The City Council of the City of Titusville, Florida met in regular session in the Council Chamber of City Hall, 555 South Washington Avenue, on Tuesday, February 27, 2018.

Mayor Walt Johnson called the meeting to order at 5:30 p.m. Present were Mayor Johnson, Vice-Mayor Matthew Barringer, and Members Dan Diesel, Jo Lynn Nelson, and Sarah Stoeckel. Also in attendance were City Manager Scott Lares, City Attorney Richard Broome, and City Clerk Wanda Wells. Assistant City Clerk Jolynn Donhoff completed the minutes.

Mayor Johnson invited a pastor from the audience to give the invocation. Mayor Johnson led those present in the Pledge of Allegiance to the Flag.

SPECIAL RECOGNITIONS & PRESENTATIONS:

Police Department’s Internal Affairs Investigation – The purpose of the agenda item was to educate the City Council and the Citizens on the Police department’s Internal Affairs Investigation procedures. Police Chief John Lau and Assistant Police Chief Todd Hutchison presented a video that reviewed these procedures.

In addition, Police Chief Lau reviewed the following information:

- Statistics related to complaints and a system used for tracking the public’s complaints
- Department employee action reports assisted with tracking an employee’s behavior and patterns
- Employee discipline and terminations
- Other agencies involved with investigations
- Changed policy on completing background checks on potential new law enforcement
- Number of incidences when the public resisted, assaulted, battered police, or disobeyed lawful orders
- Stolen vehicles and reviewing whether there were better procedures than due not persue policy
- When necessary use of force was necessary to effect an arrest
Member Nelson and Police Chief Lau discussed the amount of time that might be required to complete an internal affairs investigation; protections provided to officers under the Officer’s Bill of Rights; use of force procedures and security; how major and minor and capital offenses were decided; policy that prohibited discrimination and other illegal actions were tied to many other laws; incidences were reviewed case-by-case; the Florida Department of Law Enforcement investigated criminal complaints; the Police Department sought to hire persons with integrity and service-oriented personalities; other agencies that had jurisdiction over the Police Department; officers with poor customer service abilities or that did not follow policies and laws did not last or stay employed with the Police Department, etc.

Mayor Johnson invited public to speak and comment.

An individual, Reverend Dennis, dropped off a letter prior to the City Council meeting. He left the Council Chamber.

Attorney Michael Kelley with Mario, Gunde, Peters, Rhoden, & Kelley, LLC, expressed concern on the amount of time required by the Police Department to complete a particular internal affairs investigation and obtain the results, while he himself was working against a 180-day time limit imposed on prosecuting individuals and preparing for trial. Mr. Kelley also expressed concern on his client participating in a deposition and whether or not the results could be used against his client in the internal affairs investigation.

Police Chief Lau advised that whenever an employee or officer was placed on administrative leave, specific rules applied. A memo to the employee prescribed that she or he might be required to participate in other legal related and court activities. Police Chief Lau invited Attorney Michael Kelley to contact the Police Department following the meeting to clarify any ambiguities on the Department’s rules for administrative leave.

Randall Clay did not feel the context of what had been discussed thus far at this meeting reflected Council’s prior instructions. Mr. Clay discussed approximately 200 complaints in the department in 2017 and approximately 11 of these that qualified for internal affair investigations. Of these 11, how many of these resulted in disciplinary action. Mr. Clay expressed concern that where disciplinary action might be necessary, officers might instead only receive verbal counseling and written disciplinary records may not be filed into an employee’s file. For transparency purposes, Mr. Clay felt these matters were important to the public and how the department may be applying and documenting its discipline policies.

Police Chief Lau highlighted the following information about discipline in his department during 2017. There were a total of 50 disciplinary related actions. Twenty-four (24) of these were counselling’s; fifteen (15) were verbal; eight (8) were written; three (3) were suspensions; and there were three (3) employee terminations.

Dawn Kelly, a human resources director, asked whether the Police Department collaborated with the City’s Human Resources Department to provide continuous training and education of its staff on laws and procedures.
Police Chief Lau advised that his department worked with the City Attorney’s Office and the Human Resources Department on training. The Department was also an accredited law enforcement agency and stayed abreast of incidences and notifications of other agencies/its employees located throughout the State that may have or allegedly violated the law. The context of the state-wide notifications benefited the training opportunities provided to Titusville Police Department employees. Additionally, disciplinary and other forms required the City’s Human Resources Director’s review, consideration, and authorization.

Stan Johnston read from a prepared statement. He was concerned with an issue related to City staff providing information to the Federal Emergency Management Agency (FEMA) and addressing his concerns with the City Manager. Mr. Johnston also commented on a prior Council meeting where he advised that he was asked to leave the meeting perhaps due to being abrasive or threatening. He felt he was not notified that he was being threatening. As he had not completed reading his prepared statement in the three minutes afforded by the City’s policy to individuals for public comment, Mr. Johnston requested additional time to speak.

Mayor Johnson advised that each individual had three minutes to speak. None of the other Council made a motion to grant Mr. Johnston additional time to speak.

Dr. George L. Fayson, Sr. desired the results of an internal affairs investigation involving a Titusville Police Officer. He also desired learning how long it would take for the case to be concluded.

Mayor Johnson advised the police internal affairs investigation in question occurred less than two months ago, was still pending and could not be discussed while active. Police Chief Lau reviewed a series of actions that slightly delayed the pending internal affairs investigation in question. These actions, in approximate sequential order, were, as followed:

- The Police Department consulted with the State Attorney’s Office, who could delay matters.
- The complainant did not come forward immediately and in the interim, a police officer, subject to a particular internal affairs investigation, was interviewed.
- When the complainant did come forward, the police officer had to be re-interviewed.

These factors slightly delayed the pending case. There should be a conclusion to the internal affairs investigation in approximately one week.

Dr. Fayson advised that the incident subject to the internal affairs investigation, which drew media attention, did not look good for Titusville.

There were no additional persons from the public that wished to speak on the agenda item.

Vice-Mayor Barringer and Police Chief Lau discussed several of Vice-Mayor Barringer’s questions that concerned the following items:
1. How many complaints were handled at the supervisory level versus how many moved forward to the administrative level of review. There were 210 in 2017.

The term *complaint* could be deceiving. For instance, a complaint made against a police officer and patrol car parked along the curb of a business, might be an officer that was responding to an in-progress call for assistance. In this instance, a supervisor would address the complaint, unless it was advanced to the administrative level of review. Some complaints resulted in employee action reports.

2. Over a 10-year cycle, approximately two police officers per year had been terminated. Vice-Mayor Barringer was interested in whether this was an average.

Police Chief Lau advised that the size of the workforce varied between police departments and the statistics for terminated officers was not tracked universally. He felt the termination of two officers per year (on average) at Titusville was on the lower end. Police Chief Lau felt that these numbers were most likely lower than average, which he felt was due to hiring good recruits.

3. The Police Department reporting to outside agencies or higher authorities and these higher agencies tracking and reporting a trends and patterns. Would these outside agencies notify the City on their concern about any patterns?

Police Chief Lau advised that his department was required to report all violations to the State. The agencies of the State met quarterly. Any determinations the State made were non-negotiable, such as if the State might recommend a police officer’s certificate should be canceled. In some instances, the City of Titusville Police Department would attend the meetings and testify before the State in support of cancelling some police officers’ certifications.

4. Vice-Mayor Barringer advised that he interpreted the community wanted more discussion than what had been discussed thus far at this meeting. He wanted another opportunity to hold a workshop with the public to allow them to ask questions and voice their concerns. Examples of some of the topics were:

   - How many times was excessive force used
   - How many illegal acts had police officers been involved with
   - How many times had police officers violated policies

Mayor Johnson felt the City Council should first receive the conclusion of the facts of a pending, officer involved, internal affairs investigation, because this would facilitate additional questions from the public and City Council. There was no additional discussion.

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PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT (NON-AGENDA ITEMS) – None.

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With no further business to discuss, the meeting adjourned at 6:35 p.m.

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Walt Johnson, Mayor

ATTEST:

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Wanda F. Wells, City Clerk