

**MINUTES  
CITY OF FORT MYERS  
CITIZENS POLICE REVIEW BOARD  
MAY 11, 2021**

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, May 11, 2021, at 5:30 p.m. Present were Danielle L. O'Halloran, Chair, presiding; Erma Boyd-Dorsey; Forrest H. Banks; Robert W. Votaw, Jr.; Amanda L. Dennis; Michele Parker, Board Members. Also present were Grant W. Alley, City Attorney, Gwen Carlisle, City Clerk and Lily Baker, Recording Specialist. Absent: Steven Brown-Cestero and Nzingha Gaines, Board Members.

**PLEDGE OF ALLEGIANCE**

Chair O'Halloran 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: 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 presented to the Mayor and City Council.

Chair O'Halloran gave a summary of the Annual Report and outlined the information the Board approved to include in the presentation to the Mayor and City Council. She noted that the City Clerk suggested to align the Annual Report presentation with the election of the Chair and Vice Chair.

***MOTION: It was moved by Chair O'Halloran to present the Annual Report to the Mayor and City Council at the June 21, 2021 City Council Regular meeting; Board Members are encouraged to attend and participate if their schedule allows; seconded by Vice Chair Boyd-Dorsey.***

***A roll call vote was taken as follows: Boyd-Dorsey – Aye; Votaw – Aye; Dennis – Aye; Parker – Aye; Chair O'Halloran – Aye. Motion carried unanimously. Board Member Banks was not present for the vote.***

**PUBLIC INPUT**

None.

**NEW BUSINESS/PRESENTATIONS**

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

***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 April 13, 2021; seconded by Board Member Parker.***

***A roll call vote was taken as follows: Boyd-Dorsey – Aye; Votaw – Aye; Dennis – Aye; Parker – Aye; Chair O’Halloran – Aye. Motion carried unanimously. Board Member Banks was not present for the vote.***

*Board Member Banks arrived at the meeting at 5:35 p.m.*

**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 of:

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.

IG Oswald noted that the training will be held at the Police Academy and he 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

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

**MOTION:** *It was moved by Chair O'Halloran to approve the Consent Agenda as presented; seconded by Vice Chair Boyd-Dorsey.*

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

None.

**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

Sergeant Dan Losapio stated that this is the second complaint made by James Carroll. He mentioned that Mr. Carroll has a YouTube channel and often films the Police on different calls for service.

Board Member Dennis noted that it appears the filming of officers is occurring more often and inquired if Fort Myers Police Department is experiencing more individuals filming police activity. Sergeant Losapio stated filming police activity is expected, what they are experiencing more of are individuals/YouTubers provoking the Officers. Board Member Dennis inquired if trainings are provided on how to handle or deescalate the situation.

Chair O'Halloran noted that Mr. Carroll appeared to be attempting to engage Officer Perry in a confrontation to catch on camera and suggested once an Officer can determine that an individual is trying to bait them, they should not engage.

**MOTION: It was moved by Board Member Banks to accept the findings of the police department for Case No. Admin 2020-021; seconded by Vice Chair Boyd-Dorsey.**

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

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

Lieutenant Jesus Ramos stated that this case pertained to Lieutenant Tarman making a statement to an individual at the scene of a call and asked if the Board Members had any questions.

Chair O’Halloran commended the Officer for taking ownership and apologizing.

Board Member Dennis stated that she appreciated that Lieutenant Tarman was counseled and reprimanded.

**MOTION: It was moved by Vice Chair Body-Dorsey to accept the findings of the police department for Case No. Admin 2020-022; seconded by Chair O’Halloran.**

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

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

Chair O'Halloran announced that she would be recusing herself from this item, as she has previously represented Officer Luke Walsh on a different unrelated matter.

Lieutenant Jesus Ramos stated that Lieutenant Brian O'Reilly is no longer with the Fort Myers Police Department and would be available to review the case if the Board had any questions.

***MOTION: It was moved by Board Member Parker to accept the findings of the police department for Case No. Admin 2020-023; seconded by Board Member Dennis.***

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

- 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

Lieutenant Jesus Ramos stated that an officer responded to a theft of a Joe Biden sign and subsequently, the Officers' Supervisor was summoned to the scene for assistance. The

complainant alleged that the Supervisor, Sergeant Jose Gomez, was not professional in their encounter.

***MOTION: It was moved by Chair O'Halloran to accept the findings of the police department for Case No. Admin 2020-025; seconded by Board Member Parker.***

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

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

Board Member Votaw inquired if this case came before the Board in the past. Sergeant Daniel Morency replied that there were three separate complaints involving three separate subject Officers.

Board Member Parker clarified that the owner, who was not present, wanted the complaint made and the manager, who was present, did not. Sergeant Morency stated that it appeared to have been an issue of miscommunication between the Officer and the individuals working at the time.

***MOTION: It was moved by Chair O'Halloran to accept the findings of the police department for Case No. Admin 2020-028; seconded by Board Member Dennis.***

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

### **OTHER BUSINESS**

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

Major Bill Newhouse thanked Board Member Banks for his comment and added that this shows the Fort Myers Police Department is holding their Officers accountable for their actions.

**NEXT MEETING ANNOUNCEMENT**

Chair O'Halloran stated that the next meeting will be held on June 8, 2021 at 5:30 p.m.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:05 p.m.