



**CITY OF FORT MYERS  
CITIZENS POLICE REVIEW BOARD  
MARCH 14, 2023  
5:30 PM**

Oscar M. Corbin, Jr. City Hall  
2200 Second Street  
Fort Myers, Florida, 33901

*Steven Brown-Cestero  
Chair*

*Amanda Dennis  
Vice Chair*

*Erma Boyd-Dorsey*

*Danielle L. O'Halloran*

*Forrest H. Banks*

*Nzingha Gaines*

*Michele Parker*

**ACTION AGENDA**

**CALL TO ORDER** 5:30 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Absent:** Nzingha Gaines and Forrest Banks

**PUBLIC INPUT** (Three (3) minute time limit)

**MOTION:** *Move Public Input comment under Item No. 14 discussion.*

Approved.

**OLD BUSINESS**

**NEW BUSINESS/PRESENTATIONS**

1. Minutes and Board Report of the Citizens Police Review Board meeting held on January 10, 2023

Approved.

**INTRODUCTION OF POLICE ACADEMY RECRUITS**

New Police Officer Academy Recruits introduced themselves to the Citizens Police Review Board Members.

**CONSENT AGENDA**

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

2. **Case No.:** Prelim 2022-051  
**Investigator:** Sergeant James Langton  
**Complainant:** Dora Redmon  
**Officer:** Officer Matthew Schulze
  - i. **Policy Related to Complaint:** Alleged Complaint: Use of Force  
**Chief of Police Disposition:** No Policy Violation  
**Discipline:** None

Approved.

3. **Case No.:** Prelim 2022-057  
**Investigator:** Sergeant James Langton  
**Complainant:** Elizabeth Hamilton  
**Officer:** Detective Ryan Amador
- i. **Policy Related to Complaint:** Alleged Complaint: Bias Based Policing / Unlawful Search  
**Chief of Police Disposition:** No Policy Violation  
**Discipline:** None
- Officer:** Detective Brandon Birch
- i. **Policy Related to Complaint:** Alleged Complaint: Bias Based Policing / Unlawful Search  
**Chief of Police Disposition:** No Policy Violation  
**Discipline:** None
- Officer:** Sergeant Miguel Hernandez
- i. **Policy Related to Complaint:** Alleged Complaint: Bias Based Policing / Unlawful Search  
**Chief of Police Disposition:** No Policy Violation  
**Discipline:** None
- Officer:** Sergeant Jari Sanders
- i. **Policy Related to Complaint:** Alleged Complaint: Bias Based Policing / Unlawful Search  
**Chief of Police Disposition:** No Policy Violation  
**Discipline:** None

Approved.

4. **Case No.:** Prelim 2022-060  
**Investigator:** Sergeant Albert Antonini  
**Complainant:** Steve Shaw  
**Officer:** Officer Kelly Witt
- i. **Policy Related to Complaint:** Alleged Complaint: Standard of Conduct  
**Chief of Police Disposition:** No Policy Violation  
**Discipline:** None

**ITEM NO. 4, PRELIM 2022-060, WAS MOVED TO THE REGULAR AGENDA.**

Approved.

5. **Case No.:** Prelim 2022-071  
**Investigator:** Sergeant Albert Antonini  
**Complainant:** Romaine Clark  
**Officer:** Officer Cody Tarman
- i. **Policy Related to Complaint:** Alleged Complaint: Preliminary Investigation / Knowledge of Laws and Rules  
**Chief of Police Disposition:** No Policy Violation

- Discipline:** None
- Officer:** Lieutenant Robert Kerbs
- i. **Policy Related to Complaint:** Alleged Complaint: Standard of Conduct
- Chief of Police Disposition:** Insufficient Evidence to Investigate
- Discipline:** None

Approved.

6. **Case No.:** Prelim 2022-078
- Investigator:** Sergeant James Langton
- Complainant:** Henry Jackson
- Officer:** Chief Derrick Diggs
- i. **Policy Related to Complaint:** Alleged Complaint: Misuse of the Freeh Report
- Chief of Police Disposition:** Insufficient Evidence to Investigate
- Discipline:** None

Approved.

7. **Case No.:** Prelim 2022-079
- Investigator:** Sergeant Albert Antonini
- Complainant:** Wanda Daniels
- Officer:** Sergeant Constant Brown
- i. **Policy Related to Complaint:** Alleged Complaint: Performance of Duty
- Chief of Police Disposition:** No Policy Violation
- Discipline:** None

Approved.

8. **Case No.:** Prelim 2022-080
- Investigator:** Sergeant Daniel Losapio
- Complainant:** Octavio Real
- Officer:** Officer Ivan Caffroni
- i. **Policy Related to Complaint:** Alleged Complaint: Performance of Duty
- Chief of Police Disposition:** No Policy Violation
- Discipline:** None
- Officer:** Sergeant Arturo Gonzalez
- i. **Policy Related to Complaint:** Alleged Complaint: Performance of Duty
- Chief of Police Disposition:** No Policy Violation
- Discipline:** None

Approved.

9. **Case No.:** Prelim 2022-081
- Investigator:** Sergeant Albert Antonini

**Complainant:** John Tillman

**Officer:** Officer Kelly Witt

- i. **Policy Related to Complaint:** Alleged Complaint: Bias Based Profiling- Race/Ethnicity

**Chief of Police Disposition:** Insufficient Evidence to Investigate

**Discipline:** None

- ii. **Policy Related to Complaint:** Alleged Complaint: Standard of Conduct

**Chief of Police Disposition:** Insufficient Evidence to Investigate

**Discipline:** None

**ITEM NO. 9, PRELIM 2022-081, WAS MOVED TO THE REGULAR AGENDA.**

Approved.

10. **Case No.:** Prelim 2022-082

**Investigator:** Sergeant Albert Antonini

**Complainant:** Van Shaw

**Officer:** Officer Harlee Bradford

- i. **Policy Related to Complaint:** Alleged Complaint: Standard of Conduct / Performance of Duty

**Chief of Police Disposition:** No Policy Violation

**Discipline:** None

Approved.

11. **Case No.:** Prelim 2023-008

**Investigator:** Sergeant Daniel Losapio

**Complainant:** Michael Smith

**Officer:** Officer Johnathan King

- i. **Policy Related to Complaint:** Alleged Complaint: Rude & Unprofessional

**Chief of Police Disposition:** No Policy Violation

**Discipline:** None

Approved.

**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)

12. **Case No.:** Prelim 2022-069

**Investigator:** Sergeant Daniel Losapio

**Complainant:** Michael Dawson

**Officer:** Officer Jimmy Hernandez

- i. **Policy Related to Complaint:** Alleged Complaint: Use of Force

**Chief of Police Disposition:** No Policy Violation

- Discipline:** None
- ii. **Policy Related to Complaint:** Alleged Complaint: Harassment  
**Chief of Police Disposition:** Judicial Complaint  
**Discipline:** None

Approved.

**NON-MANDATORY REVIEW BY BOARD**

13. **Case No.:** Admin 2022-006  
**Investigator:** Sergeant Daniel Losapio  
**Complainant:** Teresa White  
**Officer:** Officer Michael Luna
- i. **Policy Related to Complaint:** 9.1 Section II (A) (8) Performance of Duty as it Relates to Section 15.7 Section II (A) Baker Act  
**Chief of Police Disposition:** Sustained  
**Discipline:** 12 Hour Suspension / Policy Review
- Complainant:** Sergeant Daniel Losapio
- i. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) (9) Standard of Conduct  
**Chief of Police Disposition:** Sustained  
**Discipline:** 12 Hour Suspension (concurrent) / Policy Review
  - ii. **Policy Related to Complaint:** 9.1 Section II (A) Knowledge of laws, rules, ordinances, and general orders as it relates to 15.7 Section II (B) Involuntary Examination Criteria  
**Chief of Police Disposition:** Not Sustained  
**Discipline:** None

Approved.

14. **Case No.:** Admin 2022-009  
**Investigator:** Lieutenant Lesa Breneman  
**Complainant:** Robert Smith & Crystal Smith  
**Officer:** Officer Cheyenne Krolczyk
- i. **Policy Related to Complaint:** 9.1 Section II, A (9) Standard of Conduct  
**Chief of Police Disposition:** Sustained  
**Discipline:** Reprimand
  - ii. **Policy Related to Complaint:** 20.9 Section I (B) Preliminary Investigation Procedures  
**Chief of Police Disposition:** Sustained  
**Discipline:** Retraining (report writing)
- Complainant:** Lieutenant Lesa Breneman  
**Officer:** Officer Cheyenne Krolczyk
- i. **Policy Related to Complaint:** 25.3 Section IV, (A) Body-Worn MVR Operating Procedures

- Chief of Police Disposition:** Sustained  
**Discipline:** Counseling
- Officer:** Officer Matthew Spencer
- i. **Policy Related to Complaint:** 9.1 Section II, A (9) Standard of Conduct  
**Chief of Police Disposition:** Not Sustained  
**Discipline:** None
  - ii. **Policy Related to Complaint:** 20.9 Section I (B) Preliminary Investigation Procedures  
**Chief of Police Disposition:** Sustained  
**Discipline:** Counseling
  - iii. **Policy Related to Complaint:** 8.2 Section IV (A) 5 Field Training and Evaluation Program FTEP Manual  
**Chief of Police Disposition:** Sustained  
**Discipline:** Counseling

**Public Input:**

Johanna LaGrange and Robert Smith spoke in opposition to the discipline that was rendered to Officer Cheyenne Krolczyk.

**MOTION:** *Move for a Full Review.*

Approved.

15. **Case No.:** Admin 2022-010  
**Investigator:** Sergeant James Langton  
**Complainant:** Gervaris Leaphart  
**Officer:** Detective Wolfgang Daniel
- i. **Policy Related to Complaint:** 9.1 Rules of Conduct A (17) Courtesy  
**Chief of Police Disposition:** Exonerated  
**Discipline:** None
  - ii. **Policy Related to Complaint:** 9.1 Standard of Conduct Section II, A (9) Refer to General Order 1.2 Department Mission & Philosophy  
**Chief of Police Disposition:** Unfounded  
**Discipline:** None

Approved.

16. **Case No.:** Admin 2022-015  
**Investigator:** Lieutenant Lesa Breneman  
**Complainant:** Angela Forell  
**Officer:** Lieutenant Walter Mitchell
- i. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) 9  
**Chief of Police Disposition:** Not Sustained

- Discipline:** None
- ii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) 9  
**Chief of Police Disposition:** Unfounded  
**Discipline:** None

Approved.

17. **Case No.:** IA 2022-008

**Investigator:** Sergeant James Langton

**Complainant:** Brandin Moats & Casey Jackson

**Officer:** Sergeant Constant Brown

- i. **Policy Related to Complaint:** 25.3 Body-Worn MVR Operating Procedures Section IV (A)  
**Chief of Police Disposition:** Sustained  
**Discipline:** Counseling / Policy Review
- ii. **Policy Related to Complaint:** 9.1 General Rules of Conduct Section II (A) 1  
**Chief of Police Disposition:** Sustained  
**Discipline:** Counseling / Review F.S.S. Regarding Probation

**Officer:** Officer Jared Garrett

- i. **Policy Related to Complaint:** 9.1 Standard of Conduct Section II, A (9) Refer to General Order 1.2 Department of Mission & Philosophy  
**Chief of Police Disposition:** Unfounded  
**Discipline:** None
- ii. **Policy Related to Complaint:** 14.2 Submission of Property / Evidence Section II  
**Chief of Police Disposition:** Sustained  
**Discipline:** Counseling / Policy Review
- iii. **Policy Related to Complaint:** 25.3 Body-Worn MVR Operating Procedures Section IV (A)  
**Chief of Police Disposition:** Sustained  
**Discipline:** Counseling / Policy Review

***MOTION:*** Recommendation of approval of Policy Related to Complaint Item (i) pertaining to Sergeant Constant Brown and approval of Policy Related to Complaint Item (i), Item (ii), and Item (iii) pertaining to Officer Jared Garrett; and recommendation of disapproval of Policy Related to Complaint Item (ii) pertaining to Sergeant Constant Brown with a dissenting statement provided by Board Member O’Halloran as to why the Officer should have received a harsher punishment.

Approved. Motion Carried: 3-2. Vice Chair Dennis and Chair Brown opposed.

**OTHER BUSINESS**

Councilman Streets thanked the Board for their commitment to the city and the meaningful discussion and suggestions on the cases heard.

**Citizens Police Review Board – Action Agenda**

**March 14, 2023**

**8 | Page**

Lieutenant Breneman stated that there will be further discussion at the next meeting regarding K9 Training for the Board Members. She noted that pursuant to the Ordinance, each Board Member must participate in the Ride Along program. She explained that the program was paused during COVID and has now been reinstated.

**NEXT MEETING ANNOUNCEMENT** – The next meeting will be held on April 11, 2023 at 5:30 p.m.

**ADJOURNMENT** 7:18pm

*If a person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

*Special Requirements: If you require special aid or services as addressed in the Americans with Disabilities Act, please contact the City Clerk's Office at (239) 321-7035 or for the hearing impaired, TDD telephone number (239) 332-2541.*