Discipline: Termination
- xv. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (M) Misrepresentation or falsification
Chief of Police Disposition: Sustained
Discipline: Termination
- xvi. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (M) Misrepresentation or falsification
Chief of Police Disposition: Sustained
Discipline: Termination
- xvii. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (M) Misrepresentation or falsification

Chief of Police Disposition: Sustained

Discipline: Termination

- xviii. **Policy Related to Complaint:** General Order 9.1 General Rules of Conduct Section II (M) Misrepresentation or falsification

Chief of Police Disposition: Sustained

Discipline: Termination

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

Chief of Police Disposition: Sustained

Discipline: Counseling

MOTION: *It was moved by Vice Chair Boyd-Dorsey to accept the findings of the police department for Case No. IA 2021-005; seconded by Board Member Brown.*

A roll call vote was taken as follows: Boyd-Dorsey – Aye; Gaines – Aye; Votaw – Aye; Brown – Aye; Banks – Aye; Dennis – Aye; Parker – Aye; Motion carried unanimously.

OTHER BUSINESS (NONE)

NEXT MEETING ANNOUNCEMENT

Chair Parker stated that the next meeting will be held on February 8, 2022 at 5:30 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:22 p.m.