



## **Citizens Review Board Tampa, Florida Meeting Minutes**

The Citizens Review Board of the City of Tampa, Florida convened in a regular session in the City Council Chambers 315 E. Kennedy Blvd, Tampa Florida, 33602 at 6:00 p.m. on this 27<sup>th</sup> day of June 2023.

The Legal Department was represented by Senior Assistant City Attorney, Michael Schmid.

The Recording Secretary was Tonia Wilcox, Sr. City Council/City Clerk Support Technician.

### **I. Call to Order**

The meeting was called to order by Chair Aquil.

### **II. Pledge of Allegiance**

### **III. Roll Call**

Tonia Wilcox conducted a roll call. The following members were present upon roll call: Banks, Tamayo, Reyes, Guy, Aquil, Ingandela and Valdes. Member Collins being absent at roll call.

### **VIII. Community and Tampa Police Department Matters (Item moved up on Agenda)**

Chief Lee Bercaw made a guest appearance to address the board. Chief Lee Bercaw discussed his history and the future plans he has for Tampa Police Department.

Discussion took place amongst members and Chief Bercaw regarding how the Tampa Police Department reaches out to veterans informing them of their hiring process. Chief

Bercaw stated that TPD has a military affairs liaison who can reach veterans through flyers and social media.

Discussion took place amongst members and Chief Bercaw regarding the length of time he has been with TPD. Chief Bercaw stated that he had been with TPD for 27 years.

Discussion took place amongst members and Chief Bercaw regarding whether he was in law enforcement before joining TPD, and what inspired him to become a law enforcement officer. Chief Bercaw stated that during his high school years he had an interaction with a school resource officer at Clearwater High and from that moment he was motivated to go into law enforcement.

Discussion took place amongst members and Chief Bercaw regarding TPD's Tuesday Talks Program and how the Citizens Review Board can be involved. Chief Bercaw stated that he will make sure Senior Assistant City Attorney, Michael Schmid, and Captain Patrick Messmer provide flyers to the CRB, so that they can remain informed concerning future dates.

Discussion took place amongst members and Chief Bercaw regarding the new gun laws that goes into effect July 1, 2023, and what protocols does TPD have in place. Chief Bercaw stated that TPD have legal bulletins, which provides the officers with updates concerning the laws.

Chair Aquil asked for the record to reflect that member Collins was absent; however, is now present. Board member Collins' arrival time was 6:02 p.m.

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#### **IV. Approval of Minutes**

**Chair Aquil requested a motion for approval of the Minutes from the May 23, 2023, meeting. A motion was made by Guy, seconded by Collins. Motion carried 7-0, with Banks being absent.**

#### **V. Public Comment**

Chair Aquil asked if there was anyone who signed up for public comment.

The following public speakers appeared:

1. Filip Freund with the Tampa Bay Community Action Committee - approached and spoke with reference to the ordinance which was passed concerning independent counsel and when the CRB will have its own independent counsel. Mr. Freund also, asked for clarification as to why case #2020-CF-000291, for Kelsey

Storemski was pushed back to October 24, 2023 meeting, so that the city won't be sued by Ms. Storemski.

There were no written public comments.

There were no voice messages for public comments.

Senior Assistant City Attorney, Michael Schmid approached and stated that there were no voicemails prior to the 24-hour deadline before the meeting. However, on June 27, 2023, at 5:00 p.m., someone contacted Tonia Wilcox, Clerk and stated that a voicemail was left for tonight's public comments. Unfortunately, the voicemail could not be retrieved for tonight's meeting, being that it was after 5:00 p.m. Nonetheless, the voicemail will be retrieved and presented at the July 25, 2023, meeting.

Discussion took place amongst members and Senior Assistant City Attorney, Michael Schmid regarding the recorded audio, if it fits into the same parameters as the 3 minutes that are allotted for the public speakers. Senior Assistant City Attorney, Michael Schmid stated that the voice message greeting mentions to limit your comments to 3 minutes.

## **VI. Staff and Board Response to Public Comments**

Discussion took place amongst members and Senior Assistant City Attorney, Michael Schmid regarding the independent counsel for CRB. Senior Assistant City Attorney, Michael Schmid, stated that the language involving the independent counsel position had to be drafted and it's in the process of being posted and advertised.

Discussion took place amongst members and Senior Assistant City Attorney, Michael Schmid regarding the interviewing process. Senior Assistant City Attorney, Michael Schmid, stated that he is not involved in the hiring process of independent counsel; therefore, he was unable to provide feedback.

Discussion took place amongst members and Senior Assistant City Attorney, Michael Schmid regarding a presentation to have staff provide a forecast as to when the interviewing process will take place for independent counsel.

**Chair requested a motion. A motion was made by Valdes, seconded by Tamayo to have staff provide a forecasting presentation as to when the independent counsel hiring process will take place. Motion carried 7-0, with Banks being absent.**



## **VII. Items to be Reviewed**

- 1. 22F-008: MOR 1007 – Conformance to Laws, Sustained- MOR 1005 Standard of Conduct, Sustained. An officer was charged with Soliciting another to commit prostitution. The Officer resigned.**

Captain Patrick Messmer with the Tampa Police Department Professional Standards Bureau approached and presented the case against a former police officer who was charged with soliciting another to commit prostitution. On July 19, 2022, the officer began to communicate online with someone who he had thought was an escort. The next day on July 20, 2022, the officer started communicating via text messaging to the escort impersonator, which led to them meeting up at a hotel to transact business in exchange for money. It turns out, the escort impersonator was an undercover Hillsborough County Sheriff Detective. The Sheriff's office was conducting an undercover operation for human trafficking, which is why the website was created. Later, the officer was arrested, charged with solicitation of prostitution, and taken to jail. During the officer's administrative interview with Internal Affairs, the officer admitted that he was guilty of the crime of soliciting another to commit prostitution. The officer also admitted that he had used the same escort site before and did not get caught. Since, the officer was facing termination he opted to resign. The case was reported to the Department of Florida Law Enforcement, and the charges were sustained. However, the Department of Florida Law Enforcement found probable cause to charge the officer with a moral character violation, which is still in the administrative process.

Discussion took place amongst members and Captain Messmer regarding if the officer's criminal case is still ongoing. Captain Messmer stated that the criminal case with the State Attorney's Office has been resolved.

Discussion took place amongst members and Captain Messmer regarding how the officer's criminal case was resolved. Captain Messmer stated that to his knowledge the officer entered a misdemeanor intervention program.

Discussion took place amongst members and Captain Messmer regarding how long the officer had been employed with TPD. Captain Messmer stated that the officer had been employed a little under two years.

**Chair Aquil requested a motion. A motion was made by Guy, seconded by Tamayo to concur with the disposition and the findings of MOR 1007 – Conformance to Laws, Sustained- MOR 1005 Standard of Conduct, Sustained. An officer was charged with Soliciting another to commit prostitution. Motion carried 7-0, with Banks being absent.**

## **IX. CRB Staff Reports and Business**

1. Senior Assistant City Attorney, Michael Schmid approached and presented the requirements for CRB Community Survey.

Discussion took place amongst members and Senior Assistant City Attorney, Michael Schmid regarding the ordinance that took place on December 2021, under section 18-8, which states that the CRB shall conduct a community survey every two years to gather public feedback of TPD policies and procedures. On December 2023, is when the survey is to be conducted by the CRB and posted for a ten-week period. However, TPD has started to investigate conducting its own surveys and would like for the CRB to participate in the survey. Although, TPD have not made a final decision as to how the surveys will be conducted, they have explored many options such as SurveyMonkey, Zencity and USF to help create the survey. At this juncture, TPD does not have a definitive plan as to what they are going to do concerning the surveys. Since, more investigative work should be conducted by TPD, Senior Assistant City Attorney, Michael Schmid recommended that the surveys be tabled to the July 25, 2023, meeting.

Discussion took place amongst members and Senior Assistant City Attorney, Michael Schmid regarding the CRB being able to view last year's CRB Community Survey questions and making sure the CRB is completely involved in the types of questions that are listed on the survey. Senior Assistant City Attorney, Michael Schmid stated that the previous survey will be emailed to each board member. To this extent, Senior Assistant City Attorney, Michael Schmid stated that TPD's primary goal is to make sure the survey is fair, and the questions are not skewed one way or another.

**Chair Aquil requested a motion. A motion was made by Collins, seconded by Valdes to table the CRB Community Survey item to next month's agenda for discussion of pending information, and for the administration to provide a copy of last year's CRB Community Survey. Motion carried 7-0, with Banks being absent.**

2. Captain Patrick Messmer approached and provided a brief overview through power point presentation on the complaint intake and administrative investigation processes.
3. Captain Patrick Messmer approached and provided a brief overview regarding the statistics of an officer retiring/resigning during an investigation.

Captain Messmer reported that during TPD's investigative phase of their officer's behaviors, four officers resigned and three were terminated.



Discussion took place amongst members and Captain Patrick Messmer regarding an officer being able to resign pending an investigation, due to the length of time it takes to conclude the investigation, and if the officer resigns are they eligible for pension and benefits. Captain Patrick Messmer stated that he believes that an officer is entitled to benefits; however, he was not sure; regarding the pension, if the officer is not convicted of a felony they are entitled to their pension. Captain Messmer also stated, that TPD does not encourage anyone to resign instead of being terminated.

#### **X. Items Continued**

Chair Aquil confirmed the date of October 24, 2023, for the Kelsey Storemski case to be heard at the CRB meeting,

#### **XI. Announcements/New Business**

Chair Aquil announced the next meeting will be held on **July 25, 2023 at 6:00pm**, Old City Hall, 315 E. Kennedy Blvd, 3<sup>rd</sup> Floor, and if anyone is not able to attend the meeting to please notify the Clerk at least 48 hours in advance.

Senior Assistant City Attorney, Michael Schmid approached and advised the Citizens Review Board that at tonight's meeting the ordinance regarding the Citizens Review Board independent counsel was emailed to them, as well as the Citizens Review Board surveys from the last two prior years. Senior Assistant City Attorney, Michael Schmid went over the ordinance with the CRB, so that they would have a clear understanding as to how the selection of the Citizens Review Board independent counsel process works.

Discussion took place amongst members and Senior Assistant City Attorney, Michael Schmid regarding the independent counsel's rate of pay. Senior Assistant City Attorney, Michael Schmid stated that City Council will approve the contract of services for CRB counsel, and the rate of pay could be an annual salary or an hourly rate, which will be capped.

Discussion took place amongst members and Senior Assistant City Attorney, Michael Schmid regarding an incident which occurred at the City of Tampa's, Fire Station 13, and CRB would like to know which department is investigating the matter. Captain Patrick Messmer stated that TPD's Professional Standards Bureau does not conduct administrative investigations for the Fire Department, those are handled by the Human Resources Department; however, TPD does conduct criminal investigations.

Discussion took place amongst members and Senior Assistant City Attorney, Michael Schmid regarding the Fire Department Station 13, incident and if it meets the CRB guidelines items to be reviewed. Senior Assistant City Attorney, Michael Schmid confirmed that the Fire Department's incident does not fall within the scope of the CRB items to be reviewed, and the CRB should focus on the purpose and declaration section, 18-8b of the ordinance when it concerns the reviewing of cases.

## **XII. Adjournment**

**There being no further business to come before the Citizens Review Board at this time, said meeting was adjourned at 7:47p.m. this 25<sup>th</sup> day of June 2023.**

  
CHAIRMAN/VICECHAIRMAN  
RECORDING SECRETARY  
CITY CLERK/DEPUTY CITY CLERK

### **DISCLAIMER**

***The Office of the City Clerk does not prepare verbatim transcripts of the proceedings of the Citizen Review Board.***

***Upon request, an audio CD recording of this proceeding is available from the Office of the City Clerk for a fee. Our telephone number is (813) 274-8131. Upon request, a DVD of the actual proceeding is available from the Office of Digital Media Productions for a fee. Their telephone number is (813) 274-8127.***

***Meetings on Demand can be viewed on the City of Tampa Meeting – YouTube Channel website at <https://www.youtube.com/channel/UCLzohJmEgvfJOEd4YJNlHbg>***