

**MINUTES
CITY OF FORT MYERS
CITIZENS POLICE REVIEW BOARD
JUNE 14, 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, June 14, 2022, at 5:30 p.m. Present were Michele Parker, Chair, presiding; Robert W. Votaw, Jr., Forrest H. Banks, Amanda L. Dennis, Nzingha Gaines, Danielle L. O'Halloran, and Steven Brown-Cestero, Board Members. Also present were Johnny Streets, Council Member Liaison to the Citizens Police Review Board, Ronald A. Dente, Jr., Assistant City Attorney, Gwen Carlisle, City Clerk, and Lily Baker, Recording Specialist. Absent: Erma Boyd-Dorsey, Vice Chair and Grant W. Alley, City Attorney.

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: Erma Boyd-Dorsey, Vice Chair and Grant W. Alley, City Attorney.

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

OLD BUSINESS

1. Sequential list of cases from January 2020 through December 2021 requested by Board Members at the May 10, 2022 Citizens Police Review Board Meeting (Lieutenant Lesa Breneman)

Board Member Brown requested that discussion be tabled until the August 9, 2022 Citizens Police Review Board meeting, as he had requested the spreadsheet and is not prepared to discuss at this time.

Chair Parker inquired what makes a case ineligible to come before the Citizens Police Review Board. Lieutenant Lesa Breneman replied that if a case was categorized as an internal affairs or administrative investigation it would likely be due to it being an internal complaint versus a citizen complaint. If it was categorized as a preliminary investigation and noted as ineligible, it would likely be an anonymous complaint or a complaint that was made more than 120 days after the allegation occurred.

MOTION: It was moved by Board Member Brown to table discussion of the details of the spreadsheet to the August 9, 2022 Citizens Police Review Board meeting; seconded by Board Member Votaw. Motion carried unanimously.

NEW BUSINESS/PRESENTATIONS

2. Minutes and Board Report of the Citizens Police Review Board meeting held on May 10, 2022

MOTION: It was moved by Board Member Banks to approve the minutes, and Board Report of the Citizens Police Review Board meeting held on May 10, 2022; seconded by Board Member Brown. Motion carried unanimously.

CONSENT AGENDA (NONE)

(Any Board Member may remove an Item from the Consent Agenda and place it on the Regular Agenda for discussion following the Consent Agenda)

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)*

3. **Case No.:** IA 2021-019

Investigator: Captain Joshua Steinman

Complainant: Chief Derrick Diggs

Officer: Sergeant Domonic Zammit

i. **Policy Related to Complaint:** General Order 6.1
Use of Force & Response to Resistance Section VIII
Situational Response Model

Chief of Police Disposition: Exonerated

Discipline: None

ii. **Policy Related to Complaint:** General Order 9.1
General Rules of Conduct Section II (A) (21) Conduct
Toward the Public

Chief of Police Disposition: Sustained

Discipline: Retraining/Policy Review

Lieutenant Lesa Breneman stated that Captain Steinman was not present, and she would answer any questions the Board may have.

Board Member Brown noted that the audio on the video did not start until the 30 second mark and inquired if audio begins after the officer presses the button and receives an audible alert and Lieutenant Breneman replied yes.

Board Member Brown asked for clarification on the policy for muting and inquired when the officer can mute their cameras. Lieutenant Breneman explained that the officers are permitted to mute their cameras when they are not in contact with a citizen or if they want to have an officer conference or officer-supervisor conference.

Board Member O'Halloran mentioned Graham v. Connor, wherein the court held in that case when looking at reasonableness of an action under a certain situation you look at a three-prong approach: the severity of the crime, the risk of the posing immediate threat and whether the person is actively resisting. When the officers arrived on scene to what was either a disturbance or fight, the gentleman who ends up being the subject of this had been hit with a beer bottle and inquired what crime was he committing.

Lieutenant Breneman stated that it was a breach of peace call, and it was for people fighting outside. When the officers arrived their attention was directed towards Mr. Duran, the complainant who eventually became the defendant.

Board Member O'Halloran stated that she felt the punches escalated the situation. Board Member Votaw noted that Mr. Duran settled down after and began to comply and stopped resisting.

Board Member Votaw stated that all officers on the scene noted that it was an active resistance response by Mr. Duran and per policy with an active resistance response, a use of hands, fists, knees, feet, or aerosol can, is allowed.

Board Member Brown commended Fort Myers Police Department and noted that there were multiple officers that were on the scene that spoke Spanish.

MOTION: It was moved by Board Member Banks to accept the disposition of the police department for Case No. IA 2021-019; seconded by Board Member Votaw. Motion carried unanimously.

NON-MANDATORY REVIEW BY BOARD (NONE)

OTHER BUSINESS

Chair Parker announced that it was Board Member Votaw's last day with the Citizens Police Review Board and the Board Members thanked Board Member Votaw for his dedication to the Board for the last 9 years.

Chair Parker announced that the annual presentation to the City Council was approaching and asked the Board to be ready to discuss their ideas at the next meeting.

NEXT MEETING ANNOUNCEMENT

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:51 p.m.