



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

The Citizens Review Board of the City of Tampa, Florida convened in a regular session in the Middleton High School Auditorium, 4801 N. 22<sup>nd</sup> Street, Tampa Florida, 33610 at 6:05 p.m. on this 28<sup>th</sup> day of March 2023.

The Legal Department was represented by Assistant City Attorney Camaria Pettis-Mackle.

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: Tamayo, Reyes, Aquil, Ingandela and Valdes. Member Banks, Collins and Guy being absent at roll call.

**IV. Approval of Minutes**

Chair Aquil requested a motion for approval of the Minutes from the February 28, 2023, meeting. A motion was made by Tamayo, seconded by Reyes. Motion carried 5-0, with Banks, Collins and Guy being absent.

Discussion took place amongst members regarding rearranging the agenda with reference to public comments; allowing late participants to speak under CRB Staff Reports and Business.

**Chair Aquil requested a motion. A motion was made by Valdes, seconded by Ingandela to rearrange the agenda granting the late participants an opportunity to speak publicly during the CRB Staff Reports and Business. Motion carried 5-0, with Banks, Collins and Guy being absent.**

## **V. Public Comments**

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 claimant, Kelsey Storemeski, who was assaulted by Tampa Police Department officers on October 12, 2019. Mr. Freund asked the Citizens Review Board to investigate this matter for excessive use of police force and a violation of the Professional Codes of Conduct.
2. Sandra Zikry approached and spoke with reference to an ongoing concern regarding a case with the Tampa Police Department.

Chair Aquil asked for the record to reflect that member Collins was absent; however, is now present. Member Collins arrival time was 6:17 p.m.

There were no written public comments.

There were no voice messages for public comments.

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

Discussion took place amongst members regarding the Sandra Zirky case, whether a complaint had been filed with the Tampa Police Department.

Discussion took place amongst members regarding how the public files a report with the Citizens Review Board when they have a concern with the Tampa Police Department.

Discussion took place amongst members and Captain Patrick Messmer regarding clarification as to how a report is filed with the Department of Professional Standards.

Discussion took place amongst members and Sandra Zirky regarding her ongoing cases with the Tampa Police Department and if a report was filed by Ms. Zirky. The board provided feedback on how an in-person complaint could be filed directly with the Tampa Police Department Substations, as well as how to file a complaint directly with the Citizens Review Board.

Discussion took place amongst members and Sandra Zirky regarding an explanation as to how cases are selected to be reviewed by the board.

Discussion took place amongst members and Sandra Zirky regarding the case numbers, 20-C-134, 20-C-128 and 20-C-126, which Ms. Zirky wishes the Citizen Review Board to review.

Discussion took place amongst members and Captain Messmer regarding the Sandra Zirky complaint cases. Captain Patrick Messmer summed up the confusion regarding Ms. Zirky's complaints. Captain Messmer stated these were only complaint cases, and not formal cases that did not result in a disposition or a disciplinary action. These complaints were reviewed by the Investigator, and Investigator Commander, there was a consultation with the State Attorney Office and Legal, which they all determined that there would be no criminal charges filed.

Discussion took place amongst members and Assistant City Attorney Camaria Pettis-Mackle regarding whether the CRB is allowed to make a motion to bring Sandra Zirky's complaint cases before CRB, based on Captain Messmer's summary of Ms. Zirky's complaints.

Discussion took place amongst members and Assistant City Attorney Camaria Pettis-Mackle regarding what other agencies are available to Sandra Zirky to assist with her concerns.

Discussion took place amongst members and Senior Assistant City Attorney Michael Schmid regarding what type of complaint Sandra Zirky had filed and recommendations for Ms. Zirky to seek further assistance concerning her complaints.

**Chair Aquil requested a motion. A motion was made by Valdes, seconded by Collins to bring cases #20-C-134, 20-C-128 and 20-C-126, before the Citizens Review Board to be reviewed and discussed by the CRB. Motion failed 2-4, with Aquil, Tamayo, Ingandela and Reyes voting no, Banks and Guy being absent.**

## VII. Items to be Reviewed

1. **21F-020- MOR 1007 Conformance to laws, Sustained MOR 1005 Standard of Conduct, Sustained, MOR 1208 Insubordination, Sustained. An officer was charged with Battery (Domestic Violence) as the result of an off-duty incident. A warrant was issued for his arrest. The officer's Major ordered him to turn himself in, which he refused. The officer resigned during the investigation.**

Captain Patrick Messmer with the Professional Standards Bureau approached and presented the case concerning a police officer who was involved in a domestic dispute. The responding agency Hillsborough County Sheriff Department met with the victim who did not recall the incident; however, the victim did show signs of injuries. Being that the incident was captured on video there was no disputing that the incident did not happen. Through some investigative work the Sherriff's Office was able to identify the officer who committed the offense. A warrant was issued for the officer's arrest. The officer's division commander gave him an order to turn himself in based on the warrant, but the officer refused. Days later, the officer was arrested and charged with battery domestic violence. The officer was then relieved of his duties pending the investigation. While the case was being investigated, the officer decided to take deferred retirement as he declined to cooperate with the Internal Affairs investigation. After the investigation, it was determined that the Conformance to Laws, Standard of Conduct, and Insubordination were all sustained and reported to the Florida Department of Law Enforcement to review the moral character violation. The Florida Department of Law Enforcement found probable cause that the moral character violation did occur. A hearing will be set for the officer to go before the Florida Department of Law Enforcement to determine if he will face decertification for moral character; though, the criminal charges against the officer were dismissed by the State Attorney's Office.

Discussion took place amongst members and Captain Messmer regarding what deferred retirement entails. Captain Messmer stated deferred retirement is offered to individuals who decides to resign and has 10 years or more of service.

Discussion took place amongst members and Captain Messmer regarding the difference between the battery charges; Sections 943.13 and 784.03, Florida Statues.

Discussion took place amongst members and Captain Messmer regarding how benefits can be withheld when an employee is charged with a crime. Captain Messmer explained that benefits can be withheld if the individual is charged with a felony.

**Chair Aquil requested a motion. A motion was made by Tamayo, seconded by Reyes to concur with the disposition MOR 1007 Conformance to laws, sustained MOR 1005 Standard of Conduct, sustained, MOR 1208 Insubordination, sustained. Motion carried 6-0, with Banks and Guy being absent.**

### **VIII. Community and Tampa Police Department Matters**

There were no Community and Tampa Police Department Matters.

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

Discussion took place amongst members and Assistant City Attorney Camaria Pettis-Mackle regarding the date to present the 2022 Annual Report to City Council. Assistant City Attorney Camaria Pettis-Mackle stated currently there is no date; once the date has been determined she will update the Citizens Review Board.

Discussion took place amongst members regarding the Tampa Police Department cases that were reviewed by the Citizens Review Board. The board members shared their concerns about not seeing a priority list of pending cases indicated in the 2022 Annual Report.

Discussion took place amongst members regarding the Tampa Police Department reviewed cases by the Citizens Review Board and how the case's final dispositions did not list specific reasons why the board concurred or did not concur was not documented in the 2022 Annual Report.

Discussion took place amongst members and Captain Patrick Messmer regarding the specifics as to why the case's final dispositions were not indicated in the 2022 Annual Report. Captain Patrick Messmer stated that if the board does not provide an explanation in their motions as to why they concurred or did not concur with the findings and it's not referenced in the minutes, then it will not be mentioned in the reports.

Discussion took place among members regarding future minutes being documented with specific reasons why the CRB concurred or did not concur with the findings of each case.

Discussion took place among members and Assistant City Attorney Camaria Pettis-Mackle concerning the deadline for the Annual Report to be signed and presented to the City Council.

**Chair Aquil requested a motion. A motion was made by Collins, seconded by Reyes, to receive and approve the 2022 Annual Report to be presented to City Council. The motion was amended and restated by Collins that the CRB approves the 2022 Annual Report, which was received in March of 2023, and that Assistant City Attorney Camaria Pettis-Mackle along with the CRB Chair, and notification to the board to move forward with the presentation before Tampa City Council.**

**Amended motion accepted by Reyes. Motion carried 6-0, with Banks and Guy being absent.**

Discussion took place among members, Captain Messmer and Assistant City Attorney Camaria Pettis- Mackle regarding future motions being made by the CRB when agreeing or disagreeing with dispositions, as well as disciplines to reviewed cases.

Discussion took place among members, Captain Messmer and Assistant City Attorney Camaria Pettis- Mackle regarding future minutes to reflect what the CRB's motion states.

Chair Aquil announced if there were any participants in the audience who arrived late and would like to speak publicly, to please approach the microphone.

3. Joe Nohava with the Tampa Bay Community Action Committee - approached and spoke with reference to claimant, Kelsey Storemeski, who was assaulted by Tampa Police Department officers on October 12, 2019. Mr. Nohava asked the Citizens Review Board to investigate this matter for excessive use of police force and a violation of the Professional Codes of Conduct.

Chair Aquil concluded the public comment portion of the meeting.

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

No items to be continued.

#### **XII. Announcements/New Business**

Chair Aquil announced the next meeting will be held on **April 25, 2023 at 6:00pm**, Forest Hills Community Center, 724 W 109th, Tampa Florida, 33612. If anyone is not able to attend the meeting, please notify the Clerk at least 48 hours in advance.

Discussion took place amongst members Assistant City Attorney Camaria Pettis- Mackle regarding the Citizens Review Board's website being revised to provide a simpler way for the citizens to submit a complaint. A presentation will be given to the CRB when the board meets in May,2023.

Discussion took place amongst members and Assistant City Attorney Camaria Pettis-Mackle regarding the CRB signing the condolence letter for the Irvin family and the follow-up letter for State Attorney Susan Lopez to appear before the CRB to explain the Examination of Racial Disparity and Bicycle Stops and Citations Program.

Discussion took place amongst members and Senior Assistant City Attorney Michael Schmid regarding case 19-531689, being brought before the CRB. Senior Assistant City Attorney Michael Schmid stated that the case is scheduled to be presented during the October 2023, CRB meeting.

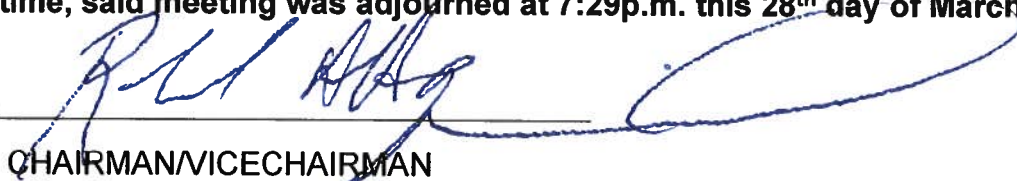
Discussion took place amongst members and Assistant City Attorney Camaria Pettis-Mackle regarding the CRB survey. The survey is still being discussed internally and an update will be provided at the next CRB meeting.

Discussion took place amongst members regarding how the CRB would like to see more participation and attendance from the City Council members at the Citizens Review Board meetings.

Discussion took place amongst members regarding how the public should be made aware, better educated, and informed about the upcoming Citizens Review Board meetings.

### XIII. Adjournment

There being no further business to come before the Citizens Review Board at this time, said meeting was adjourned at 7:29p.m. this 28<sup>th</sup> day of March 2023.



CHAIRMAN/VICECHAIRMAN



RECORDING SECRETARY



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