

**MINUTES
CITY OF FORT MYERS
CITIZENS POLICE REVIEW BOARD
FEBRUARY 8, 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, February 8, 2022, at 5:30 p.m. Present were Michele Parker Chair, presiding; Robert W. Votaw, Jr.; Erma Boyd-Dorsey; Danielle L. O'Halloran; Forrest H. Banks; Amanda L. Dennis; 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: Nzingha Gaines; 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: *Nzingha Gaines, Board Member.*

PUBLIC INPUT (Three (3) minute time limit)

OLD BUSINESS (NONE)

OATH OF OFFICE

1. Danielle O'Halloran, Ward 4 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, term effective January 22, 2022, through January 21, 2025.

NEW BUSINESS/PRESENTATIONS

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

MOTION: It was moved by Board Member Brown to approve the minutes, and Board Report of the Citizens Police Review Board meeting held on January 11, 2022; seconded by Board Member Banks.

A roll call vote was taken as follows: Boyd-Dorsey – Aye; O'Halloran – 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)

3. **Case No.:** Prelim 2021-037
Investigator: Sergeant James Langton

Complainant: Bryan Lamar Didley
Officer: Officer Craig Henry
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]

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

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

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

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

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

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

MOTION: *It was moved by Board Member Banks to approve the Consent Agenda with the removal of Item No. 3, Case No. Prelim 2021-037 for discussion; seconded by Board Member Brown.*

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

REGULAR AGENDA

3. **Case No.:** Prelim 2021-037
Investigator: Sergeant James Langton
Complainant: Bryan Lamar Didley
Officer: Officer Craig Henry
Policy Related to Complaint: Alleged Complaint:
Standard of Conduct
Chief of Police Disposition: No Policy Violation
Discipline: None

Board Member O'Halloran expressed concern that Mr. Didley's account is vastly different from what was indicated in the report. Sergeant James Langton replied that video footage from two officers were reviewed and there was nothing viewed as threatening by the officer.

MOTION: *It was moved by Board Member Banks to accept the findings of the police department for Case No. Prelim 2021-037; seconded by Board Member Votaw.*

A roll call vote was taken as follows: Boyd-Dorsey – Aye; O'Halloran – 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

10. **Case No.:** Admin 2021-012
Investigator: Sergeant James Langton
Complainant: Kim Harris
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

MOTION: *It was moved by Board Member Banks to accept the findings of the police department for Case No. Admin 2021-012; seconded by Board Member Brown.*

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

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

Investigator: Sergeant James Langton

Complainant: James Tisdall

Officer: Officer Myles Koch

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

Board Member O’Halloran expressed concern with Mr. Tisdall’s allegations of the officer using retaliatory language and asking to search the car.

Sergeant Langton stated that he did not recall the officer asking to search the car or stating that he would give him a ticket because he didn’t lower the window on the body camera.

Board Member Banks and Board Member Brown felt the officer used appropriate discretion when interacting with Mr. Tisdall.

Board Member Dennis echoed Board Member O’Halloran’s concerns and stated that the goal should be keeping language as non-inflammatory and remaining calm.

MOTION: It was moved by Chair Parker to request a Full Review of Case No. Admin 2021-014; seconded by Vice Chair Boyd-Dorsey.

A roll call vote was taken as follows: Boyd-Dorsey – Aye; O’Halloran – Aye; Votaw – Nay; Brown – Nay; Banks – Nay; Dennis – Aye; Parker – Aye; Motion carried 4-3. Board Member Votaw, Board Member Brown, and Board Member Banks 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

Board Member Votaw inquired what in the investigation pointed the disposition of *sustained*. Sergeant Losapio stated that Detective Hernandez was found to have acted with emotion when he encountered Ms. Baker's son. Board Member Votaw replied that what could be interpreted as overreacting could be just police action.

MOTION: *It was moved by Board Member Banks to accept the findings of the police department for Case No. Admin 2021-015; seconded by Board Member Dennis.*

A roll call vote was taken as follows: Boyd-Dorsey – Aye; O'Halloran – Aye; Votaw – Nay; Brown – Aye; Banks – Aye; Dennis – Aye; Parker – Aye; 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

MOTION: *It was moved by Board Member Brown to accept the findings of Case No. Admin 2021-016; seconded by Vice Chair Boyd-Dorsey.*

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

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

Board Member O'Halloran stated that she would be abstaining from the vote based on a potential conflict but would be participating in the discussion.

Board Member O'Halloran expressed concerns with Officer Witt's commentary on the previous passenger drowning and felt it was inappropriate. Board Member Banks disagreed and felt that it was meant to bring awareness and Officer Witt was conducting proactive measures to avoid any potential future accidents. Board Member Brown echoed Board Member Banks sentiments and stated that he felt Officer Witt's comments were advisory in nature and meant to be beneficial by informing the owners that he is there to help and keep the passengers safe.

MOTION: It was moved by Board Member Brown to accept the findings of the police department for Case No. Admin 2021-018; seconded by Board Member Votaw.

A roll call vote was taken as follows: Boyd-Dorsey – Nay; O'Halloran – Recused; Votaw – Aye; Brown – Aye; Banks – Nay; Dennis – Recused; Parker – Aye; Motion failed 3-2-2. Vice Chair Boyd-Dorsey and Board Member Banks opposed. Board Member O'Halloran and Board Member Dennis recused.

MOTION: It was moved by Board Member Brown to table Case No. Admin 2021-018 to the March 8, 2022 Citizens Police Review Board meeting; seconded by Board Member Votaw.

A roll call vote was taken as follows: Boyd-Dorsey – Aye; O'Halloran – Aye; Votaw – Aye; Brown – Aye; Banks – Aye; Dennis – Aye; Parker – Aye; 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

MOTION: It was moved by Board Member Banks to accept the findings of the police department for Case No. IA 2021-012; seconded by Board Member Brown.

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

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

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

MOTION: It was moved by Board Member Brown to accept the findings of the police department for Case No. IA 2021-013; seconded by Vice Chair Boyd-Dorsey.

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

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
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.

City Attorney Alley explained that an independent firm is investigating Case No. IA 2021-009 and the policy and procedures as requested by the Mayor and Council.

Discussion ensued regarding tabling both Case No. IA 2021-009 and Case No. IA 2021-021, requesting full review material for both cases, and the possible timeline for completion by the outside firm.

MOTION: It was moved by Board Member O'Halloran to table Case No. IA 2021-021 to the April 12, 2022 Citizens Police Review Board meeting for a status report; seconded by Board Member Brown.

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

MOTION: It was moved by Board Member O'Halloran to 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; seconded by Board Member Brown.

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

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

OTHER BUSINESS (NONE)

NEXT MEETING ANNOUNCEMENT

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:14 p.m.