



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 6:01 p.m. on this 23rd day of April 2024.

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, Aquil, Ingandela, Guy, March, Cooke, Valdes, and Banks. Member Collins was absent at roll call, **Dr. Collins arrived at 6:05 p.m.**

IV. Approval of the Minutes

Chair Aquil requested a motion for approval of the Minutes from the March 26, 2024, meeting. The motion was made by Guy, seconded by Tamayo. Motion carried 8-0, with Collins being absent.

V. Public Comment

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

There were no public comments.

Chair Aquil asked if there were any voicemails for public comments.

Assistant City Attorney Michael Schmid approached and stated one call was received from Sandra Zikry, which he was not able to get the voice message to play back. ACA Schmid further stated that he transcribed the message and provided the Board with a copy to read for themselves.

Chair Aquil asked if there were any written public comments.

There were no written public comments.

VI. Staff and Board Response to Public Comments

Board member Cooke asked why Ms. Zirky's public comment was not provided prior to the meeting as he did not get a chance to read Ms. Zikry's comment, and in the future if all comments can be provided prior to the meetings. Assistant City Attorney Michael Schmid responded, normally people show up for public comments; however, Ms. Zirky's voicemail comment was treated the same as an in-person public comment.

VII. Items to be Reviewed

- 1. 22F-001. An officer was deceptive/untruthful in the performance of his duties and untruthful to his supervisor. The officer ignored a direct order not to discuss the open investigation. MOR 1107 Truthfulness in Departmental Matters, Sustained – MOR 1204 Attentiveness to Duty, Sustained – MOR 1208 Insubordination, Sustained. The officer was terminated.**

Detective Jason Degagne with the Tampa Police Department approached and presented the case of a deceptive and untruthful officer. Detective Jason Degagne provided the CRB with detailed information involving an officer who responded to a call at a convenience store on January 4, 2022. The officer arrived on scene, asked the subject several times to leave the store at the request of the store manager. During that time, the officer never attempted to identify the suspect to create a trespass warning, and listed in his call notes that the subject walked away before he was able to obtain his name to issue

a warning. On January 22, 2022, the officer was dispatched to a suspicious person call three times. Dispatched stated that they were holding a call for the first time. Two different officers volunteered to answer the call since the original officer who was dispatched was non-responsive. The original officer who was initially dispatched came over the radio, cancelled both unit officers, and advised that he would respond; however, the officer never showed up. Then the officer placed himself at the scene using his computer and cleared the call with no call notes; additionally, there was no Body Worn Camera (BWC) footage relating to the call. Later, the officer was dispatched a second time to the same call. When the officer arrived on scene, he asked dispatch for the subject's most recent location. The officer immediately had a visual of the subject, and advised dispatch that he was in contact with the subject. Based on BWC footage when the officer made the following statement "he had a visual and was in contact with the subject" to dispatch, subject had already walked by the officer; therefore, the BWC was not able to capture footage of the conversation. Again, the officer was dispatched a third time, to the same location to assist a detective with a call. While the officer was working on the call, his supervisor requested that he call him to provide feedback regarding the response to the call. At that time, it had been determined that the officer failed to properly document previous incidents. On January 31, 2022, the officer was relieved of his duties while being under investigation. After the investigation, the officer was terminated on June 28, 2022, as it was determined that he had been deceptive and untruthful.

Discussion took place amongst members and Detective Degagne, regarding the seriousness of the officer's violations, investigation history and the delayed follow-up process from the department. Detective Degagne stated due to the investigations being conducted at the same time, it caused the dispositions to line-up close together, which caused the follow-up process to lag.

Discussion took place amongst members and Detective Degagne, regarding the police terminology which was written in the report and what it meant. Detective Degagne provided feedback and explanation as to each term.

Discussion took place amongst members and Detective Degagne, regarding the terminology and verbiage which was referenced in the report; therefore, Chair Aquil requested a motion to have someone from the Tampa Police Department to appear and provide a tutorial on what the departmental terminology and verbiage means.

Chair Aquil requested a motion. A motion was made by Cooke, seconded by Tamayo, to have the Tampa Police Department provide a quick reference guide to the Citizens Review Board regarding the police terminology. Motion carried 9-0.

Discussion took place amongst members and Detective Degagne, regarding how long the officer had been with the department and whether the officer had any prior violations. Detective Degagne stated the officer had been with the department for seven years and had violations for installing sirens on an unmarked car without permission, and a standard of conduct violation of entering another officer's vehicle without disclosing.

Chair Aquil requested a motion. A motion was made by Tamayo, seconded by Collins, to concur with the sustaining of all three violations: MOR 1107 - Truthfulness in Departmental Matters, MOR 1204 - Attentiveness to Duty, and MOR - 1208 Insubordination. Motion carried 9-0.

VIII. Community and Tampa Police Department Matters

There were no Community and Tampa Police Department Matters

IX. CRB Staff Reports and New Business

Chair Aquil brought up that he reviewed the minutes and recording from last month's meeting, he discovered that some additional items were to be added to the 2024 Annual Report. Chair Aquil confirmed that those items were added, and asked the board if they are now ready to adopt the 2024 Annual Report.

Discussion took place amongst members and Assistant City Attorney Michael Schmid, regarding making a correction to page 9, number 1 of the 2024 Annual Report concerning the number of applicants which were interviewed. ACA Schmid stated that was probably a scrivener's error, and that he will make the appropriate adjustment.

Discussion took place amongst members and Assistant City Attorney Camaria Pettis-Mackle, regarding the Citizen Review Board approving the 2024 Annual Report pending ACA Schmid's modification. Assistant City Attorney Camaria Pettis-Mackle stated that the Board can make a motion to adopt and approve the Annual Report, and use June 6, 2024, as the date to present report to The Tampa City Council.

Chair Aquil requested a motion. A motion was made by Guy, seconded by March, adopting the 2024 Annual Report with a modification on page 9, number 1, to change the number of applicants which were interviewed from 134 to 136. Motion carried 9-0.

X. Items Continued

City Attorney Camaria Pettis-Mackle provided a presentation and analysis regarding House Bill 601 Law Enforcement and Correctional Officers Bill.

Discussion took place amongst members and Assistant City Attorney Camaria Pettis-Mackle, regarding how HB 601 will impact the Citizens Review Board. Assistant City Attorney Camaria Pettis-Mackle stated that HB 601 will replace the existing Floria Statue 166.0486, to allow for a new type of Oversight Board. If the CRB members have concerns pertaining to this matter, it will be addressed at the June 6, 2024, Tampa City Council meeting, and your concerns may be heard at that time.

Some board members are still unclear as to what HB 601 entails, Assistant City Attorney Camaria Pettis-Mackle provided clarification regarding HB 601, stating that HB 601, eliminates the existing Citizens Review Board and allows the Chief of Police to create his own Citizen Board.

Board Member Valdes had deep concerns regarding the bill, he stated that there are two different interpretations of the bill, and proceeded to compare HB 601, to Florida Statue 166.0486, and how the boards should operate. Also, Member Valdes mentioned that he will make the following motions: reopening the independent counsel job search for an additional fifteen days, move forward with the four candidates who had previously applied and bring them before the Citizens Review Board for questions and answers, and proceed with CRB's usual operations.

Board Member Collins stated that HB 601 is very confusing for the CRB, and she feels that the bill is twofold, which makes the bill hard to decipher.

Discussion took place amongst members regarding HB 601, how the bill is confusing and their personal interpretations of the bill.

Discussion took place amongst members and Assistant City Attorney Michael Schmid, regarding the Citizen Review Board remaining as a board. Assistant City Attorney Michael Schmid stated that the chief is looking to develop an Oversight Board, pursuant to HB 601, and he intends to invite the members of the CRB to apply. Additionally, there are still several things that need to be sorted out concerning the creation of the board; however, as of July 1, 2024, the Ordinance for this board will no longer be valid, and the City Council will have to determine if the Citizens Review Board is going to continue with their current duties, or will they be comfortable with an implied preemption on such duties.

A motion was made by Valdes, seconded by Collins, to reopen the independent counsel job posting for 15 days to attract additional candidates. Motion failed 2-7, with Aquil, Banks, Cooke, Guy, Ingandela, March and Tamayo voting no.

A motion was made by Valdes, seconded by Collins, to have the four applicants appear at the May 28, 2024 meeting for a Q&A session, and move forward to hire an independent counsel, using the tool which was provided by City of Tampa's Legal Department. Motion failed 2-7, with Aquil, Banks, Cooke, Guy, Ingandela, March and Tamayo voting no.

Discussion took place amongst members regarding the Community Survey and keeping the item under "Items to be Continued" until the logistics are worked out as to whether the Citizens Review Board will remain.

XI. Announcements/New Business

The next meeting will be held on **May 28, 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.

XII. Adjournment

There being no further business to come before the Citizens Review Board at this time, said meeting was adjourned at 8:00 p.m. this 23rd day of April 2024.



CHAIRMAN/VICECHAIRMAN



RECORDING SECRETARY



CITY CLERK/DEPUTY CITY CLERK

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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/UCLzohJmEqvfJOEd4YJNlHbq>