

CRB COMPLAINT EVALUATION FORM

Case Number: 08-013

Complainant Name: Adrian Fisher

CASE SUMMARY

Date of Incident: 12/10/08
Date of Complaint filed with IA: 12/15/08
Date of Complaint filed with CRB: 12/17/08*

***Note: IA forwarded this file directly to the CRB**

Officer: Officer Jimmy Valdez Allegation: Rudeness

The Complainant, Mr. Adrian Fisher, alleged that Officer Jimmy Valdez was rude to him when stopping him for a traffic violation and/or ticketing him for a traffic infraction while Mr. Fisher operated his bicycle on the roadways. Mr. Fisher filed a complaint directly with IA and never filed a complaint with the CRB. IA forwarded a copy of the Complaint and resolution report. It appears that the complainant has resolved all issues and does not wish to proceed on this matter. The Executive Director attempted to confirm this with the Complainant but no response was received as of the date of drafting this evaluation summary.

This file consists of the following written/visual materials:

1. Complaint and resolution sheet with CAD print out;
2. Notice letters to officer and Complainant; and
3. One short audio clip of KWPD radio dispatch/officer conversation relative to stop.

Since this is a complaint filed directly with IA and never filed with the CRB, the CRB needs not to take any action other than to be informed of the existence and resolution of this matter. No formal vote or review is needed unless the complainant appears before the Board at the time of the hearing or otherwise asserts that this matter is NOT resolved. However, any member may wish to comment on this file and/or make a motion to bring it to a vote on any issue if they so desire.

1

OFFICE OF THE CHIEF OF POLICE
KEY WEST, FLORIDA

INCIDENT #
DATE

STATEMENT FORM

NAME Adrian Fisher May 27, 84
FIRST MIDDLE LAST

ADDRESS 230 Virginia St. Key West FL 33040
STREET CITY STATE ZIP

BUSINESS ADDRESS _____
STREET CITY STATE ZIP

TELEPHONE () 296-3005 () _____ () _____
HOME BUSINESS OTHER

30 AF mph

PLEASE PRINT LEGIBLY

I hereby state the following: On the morning of Dec. 10th at about 9am, I was riding my bike on decal St. approaching Front St. when officer Valdez comes along behind at a speed upwards of 30mph. Upon getting within a few feet of my back tire he blares his horn and sounds his siren (once) alerting me to his presence by startling me. As I turn to see what's coming at me, I see ofc. Valdez so close to me he has to press his brakes hard to keep from running in to me, with this I state an expletive (what the F---!). My statement was not loud and it was not directed at the cop, it was in reference to the situation, it took a few seconds for me to realize it was the police behind me. At this point ofc. Valdez shines his lights indicating he wants me to pull over and I complied. At this point ofc. Valdez exits his vehicle and approaches me and I ask "what did I do?" He responded "I needed to be as far to the right as possible." I then informed ofc. Valdez that I was turning left at the light. Ofc. Valdez's response to this was a demand for ^{my} I do, he then

I have read each page of this statement consisting of 2 page(s) and swear or affirm that it is true to the best of my knowledge or belief

Adrian Fisher
Signature

12-15-2008
Date

OFFICE OF THE CHIEF OF POLICE
KEY WEST, FLORIDA

INCIDENT #
DATE

STATEMENT FORM

NAME Adrian Fisher
FIRST LAST

ADDRESS 230 Virginia St Key West FL 33040
STREET CITY STATE ZIP

BUSINESS ADDRESS _____
STREET CITY STATE ZIP

TELEPHONE () 296-3005 () _____ () _____
HOME BUSINESS OTHER

AF
ZIP
12/15/08

PLEASE PRINT LEGIBLY

I hereby state the following: informed me that I would be receiving a ticket, not for any wrong doing, but because he did not like me. Upon hearing this I asked Ofc. Velez, "Are you serious?" He did not respond he just got back in his patrol car and proceeded to write the ticket. While he was in the car I pointed out a few other bikes riding in the middle of the street and also two motorcycles riding side by side and asked why I was being singled out and they weren't being ticketed. Ofc. Velez later exited his vehical and issued me the ticket, when I began to look over the ticket Ofc. Velez threatened to arrest me. I ignored his comment and continued to look over the ticket. When Ofc. Velez stated again he was going to arrest me, I informed Ofc. Velez that I was checking the information on the ticket to make sure everything was correct and to see what I was being ticketed for. Ofc. Velez's response was "I don't care" and to threaten to arrest me again.

I have read each page of this statement consisting of 2 page(s) and swear or affirm that it is true to the best of my knowledge or belief.

Signed Adrian Fisher

Date 12-15-2008

Personnel Complaint Form

Key West Police Department

Instruction: Form to be completed by the receiving supervisor; original forwarded to the Office of Internal Affairs

COMPLAINANT	1. Name: Adrian Fisher			
	2. Contact Address: 230 Virginia Street, Key West, FL 33040			
	3. Home Phone No: (305) 296-3005		4. Other No: (Specify Type)	
	5. DOB: 05/27/84		6. Race: B	
	8. SSN:		7. Sex: M	
	9. Email Address:			
	10. Source: <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input type="checkbox"/> Email <input type="checkbox"/> Anonymous <input type="checkbox"/> Other:			
	MEMB.	11. Involved Member: Jimmy Valdez		Involved Member:
		Involved Member:		Involved Member:
		Involved Member:		Involved Member:
COMPLAINT	12. Date Occurred: December 10, 2008		13. Time: 0849	
	14. Location: 100 Duval Street			
	15. Summary of Complaint: Complainant was stopped on his bicycle as he was riding on Duval Street. When the officer pulled up behind him he said he looked around and said "what the Fuck". He told me he said this because he did not realize that the car behind him was a police vehicle and it scared him. He told me that the officer, Officer Valdez, had an "Attitude" with him and he felt he was disrespectful toward him.			
RECEIVING SUPERVISOR	16. Supervisor Receiving Complaint: Sgt. Jeff Williamson		ID No: 1557	
	17. Date Received: December 16, 2008		Time: 0900	
	18. Actions Taken by the receiving Supervisor: I met with Fisher who explained the stop to me. I also met with Officer Valdez. After speaking to both of them, I had them both in the office so we could all talk to each other. Fisher agreed that he could understand where the officer felt that he was "disrespecting" him and understood the citation. I explained the procedures on a traffic stop. (This is one of his requests for clarification.) Both spoke with each other and Fisher was happy with the outcome. He wanted no further action to be taken other than the documentation of it.			
	19. Supervisor's Assessment: <input checked="" type="checkbox"/> Resolved The matter was resolved to the complainant's satisfaction and, therefore, no further action appears needed. <input type="checkbox"/> Court Issue The complaint pertains solely to the lawfulness or justification of enforcement action, and such action appears not to constitute a violation of the law or departmental directives. The proper forum for resolution is a court of law. <input type="checkbox"/> Formal complaint The matter was not resolved to the complainant's satisfaction nor does it appear to be a "court issue".			
OFFICE OF INTERNAL AFFAIRS	<input checked="" type="checkbox"/> The matter was resolved to the complainant's satisfaction and, therefore, no further action appears needed. <input type="checkbox"/> The complaint pertains solely to the lawfulness or justification of enforcement action, and such action appears not to constitute a violation of the law or departmental directives. The proper forum for resolution is a court of law. <input type="checkbox"/> The complaint, as described, does not constitute a violation of the law or departmental directives, and, therefore, no further administrative action will be taken on the matter. <input type="checkbox"/> In order to assess the merit and substance of the complaint, and inquiry will be conducted. The inquiry will determine whether any further action is warranted, and if so, the most appropriate course of action.			
	Complaint logged by: <u>lt David T. Anst 1523</u>		Inquiry Assigned to (If Applicable)	
Initials / ID		Control Number:		

12/15/08
16:41:05

HTE CAD
CAD CALL INFORMATION

PAGE
08345013

Call Number: 083450131 SI Call Type.: 156 T50 TRAFFIC STOP Polic
Entry Day/Tm: 12/10/08 8:49:26 156 T50 TRAFFIC STOP Polic

CmnN: Agency.....: 001 KEY WEST
Location...: 100 DUVAL ST Apt: INTERSECT
City.....: KEYWEST Block#: 100 Loc ID: I Mapr: 1022XX1XC
Intersectn.: FRONT GREENE

Caller Name: Last: First: Mid: See Caller:
Address...: Phone#: Apt:
City/State: Source: SI

Call Taker.: 2716 WINTER STACIA DISPATCH2
Dispatcher.: 2716 WINTER STACIA DISPATCH2

NARRATIVE

b/m - on a bike - wrong way on a one way 8:49:35

P27 Unit Status History Information

12/10/08	8:55:46	4	DISPATCHED	D		2297 ARROYO, HEN
12/10/08	8:55:46	6	AT SCENE	97		
12/10/08	8:57:07	20	AVAILABLE	AV		

P66 Unit Status History Information

12/10/08	8:49:27	4	DISPATCHED	D		2961 VALDES, JIM
12/10/08	8:49:27	6	AT SCENE	97		
12/10/08	8:49:27	11	DESIGNATED PRIMARY U P			
12/10/08	8:57:07	20	AVAILABLE	AV		

DISPOSITIONS

1 038 TRAFFIC CITATION Case# 1 - 00-000000 Unit: P66

2



CITY OF KEY WEST

Citizen Review Board

P.O. Box 1946

Key West, FL 33041

Ph: (305) 809-3887

Fax: (305) 293-9827

December 31, 2008

Mr. Adrian Fisher
230 Virginia Street Unit #1C
Key West, FL 33040

VIA REGULAR US MAIL

Complaint File: **CRB No. 08-013**
KWPD-IA File Number: (none assigned)

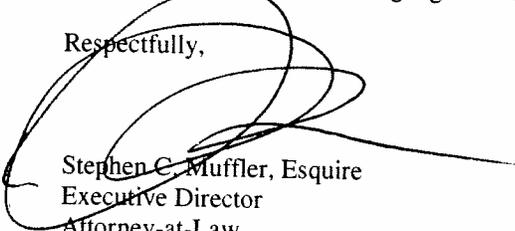
Dear Mr. Fisher:

This letter shall confirm this office's receipt of a copy of your complaint against officer Jimmy Valdez which you filed directly with the Key West Police Internal Affairs Department (IA) for investigation. We received this copy from IA directly and this office never interfaced with you on this matter prior to this letter.

Enclosed please find IA's copies of your file and a document concluding their investigation into your matter. Apparently, you resolved your differences and complaint and **do not** want to continue this matter. If I am in error with my interpretation of the amicable and voluntary resolution of this matter, please advise. Otherwise this office will surmise that your complaint was closed out to your satisfaction.

I left a message, over a week ago, on the number you provided on the complaint form with an unidentified female answering that phone number. I requested your proper mailing address (unit number) and she stated she would give you the message. I never received a reply back. The court house files show that your unit number is "1C". Thus, this will be the final notice letter sent to your attention on this matter and the Board will assume you have no interest in continuing this matter if you fail to appear before them at the January 12, 2009, hearing at the Old City Hall, 510 Greene Street, Key West Florida 33040 at 6:00 p.m. Enclosed please find the Board's meeting Agenda for that night for your reference.

Respectfully,


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

AGENDA

Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, January 12, 2009

6:00 p.m.

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
 - a. December 22, 2008
5. TRACKING CHART REVIEW
6. CONTINUED OR NEW BUSINESS
 - a. Review File: Jessica Smith—CRB# 08-008;
 - b. Review File: John Opp – CRB# 08-011; &
 - c. Review File: Arian Fisher---CRB#08-013
7. COUNSEL'S REPORT
8. CHAIRMAN'S REPORT
9. BOARD MEMBERS REPORT/GENERAL COMMENTS
10. EXECUTIVE DIRECTOR'S REPORT
 - a. Review File: Omar Brown ---- CRB #07-001 (Director's Memo—Newly Discovered Evidence)
 - b. Summary of CRB Public Affairs Efforts (and viewing of Comcast's "City Beat" Mayor interview of CRB Executive Director to be played immediately after the conclusion of the CRB meeting);
 - c. Update on Request for IA list/schedule of Internal Files for 2008;
 - d. Update on Executive Director's Draft of CRB Annual report for 2008; &
 - e. Update on Executive Director's efforts in securing applications from the public to fill Board appointed vacancy on CRB
11. PSO/IA COMMENTS/FOLLOW-UP
 - a. Status of IA Internal Investigation list for 2008 (see items 10(c));
12. PUBLIC INPUT
13. MEDIA AND PRESS QUESTIONS
14. ADJOURNMENT



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

TO: Officer Jimmy Valdez
FROM: Stephen Muffler, Esquire
DATE: 12/31/08
RE: CRB Complaint #08-013/Fisher

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 January 12, 2009. 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. The documents to be reflected upon by the Board shall be viewable on the CRB website prior to the meeting.

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3

Audio clip to be provided to Board members