

**MINUTES
CITY OF FORT MYERS
CITIZENS POLICE REVIEW BOARD
APRIL 12, 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, April 12, 2022, at 5:30 p.m. Present were Michele Parker, Chair, presiding; Robert W. Votaw, Jr., Erma Boyd-Dorsey, Danielle L. O'Halloran, 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 and Forrest H. Banks, Board Members.

PLEDGE OF ALLEGIANCE

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

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

OLD BUSINESS

1. Status update related to Case No. IA 2021-021 and Case No. IA 2021-009 (Grant W. Alley, City Attorney)

Councilman Streets announced that the Independent Sufficiency Review of the Fort Myers Police Department's Complaint Investigation of the allegation involving Major William Newhouse has been completed. He distributed the Review to the Board and stated that a presentation would be made to the City Council on April 18, 2022.

City Attorney Alley explained that the Review was involving only the allegation pertaining to Major Newhouse. He mentioned that it was received the day prior and immediately circulated to the Mayor and City Council. City Attorney Alley stated that there is no presentation set to occur tonight and will work on having the firm present to the Board in person or via Zoom at a future meeting.

MOTION: It was moved by Board Member Brown to remove Case No. IA 2021-009 from future agendas and provide the Board updates as required; seconded by Vice Chair Boyd-Dorsey.

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

Donald Oswald, former Fort Myers Police Department Inspector General, stated that based on the briefing given by Councilperson Streets and City Attorney Alley he had no comments to provide at this time.

NEW BUSINESS/PRESENTATIONS

2. Minutes and Board Report of the Citizens Police Review Board meeting held on March 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 March 8, 2022; seconded by Board Member Brown.

A roll call vote was taken as follows: Boyd-Dorsey – Aye; O’Halloran – Aye; Votaw – Aye; Brown – 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 2021-063
Investigator: Sergeant Dan Losapio
Complainant: Delmus Rogers
Officer: Unknown
Policy Related to Complaint: Alleged Complaint: Broad & Nonspecific allegations
Chief of Police Disposition: Judicial
Discipline: None

4. **Case No.:** Prelim 2021-064
Investigator: Sergeant Dan Losapio
Complainant: Delmus Rogers
Officer: Officer Evelyn Hodakoski
Policy Related to Complaint: Alleged Complaint: Performance of Duty
Chief of Police Disposition: No Policy Violation
Discipline: None
Officer: Officer Jarred Garrett
Policy Related to Complaint: Alleged Complaint: Performance of Duty
Chief of Police Disposition: No Policy Violation
Discipline: None

5. **Case No.:** Prelim 2021-065
Investigator: Sergeant David Conticelli
Complainant: Sarah Lynne Bryant
Officer: Detective Cierra Carter
Policy Related to Complaint: Alleged Complaint: Criminal Investigations and Follow-ups
Chief of Police Disposition: No Policy Violation
Discipline: None

6. **Case No.:** Prelim 2022-002
Investigator: Sergeant David Conticelli
Complainant: Thomas Glenn Falcon
Officer: Officer Nicholas Mallone
Policy Related to Complaint: Alleged Complaint: Standard of Conduct / Performance of Duty
Chief of Police Disposition: No Policy Violation

Discipline: None

7. **Case No.:** Prelim 2022-005
Investigator: Sergeant Dan Losapio
Complainant: Delmus Rogers
Officer: Unknown
Policy Related to Complaint: Alleged Complaint: Broad and Nonspecific allegations
Chief of Police Disposition: No Policy Violation
Discipline: None

8. **Case No.:** Prelim 2022-006
Investigator: Sergeant David Conticelli
Complainant: Richard L. Thomas
Officer: Officer Blake Bottomley
Policy Related to Complaint: Alleged Complaint: Performance of Duty
Chief of Police Disposition: No Policy Violation
Discipline: None

9. **Case No.:** Prelim 2022-007
Investigator: Sergeant David Conticelli
Complainant: Not Public Record (Per F.S.S. 119.071 (2)(H))
Officer: None
Policy Related to Complaint: Alleged Complaint: No specific complaint
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; O’Halloran – Aye; Votaw – Aye; Brown – Aye; Dennis – Aye; Parker – Aye; Motion carried unanimously.

MANDATORY REVIEW BY BOARD

(Indicates a full review is required or voted on under the City Ordinance Rules and Procedures for the Citizens Police Review Board)*

10. **Case No.:** *FD 2019-001
Investigator: Lieutenant Brian O’Reilly
Complainant: Chief Derrick Diggs
Officer: U.S. Marshals Task Force Officer
Policy Related to Complaint: General Order 6.1 Use of Force & Response to Resistance Section II (A) F.S.S. 776.05
Chief of Police Disposition: Exonerated

Discipline: None

Sergeant Losapio stated that the officer was assigned to a Warrants Team with the U.S. Marshals Task Force. He explained that the officers encountered an individual that they recognized, who then charged at them with a knife. Sergeant Losapio stated that the officer discharged his weapon and hit the individual and was hospitalized.

Board Member Votaw mentioned that individuals from different agencies seem to work well together and noted that it was very organized. Sergeant Losapio agreed and stated that those units are designed through a federal mandate wherein they incorporate local agencies.

MOTION: It was moved by Board Member Votaw to accept the findings by the police department for Case No. *FD 2019-001; seconded by Board Member Brown.

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

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

Investigator: Sergeant Dan Losapio

Complainant: Deputy Chief Jeffrey Meyers

Officer: Officer Jonathan King

Policy Related to Complaint: General Order 6.1 Use of Force & Response to Resistance Section III C (2)(d)(1) Deployment & Restrictions

Chief of Police Disposition: Not Sustained

Discipline: None

Sergeant Losapio stated that in this matter the officers encountered a gentleman who was violent and prior to their arrival had a violent encounter with his mother. The officers attempted to physically subdue the individual and resulted in a taser deployment in the struggle to get him detained. Sergeant Losapio stated that due to his lack of cooperation and his continued resistance it concluded with a secondary taser being deployed. Sergeant Losapio explained that although reasonableness exists, the use of the taser the second time conflicts with policy. It was determined that although the individual was handcuffed the second taser deployment was reasonable in this instance.

Board Member O’Halloran stated that she does believe the individual was actively resisting but was not convinced that it meets the definition of assaultive behavior.

Board Member Brown suggested that the Fort Myers Police Department consider adjusting the definition slightly. He explained that his initial reaction was that the individual was not behaving in an assaultive manner, however, after some consideration felt that his behavior could have led to someone getting injured by his continued lack of cooperation.

Chair Parker noted that it appeared the officers knew him. Board Member O’Halloran added that it can be heard in the body cam footage that one of the officers’ stated, “he was the same way last night.”

MOTION: It was moved by Board Member Brown to accept the findings by the police department for Case No. *IA 2021-014; seconded by Board Member Votaw.

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

NON-MANDATORY REVIEW BY BOARD

12. **Case No.:** IA 2021-004

Investigator: Sergeant James Langton

Complainant: Principal Angela Nadar

Officer: Grampa Cop Richard Flesland

- i. **Policy Related to Complaint:** General Order 9.1
General Rules of Conduct Section II (2) Obedience to laws, rules, ordinances, and departmental policies, rules, orders, and procedures

Chief of Police Disposition: Resigned in Lieu of Termination

Discipline: Sustained

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

Chief of Police Disposition: Resigned in Lieu of Termination

Discipline: Sustained

Sergeant Langton stated that it was alleged that while working with a small group of students Grampa Cop Richard Flesland struck a juvenile in the back of the head with an open hand.

MOTION: It was moved by Board Member Votaw to accept the findings by the police department for Case No. IA 2021-004; seconded by Board Member Brown.

A roll call vote was taken as follows: Boyd-Dorsey – Aye; O’Halloran – Aye; Votaw – Aye; Brown – 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 May 10, 2022 at 5:30 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:56 p.m.