

**MINUTES
CITY OF FORT MYERS
CITIZENS POLICE REVIEW BOARD
MARCH 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, March 8, 2022, at 5:30 p.m. Present were Michele Parker, Chair, presiding; Robert W. Votaw, Jr., Erma Boyd-Dorsey, Nzingha Gaines, 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.

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: None. Board Member Banks arrived at 5:33 p.m.

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

OLD BUSINESS

1. Status update on Prelim 2021-025 (Full Review requested by Board on November 9, 2021) (Lieutenant Lesa Breneman)

Lieutenant Breneman provided a brief update and stated that Prelim 2021-025 is pending prosecution and cannot be released at this time. Once the case is adjudicated in court it will be placed on the agenda for review of the Board.

2. Status update on timeframe related to Case No. IA 2021-021 and Case No. IA 2021-009 (Requested by Board Member Banks at the February 8, 2022) (Grant W. Alley, City Attorney)

City Attorney Alley provided a brief update that IA 2021-009 is still pending and no findings have been provided by the independent firm at this time.

MOTION: It was moved by Board Member Brown to place Case No. IA 2021- 021 and Case No. IA 2021-009 on every monthly agenda until such time that the Board has all the data and tabling as necessary; seconded by Board Member Banks.

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

3. **Case No.:** Admin 2021-018 *(Tabled from the February 8, 2022 CPRB meeting)*
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 recused herself from voting on this case due to a potential conflict of interest from a prior formal complaint. Board Member Dennis announced that she would also be recusing herself from voting on this item due to a special gain or loss to her relative.

Captain Joshua Steinman noted that this item was discussed at length at the prior meeting and stated that he would be happy to answer any further questions.

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

Motion died for lack of a second.

MOTION: *It was moved by Board Member Brown to request a Full Review of Case No. Admin 2021-018; seconded by Board Member Banks.*

A roll call vote was taken as follows: Boyd-Dorsey – Aye; Gaines – Aye; O'Halloran – Recused; Votaw – Aye; Brown – Aye; Banks – Aye; Dennis – Recused; Parker – Aye; Motion carried 6-0-2. Board Member O'Halloran and Board Member Dennis recused.

NEW BUSINESS/PRESENTATIONS

4. Minutes and Board Report of the Citizens Police Review Board meeting held on February 8, 2022

MOTION: *It was moved by Vice Chair Boyd-Dorsey to approve the minutes, and Board Report of the Citizens Police Review Board meeting held on February 8, 2022; seconded by Board Member Brown.*

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

5. **Case No.:** Prelim 2021-053
Investigator: Sergeant James Langton
Complainant: Manuel Tomas
Officer: Officer Jimmy Hernandez
Policy Related to Complaint: Alleged Complaint: Harassment
Chief of Police Disposition: No Policy Violation
Discipline: None

6. **Case No.:** Prelim 2021-056
Investigator: Sergeant Dan Losapio
Complainant: James and Patricia Pierce
Officer: Detective Jack Millard
Policy Related to Complaint: Alleged Complaint: Performance of Duty/Standard of Conduct
Chief of Police Disposition: No Policy Violation
Discipline: None

7. **Case No.:** Prelim 2021-057
Investigator: Sergeant James Langton
Complainant: Gillian Stuart
Officer: Officer Yeuris Vicioso
Policy Related to Complaint: Alleged Complaint: Standard of Conduct
Chief of Police Disposition: No Policy Violation
Discipline: None

8. **Case No.:** Prelim 2021-066
Investigator: Sergeant Dan Losapio
Complainant: Chameka Love
Officer: Officer Andrew Barlow
Policy Related to Complaint: Alleged Complaint: Harassment
Chief of Police Disposition: No Policy Violation
Discipline: None
Complainant: Chameka Love
Officer: Officer Fredrick Hink
Policy Related to Complaint: Alleged Complaint: Harassment
Chief of Police Disposition: No Policy Violation
Discipline: None

9. **Case No.:** Prelim 2021-067
Investigator: Sergeant Dan Losapio
Complainant: Dora Redmon

Officer: Officer Matthew Sellers

Policy Related to Complaint: Alleged Complaint: Standard of Conduct

Chief of Police Disposition: No Policy Violation

Discipline: None

MOTION: *It was moved by Vice Chair Boyd-Dorsey to approve the consent agenda as presented; seconded by Board Member Brown.*

A roll call vote was taken as follows: Boyd-Dorsey – Aye; Gaines – Nay; O’Halloran – Aye; Votaw – Aye; Brown – Aye; Banks – Aye; Dennis – Aye; Parker – Aye; Motion carried 7-1. Board Member Gaines opposed.

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 2021-019

Investigator: Lieutenant Dion Freeman

Complainant: Chelsea Newton

Officer: Officer Jimmy Hernandez

Policy Related to Complaint: 9.1 General Rules of Conduct Section II (21) Conduct Toward the Public

Chief of Police Disposition: Not Sustained

Discipline: None

Complainant: Lieutenant Dion Freeman

Officer: Officer Jimmy Hernandez

Policy Related to Complaint: 25.3 Mobile Video / Audio Recording Equipment Section IV (A)

Chief of Police Disposition: Sustained

Discipline: Counseling / Policy Review

Complainant: Lieutenant Dion Freeman

Officer: Officer Tyler Williams

Policy Related to Complaint: 25.3 Mobile Video / Audio Recording Equipment Section IV (A)

Chief of Police Disposition: Sustained

Discipline: Counseling / Policy Review

Board Member Banks inquired if either of the two officers had any previous complaints brought forward due to not turning on their body cameras. Lieutenant Dion Freeman responded that he could not answer if they have or have not been brought forward on that accusation as he did not have their disciplinary history with him.

Board Member O’Halloran inquired if there is a policy or procedure that dictates a different discipline outcome when the same complaint against an officer is brought forward multiple times. Board Member Brown added that former Major William Newhouse informed the

Board at a previous meeting that there was a system in place that would flag an officer that had the same accusations or multiple accusations.

Lieutenant Freeman stated that as investigators, their job is to determine the facts and present them in a report to the Chief, who then assigns the disciplinary action if needed.

MOTION: It was moved by Board Member Brown to request a Full Review of Case No. Admin 2021-019; seconded by Board Member Banks.

A roll call vote was taken as follows: Boyd-Dorsey – Aye; Gaines – Aye; O’Halloran – Aye; Votaw – Aye; Brown – Aye; Banks – Aye; Dennis – Aye; Parker – Nay; Motion carried: 7-1. Chair Parker opposed.

11. **Case No.:** Admin 2021-023

Investigator: Sergeant Dan Losapio

Complainant: Joel Vanchura

Officer: Officer Ryan Beiner

Policy Related to Complaint: 25.3 Mobile Video / Audio Recording Equipment Section IV (A)

Chief of Police Disposition: Sustained

Discipline: Written Reprimand

Sergeant Dan Losapio stated that Officer Ryan Beiner took advantage of the Discipline Dispute Resolution Process (DDRP) where he chose to bypass the entire investigative process, come in and admit he violated policy to the Chief of Police; and the Chief administered discipline. Sergeant Losapio added that Officer Beiner is a member of the Housing, Outreach, and Treatment (HOT) Team and is the liaison between homeless services, the homeless population, and the police department. Sergeant Losapio stated that Officer Beiner does not go to *calls for service* but rather he spends his days talking to the homeless community. Sergeant Losapio stated that to mechanically apply a body camera situation to him is challenging as he’s receiving information that can be sensitive in nature.

Board Member Gaines inquired if there was validity to his reason in protecting the information provided to him, was there any concession for Officer Beiner. Sergeant Losapio responded that this is a situation when policy conflicts with reality and the police department’s policy doesn’t allow for that flexibility. Sergeant Losapio stated that Officer Beiner has acknowledged that in the future he will leave the body camera on and turn it off when he is receiving sensitive information.

MOTION: It was moved by Board Member Banks to accept the findings of the police department for Case No. Admin 2021-023; seconded by Board Member Votaw.

A roll call vote was taken as follows: Boyd-Dorsey – Nay; Gaines – Nay; O’Halloran – Nay; Votaw – Aye; Brown – Aye; Banks – Aye; Dennis – Nay; Parker – Nay; Motion failed: 3-5. Vice Chair Boyd-Dorsey, Board Member Gaines, Board Member O’Halloran, Board Member Dennis, and Chair Parker opposed.

MOTION: It was moved by Board Member Brown to request a Full Review of Case No. Admin 2021-023; seconded by Board Member Dennis.

A roll call vote was taken as follows: Boyd-Dorsey – Aye; Gaines – Aye; O’Halloran – Aye; Votaw – Nay; Brown – Aye; Banks – Aye; Dennis – Aye; Parker – Nay; Motion carried: 6-2. Board Member Votaw and Chair Parker opposed.

12. **Case No.:** IA 2021-018

Investigator: Lieutenant Lesa Breneman

Complainant: Breanna Abrams

Officer: Officer Joell Corignolo

i. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (21) Conduct toward the public

Chief of Police Disposition: Sustained

Discipline: Written Reprimand

ii. **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: Lieutenant Lesa Breneman

Officer: Officer Joell Corignolo

i. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (27) Abuse of Position / Solicitation of Funds

Chief of Police Disposition: Sustained

Discipline: Written Reprimand

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

Chief of Police Disposition: Sustained

Discipline: Written Reprimand

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

Chief of Police Disposition: Sustained

Discipline: Written Reprimand

Lieutenant Breneman noted that Officer Corignolo resigned from the Fort Myers Police Department.

MOTION: It was moved by Board Member Banks to accept the findings of the police department for Case No. IA 2021-018; seconded by Vice Chair Boyd-Dorsey.

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

OTHER BUSINESS

13. Case No. IA 2021-009 full review material (requested by the Board on February 8, 2022)

Material included in agenda packets was provided for informational purposes as requested by the Board on February 8, 2022.

14. Case No. IA 2021-021 full review material (requested by the Board on February 8, 2022)

Material included in agenda packets was provided for informational purposes as requested by the Board on February 8, 2022.

OTHER BUSINESS (NONE)

NEXT MEETING ANNOUNCEMENT

Chair Parker stated that the next meeting will be held on April 12, 2022 at 5:30 p.m.

Board Member Banks announced he would not be present at the April 12, 2022 Citizens Police Review Board meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:18 p.m.