



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

The Citizens Review Board of the City of Tampa, Florida convened in a regular session in the Forest Hills Community Center, 724 W. 109th Avenue Street, Tampa Florida, 33612 at 6:03 p.m. on this 25th day of April 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, Guy and Valdes. Members Banks, Collins and Ingandela being absent at roll call.

IV. Approval of Minutes

Chair Aquil requested a motion for approval of the Minutes from the March 28, 2023, meeting. A motion was made by Guy, seconded by Tamayo. Motion carried 5-0, with Banks, Collins and Ingandela 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 case #2020-CF-000291, Kelsey Storemski. Mr. Freund is requesting that the case be reviewed much sooner than October 24, 2023, as he feels 6 months is too long to investigate the case and Ms. Storemski has waited long enough for justice.
2. Sandra Zikry approached and requested additional time to speak publicly as she has a medical disability. The request was denied by the Citizens Review Board. Ms. Zikry spoke with reference to an ongoing concern regarding a case with the Tampa Police Department.

There were no written public comments.

There were no voice messages for public comments.

VI. Staff and Board Response to Public Comment

Chair Aquil addressed Filip Freund's public comment regarding Kelsey Storemski's case. The Chair stated that the Storemski case will be presented at tonight's meeting.

VII. Items to be Reviewed

1. **22F-003 SOP #538 Response to Resistance, Not Sustained: MOR 1807 Failure to Comply, Departmental Policies to wit Standard Operating, Not Sustained; MOR 1603 Reporting Response to Resistance, Sustained. An officer was alleged to have used unnecessary force during an arrest. The allegation was not sustained; however, the officer failed to properly document his response to resistance when authoring his report. The officer received an oral admonishment.**

Captain Patrick Messmer with the Professional Standards Bureau approached and presented the case of an officer who was alleged to have used unnecessary force during an arrest. The allegation was not sustained; however, the officer failed to properly document his response to resistance when authoring his report. The officer who is a part of the Street Anti-Crime Squad was riding as a passenger in the police car along with his partner. Other officers in a helicopter observed the vehicle that was traveling at a high rate of speed, weaving in and out of traffic. The helicopter unit directed the undercover vehicle, which was traveling on the ground, assumed a position to attempt a traffic stop on the vehicle. The vehicle fled the traffic stop and the undercover ground unit aborted the pursuit. The helicopter-maintained surveillance on the vehicle until it stopped; thereafter, the vehicle was abandoned. While the officer attempted to box in the occupants of the vehicle, they fled on foot. At that point, one officer chased the driver, and the other officer chased the passenger. Finally, the officer catches up with the passenger, at which time the passenger flees from the officer, and does not comply with the commands to stop and go to the ground. One of the subjects jumped over fences and landed on property. The officers then tried to tase one of subjects; however, the taser was ineffective. At that moment, the officer gave more verbal commands, which the subject refused to adhere to them. Then the officer approached the subject and was able to take him to the ground. As the subject was being taken to the ground, he continued to refuse to comply with commands. The officer asked the subject to show his hands and he rejected, at which point the officer punched the subject several times in the face to gain compliance. More officers arrived at the scene, and they were able to handcuff the subject. The subject was searched by the officers, and the officers found that the subject was carrying a firearm. The subject was arrested and charged with resisting, with violence and carrying a concealed firearm. Later, an excessive force complaint was filed by the defendant while being housed at the Hillsborough County Sheriff Detention Center, and the complaint was referred to the Tampa Police Department to address. When the Department of Professional Standard's staff reviewed the officer's report, they noticed that a supplemental report was not written by the officer, which is a requirement whenever force is used to apprehend a suspect; however, the use of force was documented on the use of force detail page, which indicates the level of force which was used. An internal affairs case was opened against the officer for not submitting the supplemental report. A mandatory supervisor review was conducted by the officer's sergeant and lieutenant. While reviewing the case, the officer's sergeant and lieutenant discovered that the officer did not provide the written supplemental report and the officer was ordered to write the supplement report, which he completed. During that time, the officer was interviewed by internal affairs and the supplemental report had been written; however, the report was not written in compliance with policy. After the investigation, it was determined that SOP #538 Response to Resistance, Not Sustained; MOR 1807 Failure to Comply, Departmental Policies to wit Standard Operating, Not Sustained; MOR 1603 Reporting

Response to Resistance, Sustained. However, the MOR 1603 Reporting Response to Resistance was sustained because the Standard Operating Procedures does require documentation to be made; however, it does not give a specific timeline. Since the Manual of Regulation says that the report must be complete by the end of the shift, and the officer did not complete the report by shift end. The officer's captain sustained MOR 1603 Reporting Response to Resistance and the officer was given an oral admonishment.

Discussion took place amongst members and Captain Messmer regarding clarification as to when the supplemental report must be written. Captain Messmer stated the report must be written by the end of shift.

Discussion took place amongst members and Captain Messmer regarding how long it took the department to amend the report. Captain Messmer responded it took some time, and the report was not written at the end of the officer's shift, let alone within the same work week.

Discussion took place amongst members and Captain Messmer regarding why the taser was not working. Captain Messmer responded that it is difficult to tase someone while they are running and the use of the taser becomes ineffective.

Discussion took place amongst members and Captain Messmer regarding if there was support to the probable cause speeding allegation to the initial stop, which was mentioned in the report. Captain Messmer stated according to the Aviation Unit's report, they had a good view of the vehicle traveling at a high rate of speed, and due to the vehicle weaving in and out of traffic causing other vehicles to slam on breaks that is enough support to cite the suspect with a careless driving charge.

Discussion took place amongst members and Captain Messmer regarding how many punches were thrown at the suspect by the officer, and at what point would the punches be considered excessive force. Captain Messmer stated that the suspect was punched 3 times by the officer. However, if the officer had gained access to the suspect's hand and subsequent punches were thrown by the officer, then the officer's actions would be deemed as using excessive force.

Discussion took place amongst members and Captain Messmer regarding the officer's oral admonishment discipline and his past disciplinary history. Captain Messmer stated that the oral admonishment is the first step in the formal disciplinary action. Even though the officer had some past disciplinary issues, none of them relates to the current discipline, which is the lack of documentation.

Discussion took place amongst members and Captain Messmer regarding Tampa Police Department's policy when an officer receives an oral admonishment discipline, does the Tampa Police Department offer retraining to the officers? Captain Messmer stated that retraining procedures are in place for the officers, and retraining is provided based on the severity of the violations.

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

Chair Aquil requested a motion. A motion was made by Guy, seconded by Reyes to concur with the disposition of MOR 1807 Failure to Comply, Departmental Policies to wit Standard Operating, Not Sustained; MOR 1603 Reporting Response to Resistance, Sustained. Motion carried 6-0, with Banks and Ingandela being absent.

VIII. Community and Tampa Police Department Matters

There were no Community and Tampa Police Department Matters.

IX. CRB Staff Reports and Business

There were no Community and Tampa Police Department Matters.

X. Items Continued

No items to be continued.

XII. Announcements/New Business

Discussion took place amongst members and Assistant City Attorney Camaria Pettis-Mackle regarding the review of Kelsey Storemski case, 21C-171 and the date discrepancy. Assistant City Attorney Camaria Pettis-Mackle clarified and provided the correct date as to when the case will be heard at the October 24, 2023, Citizen Review Board meeting.

Chair Aquil announced the next meeting will be held on **May 23, 2023 at 6:00pm**, Old City Hall, 315 E. Kennedy Blvd, 3rd Floor, and if anyone is not able to attend the meeting to please notify the Clerk at least 48 hours in advance.

Board member Guy thanked Tampa Police Department for conducting Front Porch Roll Calls that are being promoted on Facebook. Board member Guy would like TPD to share with her how Nextdoor could request the Front Porch Roll Calls.

Discussion took place amongst members and Assistant City Attorney Camaria Pettis-Mackle regarding the Citizen Review Board survey. Assistant City Attorney Camaria Pettis-Mackle stated that she did not have an update pertaining to the Citizen Review Board survey.

Discussion took place amongst members and Assistant City Attorney Camaria Pettis-Mackle regarding the hiring of the new chief of police. Assistant City Attorney Camaria Pettis-Mackle stated that she did not have an update concerning the hiring of the new chief of police.

Discussion took place amongst members and Assistant City Attorney Camaria Pettis-Mackle regarding the State Attorney Susan Lopez to appear before the CRB to explain the Examination of Racial Disparity and Bicycle Stops and Citations Program. Assistant City Attorney Camaria Pettis-Mackle stated that she did receive a response from the State Attorney's Office, and she will provide the board with an update before the next meeting.

XIII. Adjournment

There being no further business to come before the Citizens Review Board at this time, said meeting was adjourned at 6:43p.m. this 25th day of April 2023.



CHAIRMAN/VICECHAIRMAN

RECORDING SECRETARY

CITY CLERK/DEPUTY CITY CLERK

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