



CITY OF KEY WEST

Citizen Review Board  
PO Box 1946  
Key West, FL 33041  
(305) 809-3887

March 23, 2010

Chief Donald J Lee  
Key West Police Department  
Post Office Box 1409  
Key West, FL 33041

RE: Mr. Shahdaroba Rodd  
CRB# 09-008 & CRB #10-001  
Officers: Bryan Leahy & Luis Sanchez  
CRB Findings

Dear Chief Lee:

On Monday March 22, 2010, the Citizen Review Board (CRB) reviewed the above referenced complaints with multiple allegations against the above referenced officers.

The Board was generally concerned about the performance issues raised in these two files. Enclosed please find the draft minutes of the CRB meeting which itemizes the Board's findings and summarizes the Board's concerns.

You will note from this that the Board found  
CRB 09-008

**The claim of False Arrest against Officers Sanchez and Leahy NOT SUSTAINED**

**The claim of Deficient Service by Officer Sanchez SUSTAINED**

**The claim of Untruthfulness against Officer Leahy SUSTAINED**

**The claim of Untruthfulness against Officer Sanchez NOT SUSTAINED**

**The claim of Conspiracy against Officers Sanchez and Leahy et al NOT SUSTAINED**

Continued.../2

Chief Donald Lee  
Page 2

You will note further that in relation to:  
CRB 10-001

**The claim of False Arrest against Officer Sanchez was SUSTAINED**

**The claim of Harassment against Officer Sanchez was SUSTAINED**

Mr. Muffler will be sending you by interoffice mail the audio file of this meeting so that you can hear directly the various members' comments.

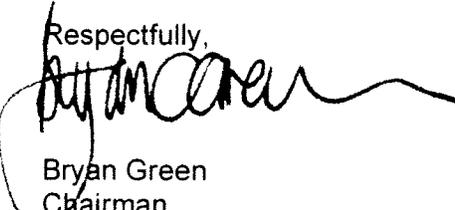
We particularly wish to direct you to the failure of Officer Sanchez, one of your specialist DUI officers, to know the law as it stands in relation to arresting those who are believed to be under the influence of alcohol or drugs whilst riding a bicycle. The statutory duty to submit to a breath test only applies to those driving a motor vehicle.

In relation to 09-008 the Board was disturbed by attempts by Officer Leahy to deny that an accident had occurred followed by the arrival of a disproportionate number of Police at the incident. We also noted a number of deficiencies within the documentation including incorrect street location, descriptions of Mr Rodd's clothing which the ICOP videos showed to be inaccurate over and above the error of charging Mr Rodd with Boating under the influence.

In relation to 10-001 the Board was surprised by the decision by Officer Sanchez to arrest Mr Rodd and the amount of time spent on a FantasyFest night. The Board was concerned by Officer Sanchez use of Spanish and the way in which Mr Rodd's request to consider blood or urine testing was handled. If you have not already done so, we urge you to watch the video of Officer Sanchez's processing of Mr Rodd at MCSO that night

The Board will consider the disciplinary recommendations for these two officers at its next meeting scheduled for April 26, 2010. Per the KWPD and CRB Operating Agreement, please direct the Internal Affairs representative to bring to this meeting these officers' prior disciplinary history and copies of commendations.

Respectfully,



Bryan Green  
Chairman  
Encl.

cc: Jim Scholl, City Manger  
Officer Luis Sanchez  
Officer Brian Leahy  
Mr. Shahdaroba Rodd

## Citizens Review Board

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**From:** shahdaroba rodd [kwhatman@hotmail.com]

**Sent:** Saturday, April 10, 2010 4:23 PM

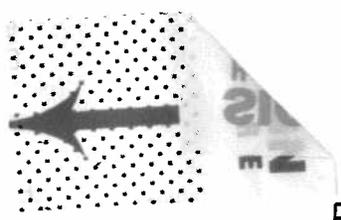
**To:** Citizens Review Board

**Subject:** next CRB meeting

Greetings Mr. Muffler, I will NOT be able to attend the upcoming meeting of the CRB. I will be out of the area until very late May. The CRB can do whatever they think is in the best interest of all concerned with regards to my complaints; they can either rule on the matter or defer until I can attend. However, I really don't think there is anything more I personally can add to the discussion, even if I were to be there. only time will tell. Mr. Rodd

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The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. [Get busy.](#)



# SHAH DAROBA RODD

P.O. BOX 742 KEY WEST FL 33041 305-766-2006

Email = [kwhatman@hotmail.com](mailto:kwhatman@hotmail.com)

Citizen Review Board  
P.O. Box 1946  
Key West FL 33040

Wednesday, March 31, 2010

Dear CRB,

On Monday, March 22, 2010 you reached several conclusions/findings with regard to my two complaints. There were two claims against officer Sanchez that were not sustained from case # 09-009 that I believe need to be addressed.

The first is my claim of false arrest, but to address this, you need to refresh yourselves with the rationale for the finding of false arrest against officer Sanchez in the second case, case #10-001. You see, officer Sanchez in BOTH cases charged me with a failure to submit to a breath test, and that being the situation, then you should have found him guilty of falsely arresting me in case #09-009 as well. If your finding was accurate in the second case, and I certainly feel the finding was correct, then you should also find him guilty in the first case. The situations, although not exactly the same in all respects, have a commonality in that each time I was riding my bicycle, and I was charged with a criminal charge of failure to submit to testing, for which there is no statutory requirement.

The second area to perhaps be addressed is my claim of untruthfulness by officer Sanchez. I don't have an audio recording of the meeting so I'm going by my recollection here, but I believe the claim was found unsustainable because you felt that the info that officer Sanchez recorded was perhaps given to him incorrectly by officer Leahy. I contend that may be true to a very small extent, but not totally. Officer Leahy had nothing to do with describing me as NOT wearing a shirt or shoes; he had nothing to do with me being described as being left-handed nor any of the other wrongful descriptions of my appearance. Sanchez is a "DUI expert" and was interviewing me for a possible DUI charge. His academy training probably included noticing small items of detail that would help comprise a bigger picture, and if that is the case, then officer Sanchez failed miserably. I believe this was done by Sanchez so as to portray me in the worst possible light and which would help to bring a conviction. His claim of me NOT wearing a shirt is especially ludicrous when you realize from watching the I-Cop videos of the "crime" scene that the wording on my shirt is extremely visible and easily readable. How could he be so wrong accidentally? Sanchez, and Sanchez alone, is guilty of the misrepresentations of my personal appearance, and I believe he is guilty of untruthfulness.

There are several other points which I wish to bring up, and I believe should be addressed by the Board. First off, has officer Leahy been charged with any traffic violation and, if not, why not?

The crash report which I finally obtained - seven months after the crash despite asking for it numerous times -- states on page 2 that a contributing cause of the accident on the part of officer Leahy was that he failed to yield the right-of-way to me. On page 3 of the crash report, in the "narrative/diagram" section, the crash investigating officer wrote, "V1 (meaning officer Leahy's vehicle) proceeded through the intersection of Petronia and Duval Street. V1 collided with V2 (meaning my bicycle)". Two lines further down you will find this quote: "the driver of V1 told me he got distracted with the crowd and did not see V2".

If a non-police citizen did what officer Leahy did, then you can bet your last dollar that the person would have been cited for at least one traffic infraction, maybe more. Does officer Leahy enjoy the benefit of immunity from any prosecution for his bad driving by virtue of his employment with the KWPD, and if so, why? Is he privileged to cause accidents and be penalty free? If so, why?

The issue of the crash itself -- has it been the subject of discussion of the Key west Police Department's Accident Review Board? If not, why not? If yes, then what were the findings of that group? Back in November I believe a somewhat similar incident occurred, a crash between a KWPD cruiser and a pedestrian. The officer was deemed to be the violator and was punished, but ever so slightly, by the Accident Review Board. I just want to know that my situation is also addressed by the KWPD Board. That seems fair enough.

The last point I would like to bring up here is that of the amount of time that lapsed before I was able to get a copy of the crash report. When I spoke with Chief Lee about this matter, he said something to the effect that the crash investigating officer had saved the info on a portable disk drive storage unit and had forgotten to finalize the report. Is this a case of if I don't write the report, then the crash never happened? Is this just yet another example of sloppy police work? How does continually happen? What's the long term cure?  
Sincerely,



Shahdaroba Rodd



CITY OF KEY WEST  
Citizen Review Board  
P.O. Box 1946  
Key West, FL 33041  
Ph: (305) 809-3887  
Fax: (305) 293-9827

April 7, 2010

**VIA REGULAR US MAIL**

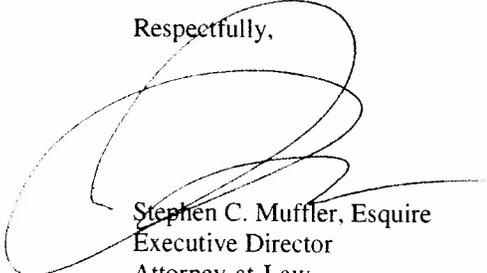
Mr. Shahdaroba Rodd  
P.O. Box 742  
Key West, FL 33041

Complaint File: **CRB No. 09-009 & 10-001**  
**KWPD-IA File Number: (None)**

Dear Mr. Rodd:

Please be advised that the CRB will address the above referenced files again at its upcoming meeting scheduled for 6:00 p.m. at Old City Hall, 510 Greene Street, Key West, Florida on Monday, April 26, 2010. Please plan on being present so that you address the CRB. Your letter dated March 31, 2010 will also be reflected upon the CRB at that meeting. Please also bring any witnesses/speakers you would like to proffer to the Board as your files may be finalized and a CRB recommendation rendered at this meeting. Enclosed is a copy of the meeting's proposed Agenda for that night.

Respectfully,



Stephen C. Muffler, Esquire  
Executive Director  
Attorney-at-Law  
cc: File

# AGENDA

Citizen Review Board Meeting  
Old City Hall, 510 Greene Street  
**Monday, April 26, 2010**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
  - a. March 22, 2010
5. TRACKING CHART REVIEW
6. CONTINUED OR NEW BUSINESS
  - a. File Review: CRB #09-009 (Rodd)
  - b. File Review: CRB #10-001 (Rodd)
8. COUNSEL'S REPORT
9. CHAIRPERSON'S REPORT
10. BOARD MEMBERS REPORT/GENERAL COMMENTS
11. EXECUTIVE DIRECTOR'S REPORT
  - a. Update--CRB Member Search for 2 Commission Appointees & 1 Board Appointee;
  - b. Budget FY 2010/11 Approval Process Time Tables Announced & CRB Proposed Budget Discussion
12. PSO/IA COMMENTS/FOLLOW-UP
13. PUBLIC INPUT
14. MEDIA AND PRESS QUESTIONS
15. ADJOURNMENT



Citizen Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Lt. David Smith  
FROM: Stephen Muffler, Esquire  
DATE: 4/7/10  
RE: CRB Agenda for 4/26/10

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Attached is the proposed CRB Agenda for the April 26, 2010 meeting and the various respondent officers' notices. **Would you please forward these notices to the individual officers so that they are aware of this upcoming meeting?** It would be desirable for a representative from your office attend this meeting to help address the Board's specific questions on any files or procedures. Please note that all of the Board materials are now available for yourself or the respondent officers to view on the CRB website approximately five (5) days before the meeting.

**PLEASE ARRANGE FOR THE AVAILABILITY OF THE SUBJECT RESPONDENT OFFICERS' PRIOR DISCIPLINARY HISTORY AND COMMENDATIONS (COPIES OF COMMENDATION LETTERS AND LIST OF DISCIPLINARY ACTIONS WITH SUMMARIES PER THE KWPD & IA WORKING AGREEMENT) AT THIS CRB MEETING. THANKS.**

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Citizen Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Officer Luis Sanchez  
FROM: Stephen Muffler, Esquire  
DATE: 4/7/10  
RE: CRB Complaint #09-009 & 10-001/Rodd

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Attached please find a copy of the proposed Agenda for the CRB meeting to be held at 6:00 p.m. at the Old City Hall on April 26, 2010. One or more of the Board Members and/or the Executive Director as placed the above referenced file on the Agenda for discussion. You are a respondent in this file and are invited to attend this meeting to help clarify the matter to the Board members. You are under no obligation to attend nor speak to the Board, but your input on the matter would be carefully weighed and would assist the Board in reaching a fair and just recommendation. You may attend personally, via a union representative or through legal counsel. Materials on this file may be viewable via the CRB website approximately five (5) days prior to the meeting

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Citizen Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Officer Brian Leahy  
FROM: Stephen Muffler, Esquire  
DATE: 4/07/10  
RE: CRB Complaint #09-009 & #10-001/Rodd

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## Citizens Review Board

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**From:** Citizens Review Board  
**Sent:** Wednesday, April 07, 2010 1:21 PM  
**To:** Luis Sanchez  
**Cc:** Citizens Review Board; David T. Smith; Randall Smith  
**Subject:** CRB Meeting Notice

**Attachments:** Sanchez Notice 042610.PDF

Good Day Officer Sanchez:

Attached is your notice for the upcoming CRB meeting to be held at Old City Hall at 6:00 p.m. on Monday April 26, 2010. Please feel free to contact me directly if you have any questions concerning this matter.

Stephen C. Muffler, Esquire  
Executive Director  
Attorney at Law



Sanchez Notice  
042610.PDF (42 ...)

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City of Key West  
Citizen Review Board  
P.O. Box 1946  
Key West, Florida 33041  
tel(305) 809-3887  
fax(305) 293-9827  
crb@keywestcity.com  
[www.keywestcity.com](http://www.keywestcity.com)

**Note To Recipients:** Under Florida law, this communication and any response or reply to it, will be subject to public records requests/disclosure laws, unless an applicable privilege or rule of evidence applies.

**Note to Citizen Review Board Members:** In accordance with the Florida Sunshine Law, please do not "reply to all" if there are other board members receiving this e-mail concerning Board business. Please only reply to non-board members when responding.