



CITY OF  
**FORT LAUDERDALE**  
**POLICE DEPARTMENT**

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**FORT LAUDERDALE**  
**POLICE CHIEF'S RESPONSE**  
**TO BATTERY VIDEO**

I would like to address the incident that occurred on Tuesday, July 25<sup>th</sup> at the Ocean Sky Resort and Hotel located at 4060 Galt Ocean Drive in the City of Fort Lauderdale, and provide an update on our investigation.

As a rule of law in Florida the officer must personally witness misdemeanor crimes to make an arrest but there are a few exceptions to this law and fortunately battery is one of those exceptions. When an officer does not witness a crime they must weigh all the factors available to him at the time to make that decision. In the case of a battery, factors such as visible injuries, statements from the involved parties and statements from independent witness must be considered. All physical evidence available at the time must also be reviewed. The authority to make a physical arrest and deprive someone of their freedom must never be taken lightly. If the officer makes the determination not to make an immediate arrest on the scene, that in no way means a suspect cannot be prosecuted.

Regarding this particular case: The suspect is identified and should be prosecuted. The victim had no visible injuries. The video was not obtained until the morning after the officer handled the call because it was unavailable the night of the incident. The victim did not provide a statement or his medical records until Saturday. At this time, our investigation is complete and the case was submitted to the State Attorney's Office for their consideration and filing decision.

Generally speaking, the police department does not conduct follow up investigations on misdemeanor crimes but did so on this case due to the egregious and allegedly unprovoked nature of this attack. I understand how on highly publicized incidents such as this one, patience with law enforcement during the investigative process is in short supply, but we are obligated to conduct a thorough and objective investigation. Preventing crime is one of our highest priorities, which is evident by the 11% decrease in violent crime in Fort

Lauderdale since last year, but equally important is the proper handling of an investigation when a crime does occur.

I also feel compelled to address the unconfirmed narrative that Mr. Kiernan is a current or former law enforcement officer. Mr. Kiernan's present or former employment was not known to the officer on the scene and had no impact on this investigation. I firmly believe public safety professionals should be held to a higher standard than the general public, and any insinuation that there is a culture within the Fort Lauderdale Police Department of turning a blind eye to criminal acts by current or former police officers is completely without merit. Law enforcement officers who commit crimes or betray their oaths of office are an embarrassment.

Chief Rick Maglione

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