

**MINUTES
CITY OF COCOA
POLICE ADVISORY COMMITTEE
AUGUST 22, 2019**

The Regular Meeting of the Cocoa Police Community Relations Advisory Committee was held on August 22, 2019 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noticed.

I. CALL TO ORDER:

Chairperson Edmond called the meeting to order at 6:00 PM.

ROLL CALL:

Alton Edmond	Chairperson
Kevin McCann	Vice Chairperson
Al Boettjer	Committee Member
Aldon Bookhardt	Committee Member
Marsha Dyal	Committee Member
Michael Klug	Committee Member
Jarvis Wash	Committee Member
Anthony Garganese	City Attorney
Courtney Jackson	Recording Secretary

PRESENT:

Alton Edmond	Chairperson
Kevin McCann	Vice Chairperson
Al Boettjer	Committee Member
Aldon Bookhardt	Committee Member
Marsha Dyal	Committee Member
Michael Klug ¹	Committee Member
Anthony Garganese	City Attorney

ABSENT:

Jarvis Wash	Committee Member
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STAFF PRESENT:

Michael Cantaloupe, Police Chief, Pat Dovale, Cocoa PD Commander-Investigations/Professionalism Compliance, and John Titkanich, City Manager.

Chairperson Edmond provided the invocation and Committee member Dyal led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA & MINUTES

1. Agenda: Regular Meeting of August 22, 2019

¹ Amendment by Chair Edmond on 11/14/19 to Add Committee Member, Michael Klug to Present

- * **MOTION by Committee member Boettjer; SECONDED by Committee member Dyal to approve the agenda as written for August 22, 2019.**

AYES: Edmond, McCann, Boettjer, Bookhardt, Dyal

MOTION PASSED UNANIMOUSLY (5-0)

1. Minutes: Regular Meeting of May 23, 2019

- * **The Committee unanimously MOTIONED and SECONDED to approve the minutes as written.**

AYES: Edmond, McCann, Boettjer, Bookhardt, Dyal

MOTION PASSED UNANIMOUSLY (5-0)

III. PRESENTATION BY POLICE CHIEF ON THE POLCE DEPARTMENT COMPLAINT PROCESS

Chief Cantaloupe presented an overview of the Cocoa Police Department's complaint procedure and explained the contents of the packets² and handouts^{3,4} that he provided for tonight's meeting.

Board Discussion:

Committee member Boettjer inquired about the progression of discipline officers face and if it ends after the PD's internal affairs investigation or if it would go to Florida Department of Law Enforcement and/or Criminal Justice Training & Standards Committee.

Chief Cantaloupe stated the internal affair findings are reviewed by the FDLE and it would be a case-by-case scenario if it need to escalate further.

IV. COMMITTEE DISCUSSION OF CLOSED CITIZEN COMPLAINT CASES

Chairperson Edmond reminded everyone of the purpose and goal for their meetings. He briefly pointed out that a member of the audience is a named complainant and subject and inquired if they could speak of former Officer Menendez and his termination.

Chief Cantaloupe confirmed they could because all complaints contained in their complaint packet are closed and the outcomes are public record.

Chairperson Edmond sought clarification as to whether a public apology letter could be sent to the woman mentioned in the complaint. He opened discussion to the committee.

² Cocoa PD Complaint Packet

³ Chief Cantaloupe Letter/Complaint Form Example

⁴ Citizen Complaint Procedure Brochure

Committee member Boettjer mentioned that being familiar with the case, he knows other actions happened to Mr. Menendez and inquired if those actions were resolved.

City Attorney Garganese shared that he would have to consult with his partner to ensure everything has been resolved before publically speaking about it.

City Manager Titkanich clarified that everything has been resolved and verified before placing it in the packet.

Committee member Boettjer explained to the audience that officers are also afforded due-process, the same as citizens are. He expressed that there is a specific process for disciplining officers and the Police Department has a responsibility to not put themselves in a place of liability.

City Manager Titkanich briefly explained the progression of the discipline process, once Chief Cantaloupe completes his discipline recommendation for an officer.

Discussion was held between Vice Chairperson McCann and Chief Cantaloupe regarding the discipline outcome for Officer Nava⁵.

Vice Chairperson McCann pointed out that he disagreed with issuing a public apology as he felt the Police Department did everything correct and the officer in question was ultimately terminated and Cocoa PD has shown that behavior is not tolerated. He explained if they issue a public apology for this case, there can become a discrepancy between when does it stop and what becomes the standard and questioned if an apology letter is even appropriate.

Committee member Klug inquired if Mr. Menendez would be able to work in the State of Florida as an officer for another agency.

Chief Cantaloupe explained that would be up to FDLE, but it is not likely as his entire personnel file would be forwarded to any potential agency, and he noted that he has left the state. He also mentioned a point brought up by Commander Dovale that Mr. Nava served a 40-hour suspension before resigning.

Vice Chairperson McCann inquired about the missing case numbers on some of the reports.

Chief Cantaloupe explained they are missing because they are either active cases and/or are not eligible to discuss.

Vice Chairperson McCann commended Chief Cantaloupe and Cocoa PD on the thoroughness of the investigations and the unbiased conclusions.

Chairperson Edmond shared that he wanted to discuss two of the cases in the packet:

⁵ Case #18-08-IA (Complaint Packet)

Case #1⁶: He briefly discussed his view points on the case and while appropriate action by Cocoa PD was taken, he expressed that an apology should still be issued because of the egregious actions that were done by Mr. Menendez to the complainant and Mr. Menendez should be the party to make the apology. Additionally, he pointed out that because Mr. Menendez has left the state, it is the committee's responsibility to show recognition and to take action to make the situation better to prevent similar circumstances.

Case #2⁷: Chairperson Edmond shared that he wrote down some comments about Officer Contardi, but before he shared his comments, he asked City Manager Titkanich if the members of the audience received copies of the complaints.

City Manager Titkanich explained they were not provided to the audience, but for future meetings he can ensure audience members have copies of the reports available at the Police Station and Clerk's Office. He explained they could not provide them online as some of the documents are handwritten and do not meet ADA standards to post on the website.

Chairperson Edmond suggested that the first page of the complaint packet that lists the names and case numbers should be posted with the agenda on the website.

City Manager Titkanich noted he can list the name, case number, allegation, and conclusion under "Item 3" on the agenda for future meetings.

Chairperson Edmond returned to discussion of Case #2 and explained what was mentioned in the report and shared his viewpoints. He asked if the other officers who witnessed the events involving Officer Contardi were disciplined or re-trained.

Chief Cantaloupe stated they conducted re-training with the entire department, not just those involved in the incident. They also had everyone re-review the department's policies, which must be signed and acknowledged by each employee and officer to show the training was assigned in a timely-manner.

Chairperson Edmond discussed his viewpoint on the importance of showing accountability and re-training and expressed that these types of instances are far and few between. He also pointed out that an issue that the community is concerned with is when officers do not act when their partner or other officers are abusing their power and do nothing to stop it, which led him to ask if this situation involving Officer Contardi was not reported if anything would have happened.

Chief Cantaloupe mentioned that the complainant would not give a statement at first and they actually received information on the event from other officers present.

Commander Dovale noted the incident was reported immediately after the traffic stop, but while the complainant made appointments to come in, he never showed up.

Chairperson Edmond explained that while he had shared his concerns regarding the two cases, he still felt that Chief Cantaloupe and Cocoa PD did everything they could to correct

⁶ Case# 18-08-IA (Complaint Packet).

⁷ Case # 19-02-IA (Complaint Packet).

these situations and has shown that those types of behavior are not welcomed or common place with Cocoa PD.

Agency Member Boettjer asked if Officer Contardi was suspended, once his actions were reported.

Chief Cantaloupe explained that he was suspended with pay until a further investigation was given where he was then put on unpaid suspension.

Committee Member Boettjer asked if he would have been terminated if he did not resign.

Chair Cantaloupe confirmed that his intention would have been to recommend termination.

Vice Chairperson McCann expressed that even after everything he has read and heard, he still does not agree with issuing a public apology. He emphasized that it is unfortunate that the media showcases only the "bad" police officers and seldom show the heroic acts that the mass majority of officers perform for their communities. He pointed out that only discussing the complaints is not the only productive way to build a relationship between the citizens and the police department. He asked to add an agenda item to future meetings, when applicable, where they can take a moment to showcase the heroic acts and good deeds done by Cocoa PD and if there was an officer retiring, to highlight their accomplishments and commend officers on their promotions.

V. CITIZEN PARTICIPATION

Reverend Johnny Dennis, 3710 Catalina Dr., explained that five months ago he took out a trespassing affidavit with Cocoa PD allowing them the authority to arrest those who were vagrant on his church's property, but they have yet to make any arrests or issue any trespassing citations. He then asked if Cocoa PD could patrol by his church between 11pm-7am to make sure there are no homeless people trespassing, as he has noticed no one patrols around that time and that is when vagrant people are present.

Discussion was held between Chief Cantaloupe and Rev. Dennis regarding clarification if a person would still be allowed access to the food bank located on that property if they were issued a trespassing citation.

Additionally, discussion was held between Chairperson Edmond and Chief Cantaloupe regarding if midnight units could add Rev. Dennis' church to their patrol routes and clarification as to why no arrests or citations have recently been issued to vagrant persons on the property.

Rita Lynar, 1200 Clearlake Rd., #214, explained that because she did not know the committee was going to talk about Mr. Menendez, her outline⁸ that she brought for the committee's consideration should be read on their own time as she wanted to explain some undisclosed facts and share her concerns regarding how her situation and complaints involving Mr. Menendez were handled. She expressed that there needs to be changes in leadership and policies as it seems the re-training and discipline is not working.

⁸ Ms. Lynar's proposed Cocoa PD policies outline.

Committee member Boettjer pointed out that the committee had already addressed her concerns during May's meeting.

Ms. Lynar explained she was told during May's meeting that City Manager Titkanich would provide his findings from her complaints, which is why she brought up past issues and presented her outline, so that the committee could make a recommendation to have Cocoa PD implement her proposed policies.

Committee member Boettjer clarified that the information she wanted to discuss regarding the Menendez case was not fully resolved meaning it was not allowed to be discussed, however, all other information regarding her complaints was discussed during May's meeting.

Ms. Lynar clarified that specific concerns were not addressed, such as Chief Cantaloupe being disrespectful to her or that Mr. Menendez had a pattern that was refused to be recognized which is why she is recommending implementing her proposed policies.

Committee member Boettjer noted that before he could recommend the policies, he would have to consult with legal counsel due to some of the policies not being applicable because it would intrude on citizen's rights.

Discussion was held between Ms. Lynar and Committee member Boettjer regarding clarification on the types of situations where her policies could be enforced.

Committee member Boettjer stated there is a procedure for any citizen going to the PD to register a complaint and where it is investigated. He added that it would be inappropriate for the committee to dictate how the department handles its policies. In response, Ms. Lynar disagreed and expressed that they are misunderstanding what she is asking.

Chairperson Edmond alluded to Ms. Lynar that certain investigation procedures are more complicated than what she anticipates.

Ms. Lynar explained her past situation and how she came to her proposed recommendations and why she wants them implemented.

Chairperson Edmond expressed that situations like this are the reason why they have the committee, to provide opportunities to address issues such as the one Ms. Lynar has been involved in and concluded by acknowledging her outline.

Ms. Lynar asked City Manager Titkanich if he provided any of his findings that he said he would provide during the last meeting and asked if she was wrong in terms of misunderstanding what he said he would provide at this meeting.

City Manager Titkanich noted there was a memo that was given during a City Council meeting but it had nothing that had not been discussed already. He added that he was not sure what more Ms. Lynar is asking for because Mr. Menendez has been not only progressively disciplined, but also terminated for his behavior and all of her concerns have been addressed. He shared that he believes Ms. Lynar is putting an unfair burden on the police department by putting them in the middle of her landlord/tenant disputes to try and mediate the situation for her.

Ms. Lynar replied that she did not come to the meeting to have her problems resolved, but to have Chief Cantaloupe admit that his officers were in the wrong during her situation and explained her viewpoint on how the investigation should have been handled.

City Manager Titkanich stated that he will produce the memo that he wrote that involved Mr. Menendez and Ms. Lynar at the next meeting.

Ms. Lynar asked the committee to consider her outline as the proposed policies would encourage officers and Chief Cantaloupe to be held accountable for their actions.

Chief Cantaloupe clarified that Cocoa PD was not the initiator to pursue charges against Ms. Lynar, it was because there were three people who gave sworn affidavits to press charges. He then explained the process of what happens when someone signs a sworn affidavit and formal charges are filed and why they proceed the way that they do.

Discussion was held between Ms. Lynar and Chief Cantaloupe in regards to providing copies of the three sworn affidavits against her at the next meeting.

Chairperson Edmond cautioned Ms. Lynar that is it not productive to bicker with City Manager Titkanich and Chief Cantaloupe regarding the issues at hand.

Further discussion was held between Committee member Boettjer and Chief Cantaloupe regarding the checks and balances between Law Enforcement and the State Attorney's Office in regards to officers going back and making contact with the defendant after a complaint against them has been filed.

Chairperson Edmond understands the complexity in a situation such as this and why law enforcement officers do not always follow up with subjects in an investigation. He also mentioned when a defendant's fourth amendment rights begin and hopes there is consideration of a police department when returning to talk to a defendant, as the situation becomes more complex once someone is placed under arrest.

VI. NEXT MEETING DATE

The Police Community Relations Advisory Board meets quarterly. The next regularly scheduled meeting will be held in November, 2019.

VII. ADJOURNMENT

* **MOTION by Chairperson Edmond; SECONDED by Vice Chairperson McCann to adjourn the regular meeting of August 22, 2019.**

AYES: Edmond, McCann, Boettjer, Bookhardt, Dyal

MOTION PASSED UNANIMOUSLY (5-0)

MEETING WAS ADJOURNED AT 7:17 PM



Alton Edmond, Chairperson

RESPECTFULLY SUBMITTED BY:

A handwritten signature in black ink, appearing to read 'Courtney Jackson', written over a horizontal line.

Courtney Jackson, Recording Secretary