

# Minutes

Citizen Review Board Meeting  
Old City Hall, 510 Greene Street

**Monday, December 22, 2008**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER

Meeting was called to order by Chairman Brian Green at 6:05 p.m.

2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Bryan Green  
Virginia Altobello  
Mark Kielsgard  
Michael Driscoll  
Kevin Collins  
Robert Cintron, Attorney for the Board  
Stephen Muffler, Executive Director of the Board

ADDITIONAL ATTENDEES:

John Opp  
Ray Legel  
Wayne "Jake" Riley  
Robert Kelly

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES:

**Motion to approve the Minutes for December 8, 2008 meeting as written made by Kevin Collins & Seconded by Virginia Altobello;**

**Vote: Passes Unanimously**

5. TRACKING CHART REVIEW

Executive Director reviewed and explained the updated tracking chart to the Members and announced that Dwayne Norris File will be removed from Tracking Chart because he had signed a written statement withdrawing his complaint due to his pending criminal case. The Board had requested such a written statement from the complainant at its December 8, 2008 meeting. Board members suggested that Executive Director, when meeting with Chief and IA at the monthly meetings in 2009, address all outstanding matters reflected in tracking charts. Mike Driscoll

requested that the CRB letter directed twice to city management (both previous and current city managers) pertaining to a request relative to an anonymous complaint against the former police chief be responded to and placed on the tracking chart as still outstanding.

## 6. CONTINUED OR NEW BUSINESS

### **Review File: John Opp – CRB# 08-011**

Chairman called up this file out of order on the Agenda since Mr. Opp and others were present and Mrs. Jessica Smith was not.

The Board requested Mr. Opp to explain his complaint, the involved pictures, the diagram drawn by the responding officer and why Mr. Opp felt that the subject officer's conduct was unprofessional rather than just alleging that the officer's subjective opinion or conclusions about the non-impact to Mr. Opp's vehicle was in error. Mr. Opp proceeded to do so and explained that the first officer that responded and filled out the original police report later stated to Mr. Opp orally that he was "sorry" that he did not realize Mr. Opp's vehicle had been impacted and failed to reflect such an impact in the original police report. Mr. Opp stated that the original officer who investigated the incident authored the first police report stated he could not change the report and that his "supervisor" could. Mr. Opp met with the subject officer (Sgt. Balsberg—"the supervisor") and Mr. Opp felt that Sgt. Blasberg acted unreasonable when presented with Mr. Opp's version of events by failing to cite in the crash supplemental report that Mr. Opp's vehicle was involved in the accident. Mr. Opp stated that the only eye witness, besides the driver of the vehicle that caused the crash, was his former neighbor Mr. Justin Blanchard who has since relocated to Michigan and his phone number is disconnected. Mr. Opp did state that Mr. Blanchard was with his girlfriend that night but he did not know her name or whereabouts and both were allegedly drinking that night. Mr. Opp stated that his Landlord advised Mr. Opp that his vehicle was struck after the incident and that is how Mr. Opp first learned of the impact to his vehicle. Mr. Opp's neighbor, Mr. Wayne Riley, stated he saw the debris field and felt strongly that Mr. Opp's vehicle was impacted by this crash. Mr. Riley also stated that the original crash report was inaccurate because the vehicle which caused this accident could have never "spun around" like it is stated in the report. Mr. Riley also felt that it was virtually impossible that Mr. Opp's vehicle could have NOT been hit in the incident.

Chairman Green and Mark Kielsingard pointed out that the issue would be that the Sgt. Blasberg abused his discretion and failed to perform reasonably when filling out the supplemental crash report. Mike Driscoll pointed out that the witness list in the police report was only partially filled out and was not complete. Virginia Altobello felt that the failure to secure vital witness statements would be per se deficient service as it reflected an incomplete investigation on its face. The Board members expressed their desire to get more information and to question IA at the next meeting as they are not present to clear up the issues pending. Attorney Cintron pointed out to the Board that it would probably be prudent to get a statement from Mr. Blanchard if we could find him as to if Mr. Opp's vehicle was impacted and if so, was Mr. Blanchard ever interviewed by the police and what statements he made to the police about this incident. Kevin Collins pointed it out that it was disappointing that the

subject officer, or his representative, did not respond to either CRB letters offering mediation on this matter but Mr. Opp did accept the offer. Kevin Collins felt that a response should have been given by the subject officer, or his representative, declining such an invitation. The Executive Director expressed his shared disappointment that no response was received and that the Executive Director was trying to resolve this matter amicably before the Board heard the issue by suggesting mediation. Board members agreed that it would be best to defer this matter until IA was present and more information was gathered on this issue.

**Motion by Chairman Bryan Green to reschedule this matter for the next meeting to occur on January 12, 2009 and for the following to take place: 1) Executive Director should contact IA and see if all witness statements and reports have been given to CRB; 2) Executive Director should go to the clerk's office at the courthouse and see if there are any statements in that file from witnesses that are relevant to this file; 3) Attorney Cintron should attempt to locate and contact Mr. Blanchard in Michigan to get a statement from him over the phone. Motion is Seconded by Mike Driscoll.**

**Vote: Passed Unanimously**

**Review File: Jessica Smith—CRB# 08-008**

Chairman reminds the Board of the background of the Smith File. Mark Kielsgard felt Board should drop the complaint now that it is over. However, Mark Kielsgard pointed out he was concerned that an officer would have even made such alleged inappropriate comments in the first place. The Board generally was appreciative that the subject officer apologized for the misunderstanding and was willing to meet with Mrs. Smith to clear up any miscommunications they had. However, the Board was concerned that Officer Sanchez was in need of some type of remedial training on how to deal with the public in such situations in a more professional and sensitive manner. The Board deferred this matter for next meeting to give IA and opportunity to fully explain if the subject officer was given any type of counseling or remedial training to improve his skills when dealing with the public in similar situations.

7. COUNSEL'S REPORT

Attorney Cintron reported that he is waiting for Attorney General's advisory response letter.

8. CHAIRMAN'S REPORT

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

Mike Driscoll felt that the Board should coordinate with IA on meeting dates so that their absence from CRB scheduled meetings does not continue to occur. Executive Director will meet with monthly with IA and Chief Lee and inform them of the CRB 2009 schedule.

10. EXECUTIVE DIRECTOR'S REPORT

- a. Status of Omar Brown (CRB Case #07-011) Limited Investigation results were outlined. The Board then noted the only remaining allegation in this file was "Untruthfulness"

against officer Rodriguez and the Board felt it was time to dispatch this final allegation in light of the Executive Director's investigative report

**Motion by Virginia Altobello and Seconded by Mark Kielsgard to rule the final allegation of "Untruthfulness" as EXONERATED (as to Officer Rodriguez)**

**Vote: Passed Unanimously**

- b. Executive Director reported to the Board that monthly meetings between CRB Executive Director & Chief Donald Lee will occur the 1<sup>st</sup> Tuesdays of every month at 10:00 a.m. in the year 2009 to improve CRB & KWPD communications; &
- c. Executive Director reported to the Board that monthly meetings between the CRB Executive Director & IA staff will also occur the 1<sup>st</sup> Tuesdays of every month at 9:00 a.m. in the year 2009 to improve CRB & KWPD communications.
- d. City Charter 1.07 Sec. IV( c) (d) Training Session via Director's Presentation on Florida's "Officer's Bill of Rights" was presented by the Executive Director to the Board

11. PSO/IA COMMENTS/FOLLOW-UP

- a. IA was absent from the meeting and thus no comments were had by IA

12. PUBLIC INPUT

None.

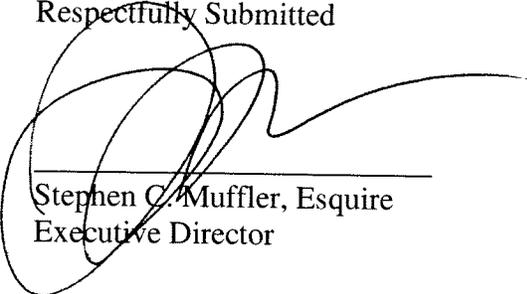
13. MEDIA AND PRESS QUESTIONS

None

14. ADJOURNMENT

Meeting was adjourned at 7:32 p.m.

Respectfully Submitted



---

Stephen C. Muffler, Esquire  
Executive Director



# Minutes

Citizen Review Board Meeting  
Old City Hall, 510 Greene Street

**Monday, December 8, 2008**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER

6:00 p.m. Chairman Green called the meeting to order

2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Trice Denny  
Bryan Green  
Virginia Altobello  
Mark Kielsingard  
Michael Driscoll  
Kevin Collins  
Robert Cintron, Attorney for the Board  
Stephen Muffler, Executive Director of the Board

ADDITIONAL ATTENDEES:

Lt. David Smith (KWPD)  
Adam Linhardt (KW Citizen Newspaper)  
Jessica Smith  
Nissan Linderman  
La Woma Bowly  
Attorney James Nunn

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES:

a. August 11, 2008:

**Motion to approve the Minutes for August 11, 2008 meeting as written made by  
Kevin Collins & Seconded by Mark Kielsingard;**

**Vote: Passes Unanimously**

b. September 15, 2008:

**Motion to approve the minutes for September 15, 2008 meeting as written made by  
Trice Denny & Seconded by Virginia Altobello;**

**Vote: Passes Unanimously**

c. November 24, 2008:

Kevin Collins requested that the Minutes to reflect that Kevin Collins requested copies of final polices of ICOP procedures that KWPD ultimately adopts. Lt. Smith stated that the KWPD is still working on these written procedures and would provide a copy to the Board when they are finalized. Kevin Collins wanted the minutes to reflect this request and that the Executive Director should follow up on this if necessary to secure copies of this manual or new procedures.

**Motion to approve the Minutes for November 24, 2008 meeting (as modified by Kevin Collins comments) made by Kevin Collins & Seconded by Mike Driscoll;**

**Vote: Passes Unanimously**

## 5. TRACKING CHART REVIEW

Chairman Green directed that the Opp file's summary details of the complaint be struck from the chart until such time as the 45 days have lapsed. Attorney Cintron explained that after the 45 limitation (date IA receives the complaint) then the file is presumed to be "inactive" under the Florida statute unless IA articulates that the investigation is still ongoing. Attorney Cintron suggested that the Board start investigations on the 46<sup>th</sup> day if necessary. Kevin Collins expressed his desire that IA would cooperate with Board and complete investigations in 45 day or keep the Board adequately informed of the investigation if it continues past the 45 day time period. Mark Kielsingard & Kevin Collins suggested that Executive Director directly contact IA when the 45<sup>th</sup> day lapses on files to see if it is an "active" investigation or not. Thus, files can be timely presented to the Board after the 45 days have lapsed and the Board can consider how to proceed, if at all, on a case-by-case basis.

## 6. CONTINUED OR NEW BUSINESS

a. Review File: Jessica Smith—CRB# 08-008:

Chairman Green pointed out that that this file has aged over 45 days since its filing and that no response from IA is noted in the file. Mark Kielsingard pointed out that the Board has before it an allegation, but no IA response after the 45 day time limit. Lt. Smith stated that there may be an investigation going on in the Smith file and he would have to check. If there was, more time was probably needed due to the holidays, recent events at the KWPD etc.. Jessica Smith stated that she has not been contacted by IA at all on her complaint.

Chairman Green first suggested to the Board that they must first consider if there is a cause of action stated in the complaint. If so, then how to proceed thereafter should be the focus of the Board. Jessica Smith alleges that Officer Sanchez did not do a full report and there is statements in writing by Officer Sanchez that he admitted making inappropriate comments to her son.

**Motion by Mark Kielsingard that the complaint has sufficient merit to proceed and the motion is Seconded by Mike Driscoll.**

**Vote: Pass Unanimously.**

Lt. Smith followed up that he does not know how long such an investigation could take but if it is involving limited witnesses and officers, it should not be too long. He pointed out that the holidays are coming up and that may delay interviews.

**Motion by Mark Kielsgard that the Board should send a letter to IA to finish investigation on December 22, 2008, or the Executive Director will initiate a parallel investigation thereafter on behalf of the Board. Motion is Seconded by Trice Denny.**

**Vote: Passed Unanimously.**

b. Review File: James Roberts– CRB# 08-009:

Chairman Green asked if the Board felt that there is a complaint stated by the complainant. Virginia Altobello and Kevin Collins and Chairman Green felt there is no case or unprofessional conduct specifically alleged in the complaint to proceed at this juncture. Mark Kielsgard agreed that the allegation must be plead more specifically and felt there is no allegation that can satisfy a claim at this point. Mark Kielsgard felt that the Board should dismiss the complaint and write a letter to the complainant to inform the complainant he could re-file his complaint with more specifics if he wished.

**Motion by Kevin Collins that the complaint be found as UNFOUNDED as alleged and that the Executive Director send a letter informing the complainant as such and allowing the complainant to refile if he has more specifics at a later date. Motion Seconded by Virginia Altobello.**

**Vote: Passed Unanimously**

c. Review File: Dwayne Norris—CRB # 08-010:

Chairman Green solicited comments from the present attending citizens and Mr. Norris' attorney and pointed out that Mr. Norris is facing a current criminal case.

Nissa Linderman stated to the Board that this is currently a criminal matter pending. Attorney Cintron suggested that the Board hear from the Mr. Norris' attorney before proceeding.

Attorney Mr. James Nunn, representing the complainant, addressed the Board and stated he did not know Mr. Norris filed this complaint and suggested the Board send a letter to Mr. Norris informing him of the possible dangers of proceeding with a complaint at this juncture in light of Mr. Norris pending criminal trial which is set for January 2009 docket.

**Motion by Mark Kielsgard to reschedule this matter and Executive Director should write a letter to Mr. Norris and attorney Dunn soliciting if they wish the Board to proceed or not, due to Mr. Norris' pending criminal case. Motion is Seconded by Kevin Collins.**

**Vote: Passed Unanimously**

7. COUNSEL'S REPORT

Attorney Cintron proposed a letter to the Attorney General letter which will go out this week asking for an advisory opinion. Attorney Cintron will send it out the letter this week and he reminded the Board that it only solicits an opinion and not a legally binding ruling but such an opinion has some persuasive value.

8. CHAIRMAN'S REPORT

Chairman Green addressed Chief Donald Lee's response letter relative to Unuvar file and feels the letter may not be exactly correct in the timelines, but that this was a moot issue and the Board should move on. Mark Kielsgard and Chairman Green both felt the letter's tone is encouraging.

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

None

10. EXECUTIVE DIRECTOR'S REPORT

- a. Executive Director Muffler informed the Board that Reverend Thornton resigned orally on the phone to the Executive Director on December 8, 2008, and he wanted to thank the Board for the opportunity to serve, but his personal and professional commitments to his work precludes his ability to sit on the Board any further. Rev. Thornton would visit the Executive Director in the CRB office on Thursday December 11, 2008, to sign a formal statement as such. Executive Director proposed a timeline and procedure, which was accepted by the Board members, for soliciting applications to fill this position. Attorney Cintron pointed out to the Board that they should be sensitive to minority appointments and create diversity on the Board per the City Charter's recommendations.
- b. Executive Director Muffler updated the Board that the "Working Agreement" was still in the legal department. Attorney Cintron explained to the Board that the City attorney was very busy and he was confident it will be addressed as soon as practical by the city attorney.
- c. Executive Director Muffler reported to the Board on his limited investigation concerning Omar Brown (CRB Case #07-011) and the Board authorized continued efforts by the Executive Director to locate/secure a copy of the subject one page police/incident report allegedly authored by the subject officer.
- d. Executive Director explained to the Board that he has not received a list of 2008 IA files (summaries & filing dates & resolution of files) from IA yet. Lt. Smith did not know this fact and would have inspector Smith work on this.

- e. Executive Director informed the Board of his efforts on improving public relations with City Officials and Citizens on behalf of CRB and his future efforts in the year 2009.

#### 11. PSO/IA COMMENTS/FOLLOW-UP:

Lt. Smith stated that to the best of his recollection he never received any files/complaints dealing with "Roberts" & "Norris" before tonight. He also stated that Jessica Smith never returned his department's phone calls so he presumed the matter to be moot and that the complainant did not want to proceed. Summaries of all three files were then handed to Lt. Smith by the Executive Director and the Executive Director explained that the Board Member packets reflect fax confirmation sheets to IA on all of the foregoing complaints. Board members were generally disappointed that there could be a breakdown in communication of sending/receiving complaints from the CRB office to IA. Attorney Cintron suggested a formal "receipt" procedure be signed for by IA representatives when a new complaint comes in from the CRB. Executive Director Muffler and Lt. Smith agreed to establish such formal processes between their departments. Mark Kielsgard pointed out that the Jessica Smith file could be much older than what the CRB tracking chart reflects and this could be a problem. The Board agreed to have a meeting for December 22, 2008, if Jessica Smith is available.

#### 12. PUBLIC INPUT

None

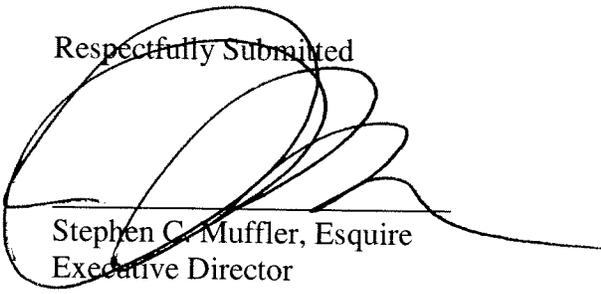
#### 13. MEDIA AND PRESS QUESTIONS

None

#### 14. ADJOURNMENT

Meeting is adjourned at 7:40 p.m.

Respectfully Submitted

  
Stephen C. Muffler, Esquire  
Executive Director



# MINUTES

Citizen Review Board Meeting  
Old City Hall, 510 Greene Street

**Monday, November 24, 2008**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER

Meeting was called to order by Chairman Green at 6:05 p.m.

2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Bryan Green  
Virginia Altobello  
Mark Kielsgard  
Michael Driscoll  
Kevin Collins  
Robert Cintron, Attorney for the Board  
Stephen Muffler, Executive Director of the Board

ADDITIONAL ATTENDEES:

None

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

Chairman Green solicited any comments, amendments or modifications to the minutes for the meeting of 11/10/08 and none were announced.

**Motion made by Kevin Collins and Seconded by Mark Kielsgard to approve the minutes as written for the meeting of 11/10/08.**

**Vote: Passes Unanimously**

Chairman Green requested that the minutes for meetings of August 11, 2008 & September 15, 2008 be presented and approved next meeting on 12/08/08. All members of the Board agreed to address those minutes next meeting.

5. TRACKING CHART REVIEW

Board reviewed the tracking chart and directed the Executive Director to add a section for outstanding correspondence on future charts. Board was concerned about IA files not coming to the Board on time which is defeating the purpose of the Board. Board directed Executive Director Muffler to call the Chief Lee and write a letter to Chief/IA about the Board's concerns of the delays. Board discussed the necessity to commence its own

investigations if the files are not timely delivered to its attention/review. Chairman Green stated that the "Thomas Neary" and "Matthew Klosowski" files should be removed from the tracking chart as they are not pending any longer and the Board had no objection to such modification.

## 6. CONTINUED OR NEW BUSINESS

Item (c) on the Agenda is taken out of order and addressed first to give any member of the public time to appear and speak about the other files on the agenda.

- a. Status/Update: Michael Rosenstein File—CRB #005  
(limited investigation into audio/visual materials)

The Board reviewed the audio, pictures and video produced by the IA's office. Mark Kielsgard reported his investigation to the Board concerning his dialog with the Public Defender's office. Mark Kielsgard explained that the Public Defender stated to him that a plea was entered into before discovery exchanges occurred and that may have waived any right to future discovery by Mr. Rosenstein.

**Motion made by Mark Kielsgard and Seconded by Virginia Altobello of UNFOUNDED as to the allegation of untruthfulness against the officers which would close this file as the other allegations were dealt with at the previous meeting.**

**Vote: Passes Unanimously**

Chairman Green solicited the Board's comments on if the audio/visual evidence should be provided to Mr. Rosenstein now. Mark Kielsgard pointed out that the audio/visual materials may include confidential informants (CI) identities and/or undercover officers and thus should not be sent to Mr. Rosenstein unless he places a public record request upon the Board. Further, Mark Kielsgard was surprised that the video/audio was not redacted in parts to shield the identity of any CI or undercover officer involved in this arrest. No objection to Mark Kiesgard's suggestion was made and the Board's sentiment was not to send out the audio/visual matters to Mr. Rosenstein unless a public records request was placed on the Board.

- b. Review File: Omar Brown—CRB# 07-001;

Chairman Green asked if the underlying criminal case was completed and Executive Director Muffler reported that it was scheduled for Trial on November 17, 2008 and unknown if it did proceed or not. Executive Director Muffler explained that this and the Hardin file had been in limbo for many, many months at the CRB office and it was incumbent upon him to bring these files forward in the process and to the attention of the Board now that he is the Executive Director. Executive Director Muffler explained that all files, after the 45 day time limit has lapsed, would be brought to the Board's attention so that the Board can direct/comment on the file and make a determination as to what to do with the file. Mark Kielsgard pointed out that the Brown file was excessively aged and Board should hear proceed to hear the matter regardless. The rest of the Board agreed to proceed to hear the file.

Mark Kielsgard briefed the Board as to the issues he considered in reviewing the file and that issues 1-3 were not within the scope of review of the Board (relating to the search, detention and arresting of Brown). However, the 4<sup>th</sup> allegation of untruthfulness of Officer Rodriguez as to if he lied on the search warrant application was something that the Board can and should address.

**Motion made by Mark Kielsgard and Seconded by Virginia Altobello that the issues (1-3) were not within the scope of the Board's review and are court issues and the Board should pass on addressing them.**

**Vote: Passes Unanimously**

The Board then continued discussion on the last remaining issue of the truthfulness of the Officer Rodriguez relative to the affidavit and arrest reports. Mark Kielsgard felt that there should be a check to see if Officer Rodriguez actually arrested Mr. Brown in the past. Mark Kielsgard felt the complainant deserves an answer from our Board on this issue. Attny. Cintron suggested that there might be discovery that addresses this question (did Officer Rodriguez lie or not) and maybe the Public Defender's office has the deposition of Officer Rodriguez and other officers. Also a check of the courthouse file may reflect the affidavit for the warrant and other documents that could be relevant to the Board's decision.

**Motion made by Mark Kielsgard and Seconded by Kevin Collins that a limited investigation be conducted by the Board to locate these materials, if they exist, and review the same.**

**Vote: Passes Unanimously**

Mark Kielsgard stressed after the vote that the investigation should be limited to review of already compiled documents and no independent interviews undertaken at this juncture.

c. Review File: Greg Harding-- CRB# 08-006;

Kevin Collins reported the summary of the case to the Board. Mark Kielsgard summarizes the law surrounding police initial stops, pat downs, and stopping individuals. Mark Kielsgard suggested that there is not enough evidence of illegal racial profiling and the rest of the issues are court issues. Attny. Cintron suggested that the complainant may not want to pursue this matter and should refile the complaint for technical reasons.

**Motion made by Mr. Kielsgard and Seconded by Kevin Collins as to NO FINDING and to allow the complainant adequate time to re-file the complaint if he wished and proffer new evidence and then the Board could review the matter. Also that the file would be put forth to the Board after the lapse of time occurs for the complaint to re-file.**

**Vote: Passes Unanimously**

Executive Director Muffler stated he would send out a letter to the Complainant as such and give him 2 months to re-file his complaint if he wishes due to Mr. Harding's incarceration.

## 7. COUNSEL'S REPORT

Reminder to members to keep written reports/notations concerning the file as they are public record.

## 8. CHAIRMAN'S REPORT

Chairman Green asked the Executive Director to prepare an Annual Report and the Executive Director stated that he will do so based on a calendar year of 2008. Some Board members wanted it to include statistical data and broken down by officer. The Executive Director stated he would start on a draft of this item at the conclusion of December 2008, try to include as much information as time/resources permit, and submit it to the Board as soon as possible thereafter for comments and refinement by the Board.

## 9. BOARD MEMBERS REPORT/GENERAL COMMENTS

None.

## 10. EXECUTIVE DIRECTOR'S REPORT

- a. Executive Director Muffler explained that the delay in signing the "Working Agreement" was due to the fact that the city attorney's office has not delivered the modifications yet.
- b. Executive Director Muffler demonstrated the upgrades to the CRB website and the future addition of a newsletter.
- c. Executive Director Muffler presented a flow chart of the "Complaint Process" and pointed out where in the process the files are being delayed to put them outside the 45/180 day limits.

## 11. PSO/IA COMMENTS/FOLLOW-UP

Executive Director Muffler reported that the Internal Affairs representatives were not available tonight due to the holiday week. Executive Director Muffler communicated that he was in possession of the Kelly Thomas IA investigation file that was internally generated by the KWPD. The Board did not want to formally review the file at a public meeting but agreed that the file should be available for members/public viewing at the CRB office. Kevin Collins requested that ICOP final procedures, when adopted by KWPD, be forwarded to the Board.

## 12. PUBLIC INPUT

No public present

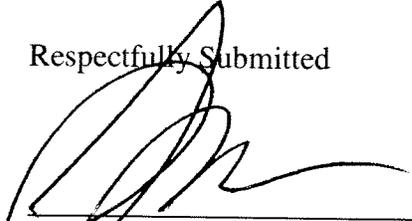
## 13. MEDIA AND PRESS QUESTIONS

No Media/Press present

## 14. ADJOURNMENT

Meeting was adjourned at 8:10 p.m.

Respectfully Submitted



---

Stephen C. Muffler, Esquire  
Executive Director

# MINUTES

Citizen Review Board Meeting  
Old City Hall, 510 Greene Street

**Monday, November 10, 2008**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER:

Meeting was called to order by Chairman Green at 6:05 p.m.

2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Trice Denny  
Bryan Green  
Virginia Altobello  
Mark Kielsgard  
Michael Driscoll  
Kevin Collins  
Robert Cintron, Attorney for the Board  
Stephen Muffler, Executive Director of the Board

ADDITIONAL ATTENDEES:

Lt. David Smith (KWPD)  
Michael Rosenstein (by phone)  
Nancy Loewy  
William Flegia  
Ted McDonald  
David T. Smith

3. PLEDGE OF ALLEGIANCE:

4. APPROVAL OF MINUTES:

Chairman Green solicited any comments, amendments or modifications to the minutes for the meeting of 10/27/08. Ms. Altobello corrected the spelling of her first name as a "G" and not a "J" for Genny. Minutes approved as corrected.

Chairman Green requested the status of the prior minutes from June 2008-September 2008. Executive Director Muffler explained that the former Executive Director, Amanda Willett-Ramirez, was still working on them and they are delayed due to her new full time position in the City's legal department. Director Muffler pointed out that it would be very hard for him to "recreate" minutes for prior meetings as he was not present and the audio would be difficult to pick up clearly the identity of the motions and the specific language used. Thus he suggested that the Board give Mrs. Willett-Ramirez liberal time to complete this task.

## 5. CONTINUED OR NEW BUSINESS:

Nominations for Vice Chair Position were solicited by Chairman Green. Nominations were closed and the Nominees being Mr. Kielsgard and Mr. Collins. A closed ballot election occurred and attorney Cintron and Director Muffler counted the ballots and announced a tie of 3-3. Immediately thereafter, Mr. Kielsgard announced he would withdrawal his name from consideration making Mr. Collins the Vice Chair by default.

Chairman Green wished to proceed to the review of the Rosenstein file, but Mr. Rosenstein had not called into the meeting as of yet so attorney Cintron was solicited to make any comments/presentations to the Board. (Item #6 on the Agenda was then addressed—out of order)

Attorney Cintron refreshed the Board's recollection on the 180 rule found in the Florida Statutes (Officer's Bill of Rights) and also explained that the current and future Union Bargaining Agreement will also have time tables that needed to be satisfied in every investigation. Chairman Green also explained to the Board members who where not present why this was relevant. Attorney Cintron explained some type of "trigger" is needed so that CRB can address the files in time.

Chairman Green solicited from Director Muffler any proposals as to how to meet these deadlines. Director Muffler proposed using a "tacking chart" similar to the one distributed to the members at the current meeting to keep track of all pending complaints. The Board would then be in a better position to know when it should activate its own investigation. The Board agreed that the chart was useful and should be updated and presented at all future meetings. Lt. Smith explained that Brown and Harding (referencing the two files on the chart that have not been heard by the CRB) could "refile" their complaints at any time after their case is over and the general procedure for closing files in these cases.

Director Muffler explained that beyond "basic" investigations would probably have to be conducted by hired contractors and other legal investigators and the CRB budget was not funded for such investigators. Director Muffler and attorney Cintron suggested that they could do "basic" investigations (review of public records, courthouse filings, etc...) to save the Board and City expense. However, should extensive investigations be needed, professional investigators would have to be hired and retained.

At the close of the aforesaid discussion, Director Muffler suggested he call Mr. Rosenstein and remind him to call into the meeting now. Said call took place and Mr. Rosenstein then joined the meeting via telephone.

### **Review File: Michael Rosenstein – CRB# 08-005**

The summary of the case was given by Chairman Green and agreed to by Mr. Rosenstein. Chairman Green requested clarification of why all of the allegations of falsification of evidence were not made at the time of the resolution of the original complaint in 2006 was resolved. Mr. Rosenstein explained he did not understand the process and was very ill and was not cognizant as to the proper steps to complain. Chairman Green requested

clarification of why Mr. Rosenstein signed a letter acknowledging the settlement of his original complaint that arose from the same facts and situation as this present complaint. Mr. Rosenstein explained he plead out this criminal case due to his medical condition and could not rationally understand what was going on at the time due to his medical conditions.

Mr. Kielsgard asked Mr. Rosenstein if he had any new evidence and Mr. Rosenstein said he did not. Mr. Rosenstein alleged that the arrest report was not truthful and not the same one that he viewed previously. Lt. Smith was asked if the audio visual materials were still available and Lt. Smith stated he did not have personal knowledge one way or another, but these materials may exist in the discovery packets.

Mr. Kielsgard stated that the entrapment issue should not be addressed by the Board as this was a legal defense. Mr. Kielsgard suggested that the discovery issue may or may not be investigated by the Board. Mr. Kielsgard felt the entrapment issue should not be addressed by the Board at this time.

**Motion made by Mr. Kielsgard to find NOT SUSTAINED the charge of entrapment due to the fact it is beyond the Board's jurisdiction and a court issue; Seconded by Ms. Denny.**

**Vote: Passes Unanimously**

The Board then addressed the second issue as to the falsification of records/information. Mr. Kielsgard and Chairman Green suggested that a basic investigation be conducted by the Board to request copies of the audio/visual items, if they exist, from the State Attorney's Office and the Public Defender's Office. Chairman Green suggested that a copy of I-Cop and Audio would help bring closure to this file. Mr. Kielsgard suggested that an investigation into the missing evidence (audio/visual) would be helpful and could be done by anyone, any member or attorney Cintron.

**Motion made by Mr. Kielsgard to continue this case to the next meeting to try to get more formation (copies of audio/visual items) relative to Mr. Rosenstein's claim; Seconded by Vice Chair Collins.**

**Vote: Passes Unanimously**

## 6. BOARD MEMBERS REPORT/GENERAL COMMENTS:

### a. NACOLE attendees report/summary to the Board:

Vice Chair Collins reported on NACOLE conference and collected items which will be uploaded to the CRB site. Vice Chair Collins reported on various topics and thanked the Board for the opportunity to go to the conference. Mr. Kielsgard reported on matters at NACOLE and interfacing with Miami CRB members who expressed desire to forge closer relationship with the Key West CRB. He attended the various sessions that Vice Chair Collins could not attend. Mr. Kielsgard summarized his conversations with other CRB members in other states and cities. Mr. Kielsgard felt that the Board should look at the KWPD policies and procedures more closely in cases. Mr. Kielsgard reported that according

to the information provided by NACOLE, the KWPD averaged proportionately about the same number of complaints as other forces.

Attorney Cintron suggested that the Board write a letter to NACOLE to see if there was any way to buy the video tape of the conference proceedings.

#### 7. EXECUTIVE DIRECTOR'S REPORT:

Director Muffler introduced the draft of the proposed "Working Agreement" with the KWPD and explained each provision to the Board. Director Muffler explained that the final modifications were being provided by the City Attorney's Office and have not been received. Board members were pleased with the proposal and wanted it finalized as soon as practical. Ms. Altobello stated she would provide some clerical modifications to Director Muffler directly after the meeting.

Executive Director secured the approval of the proposed new CRB informational brochure with minor changes as to alerting the complainant to contact the Executive Director as to issues dealing with timing of complaint filings.

Meeting dates for 2009 were confirmed and viewed on the CRB website and Director Muffler presented a short PowerPoint slide show on the standards of proof to be satisfied in CRB files.

#### 8. NEW BUSINESS:

Mr. Kielsingard brought up the problem that the Key West police are not being paid enough due to the health insurance taking about 20% of their salary for family members. Mr. Kielsingard suggested that the Board make a statement announcing their support for more compensation in the way of pay or benefits for the Key West police. Board members inquired as to the typical officer's workday and extra side jobs and Lt. Smith clarified the work hours and extra jobs many officers had to work to make sufficient pay. When questioned if such an announcement is proper for this Board to make, attorney Cintron advised that it would be proper for the Board to make such a recommendation in a limited capacity. No formal motion was made on the matter and general recommendations to bring it up later at future meetings were made by several members.

Vice Chair Collins questioned Lt. Smith if the I-COP procedural manual/directives were finalized and if it can be given to Board. Lt. Smith would look into the matter. Chairman Green asked for the status of any IA complaints and Lt. Smith announced he would supply the "Kelly Thomas" closed file and provide Director Muffler with a copy of the 2008 case schedule of IA files.

#### 9. PUBLIC INPUT:

Public attendees stated that the discussion was interesting.

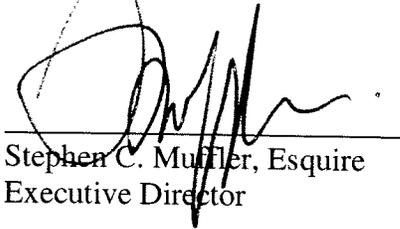
10. MEDIA AND PRESS QUESTIONS:

Chairman Green asked Director Muffler if the media was informed of the Board's meetings. Director Muffler stated that an e-mail was sent out in October to the news media contacts informing them that all the agendas, minutes and board materials would now be online and viewable. It was presumed by Director Muffler that no personal invitation to the media would be necessary given the now increased public availability of the Board's documents online.

11. ADJOURNMENT:

Meeting was adjourned at 8:15 p.m.

Respectfully Submitted



Stephen C. Muffler, Esquire  
Executive Director

Sign In 11/10/08  
CRB Meeting

Nancy Lowmy  
William FLEGAL  
TED McDONALD  
DAVID T. SMITH

# MINUTES

Citizen's Review Board Meeting  
Old City Hall, 510 Greene Street

**Monday, October 27, 2008**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER

2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Trice Denny  
Mike Driscoll  
Bryan Green  
Virginia Altobello  
Robert Cintron, Attorney for the Board  
Stephen Muffler, Executive Director of the Board

ADDITIONAL ATTENDEES:

Addie Unuvar  
Suleyman Unuvar  
Bob Kelly  
Alfred Vazquez  
Lt. David Smith  
Officer Paul J. Cavanaugh  
Attorney Curran (by phone only on behalf of S. Unuvar)  
Marty Leeshaw (court reporter)

3. PLEDGE OF ALLEGIANCE

After the Pledge of Allegiance the Chairman Green welcomed Stephen Muffler as Executive Director and Virginia Altobello to the Board for her first meeting concerning review of files.

4. APPROVAL OF MINUTES

Executive Director Muffler informed the Board that Amanda Willet-Ramirez will draft up the prior minutes for the prior meetings. Mrs. Willet-Ramirez was delayed due to her school work, her new position with the city attorney's office and she had computer problems over the past week. However, she will get them to the Board ASAP. Executive Director Muffler stated he will do all the minutes from this meeting forward.

5. CONTINUED OR NEW BUSINESS

- a. Suleyman "Sal" Unuvar – CRB# 07-006

Chairman Green explained the procedural posture of the file and that the allegation was SUSTAINED by the Board at a previous meeting. Chairman Green explained the time element relative to the file and the passing of the 180 day time frame. Chairman Green requested attorney Robert Cintron to explain to the Board their options in light of the time issue.

Attorney Cintron briefed the Board on his legal memorandum contents and recommendations. He explained to the Board its options in light of Florida law (Officer's Bill of Rights) and the Union Bargaining Agreement relative to the Unuvar file and the 180 time limit. Mr. Driscoll questioned who holds the Key West Police Department (KWPD) accountable to make sure they meet the 180 day period so the Board can adequately participate in the disciplinary recommendations. Chairman Green explained that all the pending files tonight are outside the 180 days and pointed out that the KWPD was still taking interviews in the Unuvar investigation even after the 180 day time limit had lapsed.

Chairman Green suggested that the Executive Director Muffler make proposals to the Board at its next meeting as to how to address this 180 day period and how the Board can force the KWPD compliance to the 180 limitations period.

Attorney Cintron suggested that he be directed to write the Florida Attorney General on one of the exceptions to the 180 day requirement (tolling of 180 days while a criminal case is pending) and secure an advisory opinion to clarify when this exception applies.

Lt. Smith, stated that the KWPD's policy is that if there are criminal matters pending against the complainant, then the IA closes out the file. They will open up a new investigation after the criminal case is completed against the complainant and that starts the 180 day time period. Lt. Smith does not agree with Attorney Cintron's interpretation of the exception to the 180 time period tolling found in the "Officer's Bill of Rights" but an Attorney General's Opinion would be helpful in clarifying this issue.

Mr. Driscoll felt that the Board should proceed with addressing all the pending issues now and not wait for the other Board members being present, as this is a scheduled meeting and if the other Board members are missing, that should not delay our discussion at this meeting.

**Motion to have Attorney Cintron to write the letter to Attorney General Requesting Interpretation of the 180 day tolling provision by Chairman Green and Seconded by Mr. Driscoll.**

**Roll Call Vote:**

**Trice Denny: Yes**

**Chairman Brian Green: Yes**

**Virginia Altobello: Yes**

**Mike Driscoll: Yes**

**Passes Unanimously**

Mr. Driscoll feels that the Board should decide if the Unuvar file should be referred to the State Attorney to investigate if there was a purposeful delay by the KWPD to purposefully miss the

180 day deadline. Chairman Green felt that the Board should give Chief Lee the opportunity to explain in writing before proceeding on such a motion or course of action.

Chairman Green suggested that he write a letter to Chief Donnie Lee on this matter. There is no objection to Chairman writing a letter to Chief Lee requesting an explanation the apparent delay in Unuvar investigation by the KWPD and to also specifically mention the other two files set before the Board at this meeting.

Chairman Green again reviewed the history of the file and the prior Sustained finding. Chairman Green noted that no matter what decision is had by the Board on this file, it is now past the 180 day time limit. Chairman Green pointed out that this does not preclude the Board from making a recommendation on this file.

Attorney Curran, representing Mr. Unuvar, encouraged the Board to make a recommendation anyway even if the 180 days had lapsed. Lt. Smith declines to make any statement on behalf of the Unuvar file.

Board members Mike Driscoll and Trice Denny were expecting from Attorney Cintron or someone a list of possible sanctions against the officer so they could pick from. Attorney Cintron and Chairman Green stated that there is no "list" per se. Lt. Smith explained there are different degrees of sanction from informal reprimands and written formal reprimands. Written reprimands include suspensions from 1-3, 3-7 day suspensions, or up to 30 day suspensions and termination. Lt. Smith referred to the Board the policy section on sanctions for the KWPD.

Lt. Smith explained that he had no personal recollection of any prior history against the particular officer in the Unuvar file. Lt. Smith stated that this particular officer had been on the force 4 1/2 years or so. Mr. Driscoll felt that the involved officer should be suspended for 2 weeks without pay and given remedial training. Lt. Smith explained that 2 weeks of unpaid leave equates really to 1 month due to KWPD work schedules.

**Motion to give officer remedial training and 2 weeks suspension without pay made by Mike Driscoll. No second. Fails for lack of Second.**

**Motion for counseling and remedial training and three days suspension without pay by Ms. Altobello and Seconded by Mr. Driscoll.**

**Roll Call Vote:**

**Trice Denny: No**

**Chairman Brian Green: Yes**

**Virginia Altobello: Yes**

**Mike Driscoll: Yes**

**Motion passes.**

**b. Linda Kozak – CRB # 08-003**

Chairman Green questioned if KWPD's Internal Affairs Department (IA) had investigated the CRB complaint's allegation or just the violation of the chase policy allegation. Lt. Smith stated that this was no IA investigation because it was handled by the KWPD before a formal complaint was filed with the CRB. Chairman Green did not understand why the CRB complaint was not investigated and IA only investigated the violation of the chase policy. Lt. Smith explained that disciplinary action had already been taken on the violation of the KWPD chase policy issue and thus no further investigation was needed on the CRB complaint.

Ms. Altobello requested information on how the KWPD officers were trained in the Baker Act process and if the officers recognized that Mellissa Kozak really exhibited signs of mental issues or if they were reflected of what the officers thought were signs of drug usage.

Chairman Green suggested that the Board first concentrate on the violation of the KWPD chase policy. Lt. Smith stated that KWPD had concluded that the chase policy was violated and sanctions were appropriate and issued. The Board members felt that the actions taken by KWPD and Chief Lee were appropriate.

Chairman Green then moved to address the CRB complaint that the police officers should have reasonably noticed that Melissa Kozak was mentally ill. Chairman Green requested Lt. Smith to explain to the Board how KWPD officers are trained in identifying or dealing with suspects under a mental disability. Lt. Smith explained two (2) courses of action to be taken: 1) If the suspect is acting irrational and are a danger to themselves, they are taken into protective custody and sent to medical facility; 2) If the suspect commits a criminal act, like Melissa Kozak, did in resisting arrest, fleeing etc... then they are under criminal charges now and brought to jail and an "assessment form" is filled out. Lt. Smith explained that this form would be filled out by the officer and the jail operators/staff were under an obligation to take the appropriate action/treatment of the detained individual. Lt. Smith explained that the officer lets the jail operators know how the suspect is acting to adequately inform the jail on how to handle the suspect. Lt. Smith explained that the KWPD is not trained formerly on how to detect and treat mentally challenged suspects. Lt. Smith explained that this is a skill that is acquired by the officers over time and with job experience. Lt. Smith explained that there is an approximate 6 minute general training session periodically by a visiting staff nurse from the community that visits the KWPD. However there is no formal training sessions.

Mr. Driscoll stated that it was the jail that should have acted. He felt that the KWPD officers did properly arrest Melissa Kozak due to her dangerous driving. Chairman Green asked Lt. Smith if the statements made by Melissa Kozak to the arresting officer found on the ICOP video were odd? Lt. Smith said it was odd, but she broke the law. Ms. Altobello stated that it would be a difficult decision for the officers to make a judgment call on the Baker Act that night under these circumstances. Ms. Denny felt that the officers acted reasonable under the circumstances.

**Motion for NOT SUSTAINED as to the charge that the officers' failed to reasonably notice Melissa Kozak mental state made by Chairman Green and Seconded by Mr Driscoll.**

**Roll Call Vote:**

**Trice Denny: Yes**

**Chairman Brian Green: Yes**

**Virginia Altobello: Yes**

**Mike Driscoll: Yes**

**Motion Passes Unanimously**

**c. David Millette – CRB # 08-001**

Chairman Green felt that the Board should not address, or try to judge the legality of the “goped” as it was for the courts and the lawmakers to do that. Attorney Cintron explained that the complainant felt that he was being harassed with all the tickets. Attorney Cintron explained the law surrounding “gopeds” and other devices which does not allow for the operation of the “goped” anywhere but private property. Attorney Cintron explained that Mr. Millette did get one citation dismissed against his operation of his “goped” but that was a different issue and the court based its ruling on different grounds that were not relevant to this situation of operating a “goped” on the streets. Chairman Green stated that the “truthfulness” allegation really is a matter pending before the courts in the traffic infraction case and the Board could not proceed on that at this time. However, the other two allegations of Harassment & Traffic Violation could be disposed of via a proper motion.

**Motion for NOT SUSTAINED as to the charges of Harassment & Traffic Violation against the officer made by Ms. Altobello and Seconded by Trice Denny.**

**Roll Call Vote: Passes Unanimously.**

**6. COUNSEL’S REPORT**

Attorney Cintron explained that the 180 day rule is causing concerns because of the Unuvar case and the Board has the right to be upset about the lack of time to do anything. Attorney Cintron suggested that the Board needs to come up with procedures to act on their own to meet these deadlines so that if there are any delays by KWPD, then the CRB should be able to move forward to avoid another Unuvar situation. Attorney Cintron suggested that the Board needed education on the disciplinary process outlined in the police union contract to fully understand the time frames involved in the grievance procedure. Then the Board could adequately address its internal policies and procedures to avoid the lapse of the 180 day time period.

**7. CHAIRMAN’S REPORT**

Chairman Green explained that a Vice Chair is needed due to his possible future travel plans. Chairman Green recommended that Executive Director Muffler solicit from members directly if they are interested in Vice Chair position and have a nomination list proffered at the next meeting.

Chairman Green and Mr. Driscoll feel that the present conference room is not workable and that the Board should use the large room either with the table or its present set up.

**8. BOARD MEMBERS REPORT/GENERAL COMMENTS**

Mr. Driscoll requested copies of a prior letter sent to the city manager addressing a neglected file and this letter should have been circulated to the members and it was not. Mr. Driscoll wanted the record to reflect that he objected to the hiring process of the new Executive Director because this decision was made at a meeting that was not properly scheduled to allow him to participate. Mr. Driscoll wanted the record to reflect that he never missed a meeting and wanted to participate in this selection process and was not allowed to do so.

#### 9. EXECUTIVE DIRECTOR'S REPORT

Executive Director Muffler explained that the current approved budget was not adequate to reasonably sustain the CRB's ongoing responsibilities and would report to the Board with more specifics at a future meeting. Executive Director Muffler informed the Board members that the CRB packets were now online and demonstrated the updated CRB city web page and links to access these materials. Executive Director Muffler explained that the member's packets will be delivered in the future via this online service unless a Board member specifically requests hard copies. Executive Director Muffler laid out his 90 day action plan and goals to be accomplished in this period of time.

#### 10. PUBLIC INPUT

Lt. Smith stated he has cleared out the back log of the files at IA since he took the position in January 2008. Lt. Smith believes he can move the files through the investigative process within the 180 day period and intends to timely do so unless there is an applicable exception to the time table in the Officer's Bill of Rights. Lt. Smith reported that one (1) internal investigation was generated during his current tenure that resulted to disciplinary action against the subject officer. Lt. Smith explained that he shares Chief Lee's commitment to hold everyone accountable and address issues before they become problems. Lt. Smith apologized for the lack of timely completion of prior files by IA in the past which was under other supervisors control and prior to his appointment to the position. Lt. Smith assured the Board that he will do his best that the KWPD is in compliance with the 45 days and the 180 day time tables.

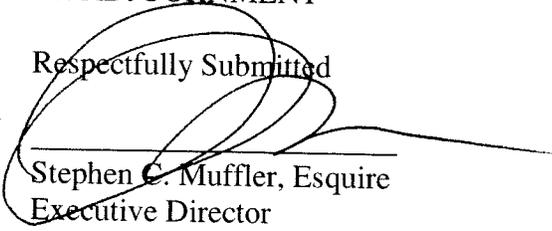
Chairman Green thanked Lt. Smith and KWPD for I-COP training as it was very useful and encouraged more inter-department training.

#### 11. MEDIA AND PRESS QUESTIONS

None.

#### 12. ADJOURNMENT

Respectfully Submitted

  
\_\_\_\_\_  
Stephen C. Muffler, Esquire  
Executive Director

CRB - Meeting 10/27/08

NAME

(Please Print)

Addie Unuvar

Suleyman Unuvar

Bob Kelly

ALFREDO VAZQUEZ

DAVID T. SANTA

Paul J. CAVANAUGH

MINUTES  
CITIZEN REVIEW BOARD MEETING  
OLD CITY HALL

Monday, September 15, 2008

A meeting of the Citizen Review Board of the City of Key West, Florida was held at the Old City Hall located at 510 Greene Street, Key West, FL 33040.

Chairman Bryan Green called the meeting to order at 5:30 p.m.

Answering roll call were Chairman Bryan Green, Board Members Virginia Altobello, Kevin Collins, Trice Denny and Mark Kielsgard.

Absent: Mike Driscoll and Reverend Thornton.

Also present were Counselor Robert Cintron, Jr. and Executive Director Amanda Willett.

**Interviews of Executive Director Candidates**

This meeting was scheduled specifically for the board to conduct interviews of the final eleven (11) applicants for the Executive Director position.

After thoughtful consideration and discussion of all of the applicants that were interviewed, the board unanimously determined to select Mr. Stephen Muffler as their new Executive Director. Mark Kielsgard moved to appoint Mr. Muffler as the Executive Director and that motion was seconded by Trice Denny. All members were in favor and the motion carried.

The board also discussed the upcoming 2008 NACOLE Conference in Cincinnati, OH and determined that the newest members, Virginia Altobello and Kevin Collins, would attend. Mark Kielsgard also expressed an interest in attending and it was further determined that attendance by other board members could attend if it could be funded in accordance with the CRB budget. There was also discussion about transferal of monies from other budget line items to travel and training to allow those members to attend the conference.

**Adjournment**

There being no further business, Chairman Green adjourned the meeting at 9:32 p.m.

Respectfully submitted by:

---

Amanda Willett, Executive Director

MINUTES  
CITIZEN REVIEW BOARD MEETING  
OLD CITY HALL

Monday, August 11, 2008

A meeting of the Citizen Review Board of the City of Key West, Florida was held at the Old City Hall located at 510 Greene Street, Key West, FL 33040.

Chairman Bryan Green called the meeting to order at 7:00 p.m.

Answering roll call were Chairman Bryan Green, Board Members Kevin Collins, Trice Denny Mike Driscoll, Mark Kielsgard and Reverend Thornton.

Also present were Counselor Robert Cintron, Jr. and Executive Director Amanda Willett.

**Pre-Selection of Executive Director Candidates**

This meeting was held in order for the board to discuss the applications received for the Executive Director position and determine which applicants will be called for an interview. Counselor Cintron advised that the board's selection process is subject to the City's Veteran Preference policy and the CRB must give preference must be given to those candidates who are qualified for the position in comparison to those candidates who are not veterans. After discussing the selection process, the board determined that 12 of the 38 applicants would be contacted for interviews. The board also discussed the process in which the interviews would be conducted and the standard questions that would be asked of the applicants. It was agreed that the interviews will be held on Monday, August 18, 2008 at Old City Hall.

**Public Input**

No member of the public attended the meeting.

**Media and Press Questions**

No member of the press attended the meeting.

**Adjournment**

There being no further business, Chairman Green adjourned the meeting at 6:52 p.m.

Respectfully submitted by:

\_\_\_\_\_  
Amanda Willett, Executive Director

## MINUTES

Citizen's Review Board Meeting  
Old City Hall, 510 Greene Street

**Monday, August 4, 2008**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER

2. ROLL CALL

Kevin Collins, Mark Kielsgard, Trice Denny, Mike Driscoll, Bryan Green all present. Rev. Thornton not present.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

No Minutes available to be approved.

5. CHANGES TO THE AGENDA

6. CONTINUED OR NEW BUSINESS

**a. Matthew Lee – CRB#07-005**

Mike Driscoll & Mark Keilsgard stated that in his opinion that the original investigation by IA was incomplete, deficient and desired that the reports improve in the future. The revised investigation is an improvement to the previous report. Board members debated if the file should be investigated further or dispose of it now. IA's finding was "Not Sustained". Board members quested if the KWPD had a legal obligation to disclose the existence of the CRB to the public and there was no definitive answer available.

Listen to meeting recording for more information.

**Motion by Trice Denny to find Not Sustained and Seconded by another member (identity not know from recording). Passes with vote.**

**b. Suleyman "Sal" Unuvar – CRB# 07-006**

Attorney Romwell attends by phone on behalf of Mr. Unuvar. Summary of prior procedural posture of the file and the previous CRB meeting results. Incomplete and conflicting information was identified in the IA investigation was summarized by Chairman Green. Board members are concerned about the police officer's statements and the contradictions. Board concerned by the quality of the IA investigation. Board members feel the preponderance of the evidence to SUSTAIN the charge.

**Mark Kielsgard moved reject the findings of IA and moved to make a finding of SUSTAINED of unnecessary force for removal of the driver from the car, excessive force as to the officer's take-down of the driver and inappropriate use of the I-COP camera system. Mike Driscoll seconds the Motion.**

**Vote: Unanimously in approval.**

7. COMPLAINT REVIEWS

None.

8. COUNSEL'S REPORT

9. BOARD MEMBERS REPORT

10. EXECUTIVE DIRECTOR'S REPORT

38 applicants for the open position of executive director received. Board will look at submissions and come to a short list at next meeting.

11. CHAIRMAN'S REPORT

12. PUBLIC INPUT

13. MEDIA AND PRESS QUESTIONS

14. ADJOURNMENT

## Minutes

Citizen's Review Board Meeting  
Old City Hall, 510 Greene Street

**Monday, July 28, 2008**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER
2. ROLL CALL

In attendance: Kevin Collins, Trice Denny, Mike Driscoll, Bryan Green

3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES

No minutes to approve.

5. CHANGES TO THE AGENDA

Unuvar file moved to the first up on the Agenda for file reviews.

6. CONTINUED OR NEW BUSINESS

**a. Suleyman "Sal" Unuvar – CRB# 07-006**

Attorney for Mr. Unuvar, Mr. Romwell, appears by phone and a court reporter paid by Mr. Unuvar is present. Board inquired to attorney Cintron if the Board should proceed if this case is presently in litigation where the City is the defendant. Attorney Cintron stated that this is a civil case and that the Board has the option to proceed or not, regardless of the civil action pending. Board decides to proceed to hear the file tonight.

Executive Director stated that the officer was not sent a notice of this particular file/meeting. There was conversation between the Board, Executive Director and attorney Cintron on if the Board should proceed or not b/c of this issue. (no notice to the officer).

Attorney Romwell prefers not to proceed tonight on this file if the officer was not properly noticed and attorney Cintron agrees. Board agrees not to proceed and to renote the matter. Board makes not findings and will reconsider after notices are re-sent out to officer. File deferred to next meeting

b. Matthew Lee – CRB#07-005

Matter deferred due to no notice to officer. Will be brought up next meeting

c. Zaira Sepulveda – CRB#08-004

Petitioner wishes for re-review of the file by CRB as Ms. Sepulveda feels that the CRB misunderstood the complaint. Board felt no new evidence was presented to justify the re-opening of the file.

d. Anonymous Complaint – CRB#06-018

Mike Driscoll points out that two letters have gone unanswered to the city manager's office. Motion to close case with a letter to city manager passes.

7. COMPLAINT REVIEWS

8. COUNSEL'S REPORT

9. BOARD MEMBERS REPORT

10. EXECUTIVE DIRECTOR'S REPORT

- a. Status of Executive Director Applicants
- b. Status of Board Member Applicants
- c. New CRB Office

11. CHAIRMAN'S REPORT

- a. Complaint Form Revision
- b. KWPD Sensitivity/Cultural Training

12. PUBLIC INPUT

13. MEDIA AND PRESS QUESTIONS

14. ADJOURNMENT

# MINUTES

Citizen's Review Board Meeting  
Old City Hall, 510 Greene Street

**Monday, July 14, 2008**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER

Meeting called to order by Chairman Bryan Green

2. ROLL CALL:

Members Bryan Green, Kevin Collins, Trice Denny, Michael Driscoll and Mark Kielsgard present along with attorney Robert Cintron and Executive Director Amanda Willett-Ramirez

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

No Minutes to Approve.

5. CHANGES TO THE AGENDA

Attorney Cintron wanted to add discussion tonight on terminated members or past members.

6. ADMINISTRATIVE POLICY REVIEW

- a. Absenteeism
- b. Mediation
- c. Revise Complaint Form
- d. Case Procedures
  - i. Pending Civil & Criminal Court Cases
  - ii. Anonymous Complaint
  - iii. Time Limits for Open Cases
  - iv. Lack of Response from Complainants
- e. Pattern & Practice
- f. Public Relations
- g. Process for Cases against Chief of Police
- h. Meeting Procedures
  - i. Case Assignment & Briefing

Above items were discussed by and between the members. Attorney Cintron will make the changes and submit them to the Board for the final approval.

7. CONTINUED OR NEW BUSINESS

(Audio ends—no further minutes can be clearly recreated at this juncture)

8. COUNSEL'S REPORT

9. BOARD MEMBERS REPORT

10. EXECUTIVE DIRECTOR'S REPORT

- a. Hiring of New Executive Director
- b. Relocation of CRB Office

11. CHAIRMAN'S REPORT

- a. Renewal of Attorney Contract
- b. 2008-2009 Budget Approved by City Commission

12. PUBLIC INPUT

13. MEDIA AND PRESS QUESTIONS

14. ADJOURNMENT

MINUTES  
CITIZEN REVIEW BOARD MEETING  
OLD CITY HALL

Monday, June 16, 2008

A meeting of the Citizen Review Board of the City of Key West, Florida was held at the Roosevelt Sands Nutrition Center located at 111 Olivia Street, June 16, 2008.

Chairman Bryan Green called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Bryan Green, Board Members Trice Denny, Michael Driscoll, Mark Kielsgard and Susan White.

Absent: Reverend Thornton.

Also present were Counselor Robert Cintron, Executive Director Amanda Willett, Chief Donald Lee, Lt. David Smith and Inspector Randy Smith.

**Approval of Minutes**

Chairman Green presented the Minutes for the April 28, 2008 and May 12, 2008. Trice Denny moved to approve both sets of minutes as written. Michael Driscoll seconded the motion. Hearing no objections, the minutes were approved.

**Approval of Agenda**

Chairman Green presented the Agenda. Hearing no objections the agenda was approved.

**Complaint Reviews**

**A. Tom Luna – CRB#08-004**

**(Refer to CRB Audio Files)**

**Continued or New Business**

**B. Zaira Sepulveda – CRB#08-004**

**(Refer to CRB Audio Files for Discussion and Any Motions)**

Yeas:

Trice Denny, Michael Driscoll, Mark Kielsgard and Adare Fritz.

Nays:

Susan White and Bryan Green.

Motion passed.

**C. Robert Chittenden – CRB#07-004**  
**(Refer to CRB Audio Files for Discussion and Any Motions)**

Yeas:

Trice Denny, Michael Driscoll, Mark Kielsgard and Adare Fritz.

Nays:

Susan White and Bryan Green.

Motion passed.

**D. Matthew Lee – CRB#07-005**  
**(Refer to CRB Audio Files for Discussion and Any Motions)**

**Counsel’s Report**

None.

**Board Members Report**

None.

**Executive Director’s Report**

**Chairman’s Report**

**Public Input**

Michael Barnes	Key West, FL
Robert Chittenden	Key West, FL
Kevin Collins	Key West, FL
Dennis Cooper, KWTN	Key West, FL
Mike Fatica	Key West, FL
Robert Kelly	Key West, FL
Don Guevremont, KWPD	Key West, FL
Matthew Lee	Key West, FL
Adam Linhardt, Citizen	Key West, FL
Tom Luna	Key West, FL
Nikki McCausland	Key West, FL
Tom Neary	Big Pine Key, FL
Terry Neary	Big Pine Key, FL
Pablo Rodriguez, KWPD	Key West, FL
Zaira Sepulveda	Key West, FL

Kyle Teal, Keynoter

Key West, FL

**Media and Press**

None.

**Adjournment**

There being no further business, Chairman Green adjourned the meeting at 8:45 p.m.

Respectfully submitted by:

---

Amanda Willett, Executive Director

MINUTES  
CITIZEN REVIEW BOARD MEETING  
OLD CITY HALL

Monday, May 12, 2008

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on 510 Greene Street, Monday, May 12, 2008.

Vice Chairman Bryan Green called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Adare Fritz, Vice Chairman Bryan Green, Board Members Trice Denny, Michael Driscoll, Mark Kielsgard and Susan White.

Absent: Reverend Thornton.

Also present were Counselor Robert Cintron and Executive Director Amanda Willett.

There was no representation from KWPD Internal Affairs in attendance for this meeting.

All present pledged allegiance to the flag of the United States of America.

**Approval of Minutes**

Chairman Green advised that the Minutes for the April 28, 2008 meeting would be scheduled for approval at the next meeting.

**Approval of Agenda**

Chairman Green presented the Agenda. Hearing no objections the agenda was approved.

**Counsel's Report**

None.

**Board Members Report**

Kielsgard reported to the board about his recent trip to San Juan, Puerto Rico along with Philip Eure, President Elect of NACOLE wherein discussion took place to institute a CRB model in that area. Kielsgard also reported that there has also been discussion about starting civilian oversight of police in Mississippi as well.

**Executive Director's Report**

Willett made the suggestion of the board receiving case files and documentation digitally instead of by paper. Some members requested to receive the information on paper, however, the board agreed participate a trial run of receiving the documentation digitally for the next meeting.

Willett reported that she has advertised for Fritz's board position in the all of the local newspapers and has send solicitations to several civic and social organizations with a deadline

for applications to be received by May 30, 2008. Thus far, only one individual, who is employed as a law enforcement officer with the Department of Defense, has expressed interest in the position. Willett questioned whether or not the applicant's current employment would prevent application to being a member of the CRB. Cintron stated that the only restriction for applying would be for City of Key West employees. The board discussed the process of how members are selected by the City Commission.

### **Chairman's Report**

Vice Chairman Green presented the proposed budget for 2008-2009. The board members discussed the line items of the budget in detail, with specific amount increases to Travel and Training, Investigator, Legal Counsel, Court Reporter and Promotional Activities. The proposed budget was revised according to the comments and suggestions made by the individual members and would be presented to the City Manager by Vice Chairman Green and the Executive Director Willett on June 3, 2008.

Vice Chairman Green suggested that the board conduct one meeting in July solely for administrative issues such as policies and procedures. Green asked that each of the members prepare any policies or procedures they would like to be discussed at that administrative meeting. Dr. White suggested that the board release press statements to the media concerning the CRB's review and determination of finding on all cases as the public deserves to be informed. Kielsingard commented that cases, which receive findings other than not sustained, should be advertised as well as provided to the City Commission. Kielsingard also discussed as a board they are not just authorized to look at cases but also the operation of the police force and its deficiencies. Kielsingard discussed the board's dissatisfaction with the performance of Inspector Del Cid in the investigation of IA case and the matter should be brought to the attention of the new Chief.

Vice Chairman Green discussed the 4.2% cost of living salary increase for Executive Director Willett which all City employees received after the budget was approved last year. Chairman Fritz moved that the board rule in favor of the increase. Denny seconded the motion. The board voted by acclamation.

### **Complaint Reviews**

#### **A. Zaira Sepulveda – CRB#08-004**

Cintron advised the board that he represents Ms. Sepulveda in a civil matter that is unrelated to her complaint and in order to avoid any conflict, he determined it would be appropriate to not be present for the board's discussion of her complaint. Cintron excused himself from the meeting. Denny provided the board with a brief summary of the complaint that was filed by Ms. Sepulveda. Denny stated that the case is confusing, as IA did not perceive Ms. Sepulveda's case to be a complaint although she requested to file a complaint to Lt. Ream and Inspector Del Cid. Green stated that there was also some confusion concerning the allegations. Ms. Sepulveda confirmed that her complaint consisted of two issues, which is Officer Sims failed to take any action concerning the assault and that the police did not address the incident as a complaint. Green suggested structuring the discussion of the case on the following issues:

1. Whether or not Officer Sims failed to take any action on the allegation that she had been assaulted; and

2. Did Officer Sims fail to write a timely report concerning the alleged assault? Kielsgard stated another issue exists which is the officer failed to make the bar owners turn down the music or noise which is what they were called to do. Dr. White stated that noise complaints are a code enforcement issue and not for the police to decide. Green questioned the individual board members on whether they believed Officer Sims was deficient in his decision not to arrest anyone for the alleged assault. The board agreed that he used his discretion and was not deficient in his actions. Driscoll stated that the officer did not write his report regarding the incident until two months later, which is unacceptable. Dr. White responded that maybe the officer did not perceive the incident to be an assault. Kielsgard also discussed that the bar had videotape, which would have shown the alleged assault incident, but was never obtained by the police. Kielsgard moved for a finding of sustained for deficient service of Officer Sims for failure to file a timely report. Driscoll seconded.

Yeas:

Trice Denny, Michael Driscoll, Mark Kielsgard and Adare Fritz.

Nays:

Susan White and Bryan Green.

Motion passed.

Green requested that the board review the issue of how IA did not address the case as a complaint and had suggested returning the case to IA in order for a finding to be determined. Fritz responded that IA could not determine a finding when they never perceived the matter to be a complaint in the first instance. The board discussed making a finding that IA was deficient in not recognizing the matter as a complaint. Green suggested returning the case to IA, as the original CAD was not produced to the CRB and also to obtain the dispatch recording to determine whether the assault was mentioned in the call for police. The board determined that a letter would be sent to IA indicating that the manner in which they dealt with the complaint was unsatisfactory, as well as the officer's timeliness in report writing and diligence in obtaining evidence from Bourbon Street Pub was also unacceptable. The letter would also request the initial CAD report and dispatch recording.

### **Continued or New Business**

**Matthew Lee** – Driscoll explained that the matter could not be reviewed until IA provides the CAD reports for Sgt. Wood because there is time disparity between calls before and after the incident. Green stated that Mr. Lee's case would be rescheduled for review at the next meeting.

**Robert Chittenden** – Willett reported that the board had returned the case to IA in April 2008 for reinvestigation and that IA has not yet provided any response to date. Willett stated that she would continue to follow-up with IA concerning the matter.

**Suleyman Unuvar** – Green stated that the transcription of Matthew Klosowski's interview is being transcribed and will be distributed to the board once it is finished. Green suggested sending the transcription to IA for their consideration in the reinvestigation Mr. Unuvar's complaint. Dr. White reminded the board that the CRB could still independently investigate the matter if there is any dissatisfaction concerning IA's reinvestigation.

**Anonymous Complaint** – Willett reported that she still has not received any response from the anonymous complainant to the email requesting whether or not she desired the board to pursue her complaint. Dr. White suggested continuing the matter until we receive a response from the complainant. Kielsingard stated that the matter could be brought before the board again at the next meeting.

**Tom Luna** – Green advised that the Luna case will be reviewed at the next meeting and interim Chief Lee had informed him that he would be attending that meeting.

**Public Input**

Zaira Sepulveda      Key West, FL  
Kyle Teal, Keynoter   Key West, FL

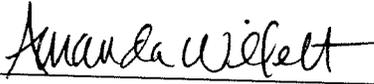
**Media and Press**

None.

**Adjournment**

There being no further business, Chairman Green adjourned the meeting at 8:15 p.m.

Respectfully submitted by:

  
\_\_\_\_\_  
Amanda Willett, Executive Director

MINUTES  
CITIZEN REVIEW BOARD MEETING  
OLD CITY HALL

Monday, April 28, 2008

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on 510 Greene Street, Monday, April 28, 2008.

Chairman Adare Fritz called the meeting to order at 7:05 p.m.

Answering roll call were Chairman Adare Fritz, Vice Chairman Bryan Green, Board Members Trice Denny, Michael Driscoll, Mark Kielsgard and Susan White.

Absent: Reverend Thornton.

Also present were Counselor Robert Cintron, Executive Director Amanda Willett, and Inspector Janeth Del Cid.

All present pledged allegiance to the flag of the United States of America.

### **Approval of Minutes**

Chairman Adare Fritz presented the minutes of February 25, 2008. Vice Chairman Green moved to approve the minutes as written. Mark Kielsgard seconded. Chairman Fritz presented the minutes of March 24, 2008. Mark Kielsgard moved to approve the minutes as written. Bryan Green seconded. Hearing no objections the minutes were approved.

### **Approval of Agenda**

Chairman Fritz presented the agenda. Robert Cintron suggested that discussion concerning Commissioner Lopez's request for a CRB meeting in Bahama Village be added to the Agenda. Kielsgard requested that the status of the Anonymous Complaint also be added to the Agenda under Continued Business. The Agenda was revised and hearing no other objections the agenda was approved.

### **Complaint Reviews**

#### **A. Suleyman Unuvar – CRB #07-006**

Mr. Unuvar's attorney, Rick Rumrell, attended the meeting telephonically and addressed the board concerning Mr. Unuvar's CRB complaint. Vice Chairman Green provided a summary of the complaint and led the discussion of the case. Green stated that IA took a considerable amount of time, nearly 6 months, to investigate and determine a finding of not sustained. He believed that the investigation was lacking in quality and fundamental questions were not asked of those individuals who were involved. Green distributed a list of the questions that should have been considered or asked during the investigation and recommended that the case be returned to IA in order for those questions to be answered before a finding could be decided upon by the board. Driscoll expressed his dissatisfaction in the investigation and stated that the chain of command in the police department should have recognized that additional questions

needed to be answered before any conclusions could be drawn. Mr. Rumrell suggested that CRB investigator re-investigate the case. Driscoll expressed that the police department should re-investigate it as the City and the citizens deserve a better investigation than what was produced. Kielsgard agreed, however, stated that it is not the first time that IA has poorly investigated the matter and he recommended scheduling the CRB investigator to reinvestigate the matter as soon as possible so there will not be anymore delays or diminishing recollection of the events. Denny also expressed her dissatisfaction in IA's investigation, as dates were wrong, interviews were incorrectly transcribed and overall it lacks attention to detail, which makes it difficult to review. Mick Barnes addressed the board and informed them that former Officer Klosowski is available to be re-interviewed. Kielsgard moved to continue the matter and initiate an independent investigation, beginning with a re-interview of former Officer Klosowski as well as returning the file to IA for them to conduct a more thorough investigation that includes consideration of the written questions presented by Vice Chairman Green. Cintron suggested in an effort to use the resources available to the board and that Kielsgard conduct the re-interview of Officer Klosowski. Mike Driscoll seconded.

Yeas:

Trice Denny, Michael Driscoll, Bryan Green, Mark Kielsgard, Susan White and Adare Fritz

Nays:

None.

Motion passed.

**B. William McNeill, Jr. – CRB #07-007**

Fritz led the discussion concerning the complaint filed by William McNeill, Jr. Fritz confirmed with Inspector Del Cid that IA has closed the case and no finding was made because they were unable to locate the complainant. Green stated the case should be withdrawn, as IA or the CRB cannot evaluate a case without any witness statements or interviews of the subject officer or complainant. Green furthered that he felt uncomfortable reviewing a case where the complainant has not provided any feedback to IA's investigation of the case. Kielsgard stated that there were two issues to the complaint; the allegation that Officer Lovette was threatening Mr. McNeill over the phone and second, which is a court issue, speeding to elude. Kielsgard continued that the board could proceed on the first issue as an allegation and denial exist and there is the presence of a witness although she has not been identified. Green observed that the denial is nonexistent at this point as Officer Lovette was never interviewed. Green suggested returning the investigation to IA to question Officer Lovette if he made the telephone call and if he threatened Mr. McNeill. Kielsgard added that the board request IA to reveal the identity of the officer's ex-girlfriend who was with Mr. McNeill when the phone call was made. Cintron discussed a procedural issue from FL Statute 112, which provides that all identifiable witnesses shall interviewed prior to the investigative interview of the subject officer. Green recommended postponing a determination of the case until Mr. McNeill makes himself available to the CRB. Dr. White questioned Inspector Del Cid regarding the efforts of IA to locate Mr. McNeill. Inspector Del Cid reported that Mr. McNeill's father was contacted as well as his probation officer who did not have any current contact information for him. Inspector Del Cid also discussed IA's inability to interview Officer Lovette due to Mr. McNeill not being interviewed first, which would be a violation of the officer's bill of rights. Cintron stated that there is a

provision in the officer's bill of rights that allows the subject officer to waive his/her rights and be interviewed without interviews or statements from the complainant or witnesses. Cintron advised that the board could return the case to IA and request it to be re-opened on the basis that the complainant and the witnesses are not available and ask if the officer would waive his rights. Dr. White stated that an alternative would be to accept that IA considers the case closed, however the board would re-open the matter once the complainant becomes available. Kielsgard stated that the board has the option to issue a no finding determination without prejudice. Dr. White moved, with respect the harassment issue of the complaint, for a determination of no finding without prejudice and no further action will be taken unless Mr. McNeill makes himself available.

Yeas:

Trice Denny, Michael Driscoll, Bryan Green, Mark Kielsgard, Susan White and Adare Fritz

Nays:

None.

Motion passed.

### **Continued or New Business**

#### **Anonymous Complaint – CRB #06-018**

Kielsgard requested this matter to be added to the Agenda given the recent resignation of Chief Mauldin, which may effectively eliminate the Anonymous Complaint. Fritz questioned whether the board should continue to pursue the complaint. Green stated that language set forth in the Charter does not preclude the board from investigating a complaint against the Chief of Police; however, in this particular case, neither the complainant nor the Chief is available for interview. Kielsgard suggested sending correspondence to the City Manager closing the case however; the board would appreciate the cooperation of the City on future matters concerning complaints against the Chief. Fritz questioned if the complainant has made any inquiries for status of the complaint since the Chief's resignation. Willett responded that she has not. Cintron recommended sending an email to the complainant asking if she would like to continue the complaint, if she does not, then the board can send the letter to the City Manager closing the case and advising them that we are not conceding our jurisdiction on like matters in the future.

#### **Counsel's Report**

None.

#### **Board Members Report**

None.

#### **Executive Director's Report**

Willett asked if the board would conduct their next meeting on May 12, 2008 as the complainant, whose case is being scheduled to be reviewed, has requested for the board to hear her case on

that date as she will be leaving town later that month. No objections were made to meeting on May 12, 2008.

Cintron suggested that Willett contact Commissioner Lopez concerning his request that the board hold a meeting in Bahama Village. Green discussed having the meeting in Bahama Village when the board reviews the Luna matter as that meeting space has more room and seating area than that of the current meeting space.

Willett also reported the she had spoken to the City Manager concerning the office space issue and he explained that it was his intention to have the CRB moved out of their current space into City space at the time the lease expires in June 2008.

### **Chairman's Report**

Fritz announced that he is resignation from the board, which would be effective at the conclusion of the May 12, 2008 meeting.

### **Public Input**

Dennis Cooper, KWTN – Key West, FL  
Michael Barnes, Esquire – Key West, FL  
Robert Kelly – Key West, FL  
Richard G. Rumrell, Esquire (Via Telephone)  
Addie Unuvar – Key West, FL  
Suleyman Unuvar – Key West, FL

Bob Kelly addressed the board concerning the complaint filed by Tom Luna and requested the status of IA's investigation being returned to the CRB. Inspector Del Cid reported that the investigation has been concluded and the case was sent out for finding, which is expected to be completed in 10 days.

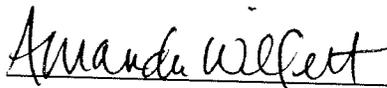
### **Media and Press**

None.

### **Adjournment**

There being no further business, Chairman Fritz adjourned the meeting at 8:42 p.m.

Respectfully submitted by:

  
Amanda Willett, Executive Director

MINUTES  
CITIZEN REVIEW BOARD MEETING  
OLD CITY HALL

Monday, March 24, 2008

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on 510 Greene Street, Monday, March 24, 2008.

Chairman Adare Fritz called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Adare Fritz and Board Members Trice Denny, Michael Driscoll, Bryan Green, Mark Kielsgard and Susan White.

Absent: Reverend Thornton.

Also present were Counselor Robert Cintron, Executive Director Amanda Willett, and Lt. David Smith.

All present pledged allegiance to the flag of the United States of America.

### **Approval of Minutes**

Chairman Adare Fritz presented the minutes of January 28, 2008. Mark Kielsgard moved to approve the minutes as written. Bryan Green seconded. Hearing no objections the minutes were approved. Chairman Fritz announced that the minutes for February 25, 2008 will be scheduled for approval at the next meeting.

### **Approval of Agenda**

Chairman Fritz presented the agenda. Dr. White and Kielsgard requested to make statements under Continued or New Business. The Agenda was revised and hearing no other objections the agenda was approved.

### **Complaint Reviews**

#### **A. Robert Chittenden – CRB #07-004**

Trice Denny provided a summary of the complaint filed by Robert Chittenden and began the discussion concerning this case. Denny stated that although she agreed with the unfounded finding determined by IA for Officers Del Cid and Hadas for deficient service in not arresting Mr. Miller, Officer A. Rodriguez should have filed a police report after he first met with Mr. Chittenden. Denny also questioned why Officers Del Cid and Hadas did not file reports upon their encounter with Mr. Chittenden. Since certain issues were not addressed in the original investigation, Kielsgard suggested that board send the case back to IA to further investigate why Officer A. Rodriguez did not file a report at the time the incident occurred and the rudeness allegations against Officers Del Cid and Hadas for telling the complainant they should arrest him instead of Mr. Miller. Green added that if Officers Del Cid and Hadas filed a police report and obtained the contact information or address of Mr. Miller, it would have prevented additional investigation in trying to locate and obtain information about him. Fritz stated that the

fundamental breakdown of the case is the absence of the original report which disallowed Officers Del Cid and Hadas to take any action or any investigation of Mr. Miller at the time of their encounter with him. Fritz believed that the actions of the officers were insufficient for not writing reports and the manner in which they handled the situation with the complainant. Mr. Chittenden was provided an opportunity to address the board and explained that because of the incident that occurred with Mr. Miller, he has been unable to enter the Senior Center without the threat of being arrested. Cintron stated that he would contact the Senior Center on Mr. Chittenden's behalf regarding why they are not permitting him entrance into the center. Kielsingard moved that the board approve the two unfounded allegations, one each for Officer Del Cid and Officer Hadas for deficient service, but return this case to IA for re-investigation of Officers Del Cid and Hadas for rudeness as well as deficient service for failure to file a report and to further investigate these allegations as well as to Officer A. Rodriguez for deficient service for failure to file a report. Trice Denny seconded.

Yeas:

Trice Denny, Michael Driscoll, Bryan Green, Mark Kielsingard, Susan White and Adare Fritz

Nays:

None.

Motion passed.

Additional Discussion: Dr. White stated that the case had already been investigated. Kielsingard stated that he would like to know why Officer A. Rodriguez didn't file a report, why Officers Del Cid and Hadas didn't file a report as well as if they actually spoke to any of the people, whether or not police had followed up on any of the witnesses and whether or not Officers Del Cid and Hadas were rude to the complainant. Mr. Chittenden questioned the board if further action would be taken against Mr. Miller. Dr. White stated that it is not their position to have Mr. Miller arrested, as it is evident that the police did not have probable cause to make the arrest at that time and the board concurred.

**B. Matthew Lee – CRB #07-005**

Mike Driscoll provided a summary of the complaint filed by Matthew Lee and began the discussion concerning this case. Driscoll stated that in order for this case to be adequately addressed, the following questions needed to be answered and documents needed to be provided:

1. Was the café staff asked about Mr. Lee's presence for the last 5 years?
2. Was Bill Rieck contacted to verify the statement that Mr. Lee had made in his complaint?
3. The CRB was able to determine that there was one prior allegation against Sgt. Wood which was not sustained, however, are there any other IA investigations concerning Sgt. Wood at the police department that we do not know about?
4. Although Mr. Lee admits to a prior arrest not relating to this case, does he have any other arrests or convictions of Mr. Lee?

5. According to the CAD report, Sgt. Wood spent 29 minutes on location at the Southernmost Beach Café and no other CAD reports have been made available or included in the investigation. Mr. Lee states that he left the pier at 12:30 and Sgt. Wood remained in the area with his family, although the CAD report for this incident indicates that Sgt. Wood called in and was performing an area check at 12:42, which is after the time that Mr. Lee left the area. CAD reports for Sgt. Woods prior and subsequent to Mr. Lee's incident should be provided to the CRB to establish the officer's timeframe at the Southernmost Beach Cafe.

Driscoll stated that he had contacted the general manager at the Southernmost Beach Café and confirmed Mr. Lee's identity and occupation. Driscoll also ascertained that the two of three witnesses listed in the complaint are still working at the café and the manager informed him that we would provide their information to the police for interview, if requested to do so. Driscoll stated that what the witnesses observed concerning Sgt. Wood and Mr. Lee is very relevant to this case. As to the allegation concerning the IA Inspector not having the contact information to provide to complainants who request it, Driscoll expressed his disappointment in IA and gave CRB business cards to Lt. Smith for distribution to all personnel in IA. Driscoll concluded that the IA's investigation was incomplete and not at all thorough. Kielsgard agreed with Driscoll's suggestions provided in his summary. Kielsgard expressed his dissatisfaction concerning the investigation of this case and that the witnesses were not adequately pursued to be interviewed by Inspector Del Cid. Kielsgard added that there were inconsistent statements and discrepancies in the facts surrounding the positioning of Mr. Lee's chair. Kielsgard discussed the statement made by Inspector Del Cid that it was her opinion that Mr. Lee had preconceived emotion about the encounter with Sgt. Wood as he had prior encounters with police officers. Kielsgard believed those statements are speculative and inappropriate, as there is no evidence to support the preconceived emotion as well as Mr. Lee had stated in his complaint that all the other encounters he had with police officers were positive, cordial and professional. Kielsgard further believed that entire investigation was sloppy and inadequate and the case should be sent back to IA to be reinvestigated. Green stated that there is a disparity between the written complaint and the Mr. Lee's recorded interview. Green explained that in the recorded interview, Mr. Lee was asked whether or not any of the three witnesses had actually seen the encounter with Sgt. Wood and he had said no. Green also stated that Inspector Del Cid had failed to ask the Mr. Lee fundamental questions about his case and that the recorded interview should have been conducted to solicit factual information and not persuade the complainant that the actions of the officer were correct in which she did. Since the some of the board members were unable to listen to the audio interviews due to incompatible audio files, the IA interview of Mr. Lee conducted by Inspector Del Cid was played for everyone to hear. Kielsgard stated that after listening to the audio interview of Mr. Lee and reviewing the allegations made in his complaint, there is insufficient cause of action against Sgt. Wood; however he believed the complaint should be made against Inspector Del Cid for the deficient service in manner in which she investigated the complaint and conducted the interviews. Dr. White stated that the interview was unnecessarily argumentive and should have been conducted to find out factual information surrounding the case. Kielsgard also discussed that after listening to the audio interview, he did not believe that even if the witnesses were interviewed they might not be able to add anything significant to the investigation. Driscoll reiterated that the investigation was not thorough and discrepancies existed that need to be resolved before the board can ultimately decide on this case. Green stated that the case is a he said/he said scenario and sending it back to IA for reinvestigation would not result in assisting the board with a more definitive finding. Kielsgard commented that he agreed with the statements made by both Driscoll and Green and had suggested making a motion that supported the not sustained finding by IA on the rudeness

allegation as well as sending a letter to IA advising them of the specific issues of deficient service in investigating this complaint. Cintron advised the board that in order to adequately decide on this matter, the witnesses must be interviewed as Mr. Lee cannot speak for them and report what they may or may not have seen. Kielsgard questioned Mr. Lee if he could provide details about the witnesses' whereabouts during his incident with Sgt. Wood. Mr. Lee stated the one of the witnesses, Cory, was the waitress attending to Sgt. Woods' family and friends and the other witness, Tom, was walking toward Sgt. Woods and Mr. Lee, but had made an abrupt turn the other way. Cintron further advised that based on the information provided by Mr. Lee, one of the witnesses, Tom, could have seen or heard something that would have a bearing on this case. Driscoll moved to continue the matter and refer the case to the CRB investigator to reinvestigate the case, particularly to conduct interviews of the three witnesses as further directed by the board's counsel and obtain copies of all of the CAD reports from KWPD. Mark Kielsgard seconded.

Yeas:

Trice Denny, Michael Driscoll, Bryan Green, Mark Kielsgard, Susan White and Adare Fritz

Nays:

None.

Motion passed.

### **Continued or New Business**

#### **Anonymous Complaint – CRB #06-018**

Willett reported that the City Manager Jim Scholl has not responded to CRB correspondence requesting whether or not his office has conducted an investigation concerning the allegations against Chief Mauldin set forth in the anonymous complaint. Willett also informed the board that the complainant is adamant about the allegations and has requested the board to look into the matter. Dr. White discussed that there were lawsuits concerning TAMPOA in which depositions of the guard would have been taken that the board could review to determine the allegations made by the anonymous complainant. Cintron stated that the lawsuits arising out of the TAMPOA issues have been dismissed. Kielsgard suggested that if the City was not going to conduct an investigation concerning the anonymous complaint against Chief Mauldin then the board should request the CRB investigator to conduct an investigation and interview the guard as to the allegations. Kielsgard also suggested having Cintron obtain the files from the lawsuits that would be pertinent to CRB investigation so the board could adequately review the matter and make a determination. Green moved that Cintron send another letter to the City putting them on notice that we require a response from them within 28 days and if they do not respond, the board will conduct its own investigation. Mike Driscoll seconded.

Yeas:

Trice Denny, Michael Driscoll, Bryan Green, Mark Kielsgard, Susan White and Adare Fritz

Nays:

None.

Motion passed.

### **Harrington Cellphone Photograph – Letter from IA**

Cintron stated that since a civil lawsuit has been filed by Harrington is pending against the City, the board should follow its policy to take no further action concerning this issue until litigation has been resolved. Cintron advised Willett to monitor Mr. Harrington's case docket or contact his attorney to determine when the matter has been concluded in order for the cellphone photograph issue can be rescheduled for the board to review.

Although the Balbin case has been decided and closed by the board, Dr. White expressed her disappointment in the response from the State Attorney's Office (SAO) concerning the reason given for dropping the case, which was due to disputed statements of the witnesses. Dr. White continued that the alleged perpetrator provided one view of the incident and Key West citizens had provided their view. Kielsgard stated that according to his recollection, the suggestion made by the SAO was that inconsistent statements existed amongst the witnesses. Dr. White stated that the work of the SAO was sloppy and that the original prosecutor had left the SAO, but reported that there were inconsistent statements, which leaves us with the unknown. Green stated that it was not his recollection and Kielsgard commented that each board member is entitled to his or her own opinion.

Kielsgard announced that he is giving a presentation in Puerto Rico as a guest of the ACLU dealing with the abuse of police practices and human rights. Kielsgard continued that he will be a part of a panel speaking about civilian oversight of police and possibly instituting same in Puerto Rico. Kielsgard requested if any of the board members had any suggestions they would like to offer, especially those who were instrumental in the formation of our CRB, of how Puerto Rico can implement and institute their own CRB. Dr. White suggested conducting research of materials authored by Sam Walker. Driscoll also suggested contacting NACOLE for any additional information they could provide. Cintron stated that he and Dr. White could provide Kielsgard with historic information as to the formation of our CRB. Willett also suggested contacting Sam Kaufman as he was also instrumental in creating the CRB in Key West.

### **Counsel's Report**

Cintron announced that he would like to schedule an executive session with the board at the next meeting to discuss issues relevant to the board's decision concerning the previous confidentiality policy of cases that were being investigated by IA during the 45 day timeframe.

### **Board Members Report**

None.

### **Executive Director's Report**

Willett reported that IA has not returned the Unuvar case to the CRB, which is currently 122 days overdue and was informed by Lt. Smith that the case was recently assigned to Lt. Vasquez to deliver a finding.

Willett also reported that the McNeill, Jr. case has been returned from IA, however the CRB and IA have been unable to locate the complainant. Willett questioned if a board policy exists allowing the board to review the matter without the complainant being notified or lack of response from the complainant. Cintron stated that a policy does exist and that if the complainants do not make themselves available, then the board will proceed to review the case without their input.

### **Chairman's Report**

Chairman Fritz discussed the anticipated schedules of the individual board members for the summer in order to establish whether there will be a quorum for those meetings. Kielsingard and Dr. White provided the dates that they would be unavailable to attend meetings.

### **Public Input**

Robert Chittenden – Key West, FL  
Matthew Lee – Key West, FL  
Dennis Cooper, KWTN – Key West, FL  
Bob Kelly – Key West, FL  
Janet Kelly – Key West, FL  
Bill Averyt – Key West, FL  
Eric Nichols – Key West, FL  
M. Hilton – Key West, FL  
Kyle Teal, Keynoter – Key West, FL

Bob and Janet Kelly addressed the board concerning the complaint filed by Tom Luna and expressed their concerns about the case being fully investigated. The Kellys had requested the board to carry out its function in adequately and thoroughly reviewing the Luna case to insure that Mr. Luna's allegations receive a complete and fair investigation.

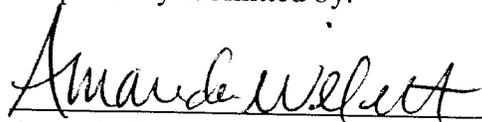
### **Media and Press**

None.

### **Adjournment**

There being no further business, Chairman Fritz adjourned the meeting at 8:28 p.m.

Respectfully submitted by:

  
Amanda Willett, Executive Director

MINUTES  
CITIZEN REVIEW BOARD MEETING  
OLD CITY HALL

Monday, February 25, 2008

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on 510 Greene Street, Monday, February 25, 2008.

Chairman Adare Fritz called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Adare Fritz and Board Members Michael Driscoll, Bryan Green and Mark Kielsgard.

Absent: Trice Denny, Reverend Thornton, Dr. Susan White and Robert Cintron.

Also present were Counselor John Hogan on behalf of Robert Cintron, Executive Director Amanda Willett and Lt. David Smith.

All present pledged allegiance to the flag of the United States of America.

### **Approval of Minutes**

Chairman Adare Fritz informed the board the January 28, 2008 Minutes are being finalized and will be presented for approval at the next meeting.

### **Approval of Agenda**

Chairman Adare Fritz presented the revised agenda. Hearing no other objections, the revised agenda was approved.

### **Complaint Reviews**

#### **A. Cesar Balbin – CRB #07-002**

Green led the discussion concerning the complaint filed by Cesar Balbin. Green explained that the case has three separate sections; the first incident occurred at the former Atlantic Shores location with Officer Hadas and Sgt. Wood, the second incident is when the complainant met with Lt. Benkoczy and the third incident happened when the complainant returned to KWPD and had spoken with Officer Mitchell. Green provided the board with a detailed summary of each of the incidents and made multiple determinations concerning the allegations. Green believed that Officer Mitchell was not engaged in any wrongdoing as stated in the complaint. Green further believed that Officer Hadas provided deficient service to the complainant as she had failed to take fundamental steps to compile evidence that would be appropriate to determine who was driving the vehicle although Mr. Hutgren admitted to being the driver. Kielsgard stated that a witness was present that informed police that Mr. Balbin was driving the car and the car had also belonged to Mr. Balbin. Green further believed that Officer Hadas should not have become involved in the discussion between the parties to settle the vehicle damage. Kielsgard agreed but stated that he couldn't find any sufficient evidence of coercion on behalf of Officer Hadas regarding the attempted settlement of vehicular damage. Green continued that for a minor traffic

accident, Officer Hadas and Sgt. Wood spent approximately 45 minutes onsite, which he felt was overly excessive. Green stated that the diagram provided by Officer Hadas which places the indications of vehicular impact are in the wrong locations on the vehicles. Green continued that without photographs and the manner in which the case was developed, it was an automatic failure even before it reached court. Kielsingard agreed and stated that the Officer Hadas' job performance in this incident was sloppy. In review the second portion of the complaint, Green believed that all the evidence received supports Lt. Benkoczy taking Mr. Balbin's complaint, although whether he may have not handled the situation in an advisable manner. Green commented that Lt. Benkoczy conducted the inquiry of the complaint in a verbal manner, which put him into a position of having a complaint lodged against him due to no written record existing to support that he did take Mr. Balbin's complaint. Kielsingard commented on the necessity of documenting conversations with the complainant such as this incident. Kielsingard believes that since Lt. Benkoczy had provided the contact information of the CRB to the complainant which is an action that shows compelling evidence that he did not refuse Mr. Balbin's complaint. Kielsingard stated that agrees with IA's finding of exonerated for Lt. Benkoczy. Lt. Smith provided the board with a detailed explanation concerning how accident or crash incidents are performed by officers and informed the board that Officer Hadas was following policy and procedure by discussing settlement options with the parties involved and if no resolution could be reached, a preferred action would be to issue a citation. Lt. Smith also reported that Officer Hadas' working with accidents and crashes are not consistent with her normal duties.

In summation, Green made the following motions concerning Mr. Balbin's complaint:

1. Although Officer Hadas has limited police experience with accidents, she did provide deficient service to the complainant for issuing him a citation when he was not the person driving the vehicle at the time of the accident and not fully investigating the matter.
2. Officer Hadas is exonerated on the allegation of her involvement in the settlement of damage of the vehicles or issuance of citation as policy allows.
3. Officer Hadas' rudeness or irate manner is not sustained as there is insufficient evidence to support it.
4. Officer Hadas failed to call a supervisor is determined as unfounded because she did call her supervisor as Sgt. Wood appeared on scene to the incident.
5. Officer Hadas had unreasonably detained the complainant is exonerated because she was doing what was requested of her in order to resolve the accident or issue the citation.
6. Lt. Benkoczy's failure to take the complaint is determined as unfounded because there is evidence to support that he did take Mr. Balbin's complaint.

Kielsingard seconded the motion.

Yeas:

Michael Driscoll, Bryan Green, Mark Kielsingard and Adare Fritz

Nays:

None.

Motion passed.

## **New or Continued Business**

### **Anonymous Complaint – CRB #06-018**

Kielsgard had provided the board with a synopsis of the events leading to the current status of the anonymous complaint and had questioned whether the City Manager has responded to our letter. Willett stated that no response has been received. Kielsgard also questioned whether IA had received any response from the City Manager's office since they forwarded the complaint initially after receiving it from the CRB. Lt. Smith stated that IA has not received a response from the City Manager; however, he has discussed the matter with the City Attorney and is waiting to hear from him as to whether IA should investigate the matter allowing that the City Manager does not provide a response. Kielsgard moved that the discussion of the anonymous complaint to tabled until the next meeting to allow time for Lt. Smith to consult with the City Attorney and also for the City Manager to respond. Bryan Green seconded the motion.

Yeas:

Michael Driscoll, Bryan Green, Mark Kielsgard and Adare Fritz

Nays:

None.

Motion passed.

### **Tom Luna – CRB #08-002**

Chairman Fritz announced although Mr. Luna has filed a complaint with the CRB which is a public records document, he has requested that the complaint not be given to the media or publicized as the matter is extremely sensitive. The board sympathized with Mr. Luna and recognized his desire for privacy, however, the complaint is a public document and if requested, it would be produced according to the public records statute. Chairman Fritz also discussed IA's desire to mediate Mr. Luna's complaint and the invitation was extended to the CRB to attend and participate in the mediation. Kielsgard had discussed sending one CRB member with the Counselor and Executive Director in order not to violate any Sunshine laws. Lt. Smith explained that mediation would be conducted with Mr. Luna and if they were unable to resolve Mr. Luna's complaint, it would then be thoroughly investigated. Green had discussed with Lt. Smith that although the proposed IA meeting with Mr. Luna and the CRB is being termed as mediation, it is not mediation, as it would require an independent third party mediator and the issues are concluded in a binding resolution. Lt. Smith stated that IA's intentions are to meet with Mr. Luna to establish a more defined complaint, as there are no specific allegations against a particular officer. Fritz stated that although the mediation or meeting may take require some time and preparation, that the 45 days still applies to this case and in the event that no resolution is reached, then the case needs to be investigated within the allotted timeframe. Kielsgard moved that the CRB Counselor, Executive Director and either the Chairman or Vice Chairman attend the meeting with Mr. Luna and IA. Mike Driscoll seconded the motion.

Yeas:

Michael Driscoll, Bryan Green, Mark Kielsingard and Adare Fritz

Nays:

None.

Motion passed.

### **Counsel's Report**

Green requested that Cintron send follow up reminder letters concerning the Drysdale and Harrington matters since no response has been received to our original correspondence. Lt. Smith stated that he had sent a response concerning the Harrington matter to Cintron. The board requested Hogan convey this information to Cintron.

### **Board Members Report**

Driscoll discussed the public records request of internal complaints filed within KWPD. Driscoll stated he would like to receive a full copy of all IA internal inquiries or investigations as the summaries submitted by IA are insufficient in providing comprehensive or detailed information about the internal investigation. Willett stated that she would request the entire file instead of the summary. Lt. Smith stated that he would notify the CRB when an internal complaint had been closed and would forward a copy to Willett so there would not be a backlog of complaints for the board to review.

### **Executive Director's Report**

Willett informed the board that Commissioner Johnson had discussed the CRB office situation with the City Manager. The City Manager informed her that the City would relocate the CRB office to the trailer located at the Outer Mole, which was the original location suggested in the budget meetings which took place in June 2007.

Willett discussed that she has received all of the backlog complaints from IA except for the Unuvar complaint. Lt. Smith stated that the Unuvar case has been forwarded to Lt. Vasquez for review and issuance of a finding.

Willett discussed with the board that in her compilation of data for the annual report, there are inaccuracies that exist due to the timeline of reporting between IA and the CRB. Willett had suggested changing the reporting year to January to December instead of the current June to July in order to have an accurate comparison of complaint statistics between IA and the CRB. Kielsingard had requested that Willett discuss the matter with Cintron to determine if there are any legal issues concerning modifying the CRB reporting year.

### **Chairman's Report**

None.

### **Public Input**

None.

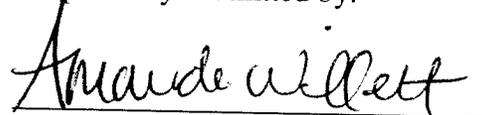
**Media and Press**

None.

**Adjournment**

There being no further business, Chairman Fritz adjourned the meeting at 7:36 p.m.

Respectfully submitted by:



Amanda Willett, Executive Director

MINUTES  
CITIZEN REVIEW BOARD MEETING  
OLD CITY HALL

Monday, January 28, 2008

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on 510 Greene Street, Monday, January 28, 2008.

Chairman Adare Fritz called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Adare Fritz and Board Members Trice Denny, Michael Driscoll, Bryan Green, Mark Kielsgard and Susan White.

Absent: Reverend Thornton.

Also present were Counselor Robert Cintron, Executive Director Amanda Willett, Lt. David Smith and Inspector Janeth Del Cid.

All present pledged allegiance to the flag of the United States of America.

### **Approval of Minutes**

Chairman Adare Fritz presented the minutes of December 10, 2007. Kielsgard discussed that the drafted version of the minutes did not provide detailed information concerning the board's discussion of the investigation of Officer Neary. Cintron reminded the board that the minutes are drafted in a summary format and do not reflect every statement made by each board member since the meetings are recorded. Bryan Green moved to approve the minutes as written. Mike Driscoll seconded. Hearing no objections the minutes were approved.

### **Approval of Agenda**

Chairman Adare Fritz presented the agenda. Hearing no other objections the agenda was approved.

### **Complaint Reviews**

#### **A. Cesar Balbin**

Chairman Fritz suggested that the complaint review for Mr. Balbin's case be tabled until the next meeting in order to allow time for him to provide the CRB with his response to IA's investigation. Willett informed the board that Mr. Balbin had requested the CRB to postpone his complaint review until the next meeting, which he desired to attend via conference phone to allow the board to pose any questions or discuss the case with him. Green pointed out that there was relevant information that should be provided by Mr. Balbin before his case can be thoroughly reviewed by the board. Green directed Willett to obtain photographs of the accident, any information from Geico and a written statement from Magnus Hultgren, especially since he is the one who admits to driving the vehicle when the accident occurred. Denny mentioned that she was unable to play the compact disk containing the interview of Lt. Benkoczy. The rest of the board expressed that they were having the same problem. Willett explained that the interview

file burned to the compact disk may have been corrupt and she would re-submit it to the board prior to the next meeting. Dr. White also requested Willett to contact the State's Attorney regarding why Mr. Balbin's court case was nolle prossed. The board agreed to defer Mr. Balbin's case review until the next meeting in order to include the requested information and for Mr. Balbin to be in attendance.

**B. Scott Harrington – IA's Response to the Pattern & Practice Complaint**

Chairman Fritz discussed board's policy to not consider any case that is pending before the court and recommended conducting a review of Mr. Harrington's complaint until after his case has been resolved in court. Kielsgard concurred and moved that the discussion of Mr. Harrington's complaint concerning pattern and practice of harassment by KWPD be tabled until the conclusion of Mr. Harrington's lawsuit. Driscoll seconded the motion. Cintron reminded the board that although this policy exists, if for any reason, the board could move to proceed with the case. Kielsgard pointed out that to his knowledge all of Mr. Harrington prior cases have been criminal whereas this particular case is a civil matter in which Mr. Harrington should be afforded the same protection and fairness by the board with the review being postponed until the matter has been resolved in court.

Yeas:

Trice Denny, Michael Driscoll, Bryan Green, Mark Kielsgard, Susan White and Adare Fritz

Nays:

None.

Motion passed.

Additional Discussion: Bryan Green discussed the memo from the Assistant City Attorney, Larry Erskine, to Lt. Benkoczy concerning Mr. Harrington's complaints and read the second paragraph of the letter into the record. Green stated that the memo inaccurately stated that the CRB has reviewed all of Mr. Harrington's complaints. Dr. White agreed that statement in the memo is incorrect and also discussed the inaccuracy of the article in the Citizen reporting that the CRB has sided with all of Mr. Harrington's complaints. Kielsgard continued that the first paragraph of Mr. Erskine's memo was also incorrect as it states that all of Mr. Harrington's complaints were determined to be unfounded, which is not true. Kielsgard had suggested the board writing a letter to Mr. Erskine and the Citizen correcting the errors that were made. Cintron advised that the board should clarify the information in writing with Larry Erskine as it would be improper to allow incorrect information to be recorded in public record. Denny agreed with sending a letter to Larry Erskine but not to the Citizen as two weeks have passed since the article was published. Dr. White had discussed the efforts made to have the article corrected at the time it was published as Cintron had sent an email to Traci Rork regarding the inaccuracies to which Ms. Rork replied that she has referred to an old file that the Citizen had in their possession to write the article. Cintron stated that the Citizen would not retract incorrect statements that were made two weeks prior but the Chairman or Executive Director could draft a letter to the editor advising them of the incorrect statement so there is a record of this inaccuracy is established. There was general consensus that Willett would draft a letter to Traci Rork advising of her of the inaccuracy of her article.

## **Counsel's Report**

Cintron had distributed to the board a draft of the letter addressed Chief Mauldin and Mark Kohl regarding the cellphone photograph not being provided to the State's Attorney office during Mr. Harrington's criminal court case. Cintron had discussed the ramifications of sending this letter considering there is currently a pending civil action filed by Mr. Harrington against the police department. Kielsgard recommended the letter be revised to include language that the police made representations to the State's Attorney that the cellphone photographs did not exist, although IA had produced the photographs to the CRB in the investigative file before the Mr. Harrington's criminal court case had begun. Cintron revised the letter accordingly and recommended the board vote on whether they wanted to send the letter given the presence of the pending lawsuit. Green moved to send the letter as drafted and to include the suggested modifications. Kielsgard seconded.

Yeas:

Trice Denny, Michael Driscoll, Bryan Green, Mark Kielsgard, Susan White and Adare Fritz

Nays:

None.

Motion passed.

Cintron stated that he has not had a chance to draft the letter to Shawn Smith concerning Mr. Drysdale's issues yet but would work on it and send a copy to the board. Cintron reiterated the components Mr. Drysdale's case and stated that the board needs to know on what basis the police department can enforce ordinances that are not within the city limits such as the bay bottom area.

## **Board Members Report**

Reverend Thornton was absent for the meeting due to illness and the discussion regarding a CRB meeting in Bahama Village was postponed until the next meeting when he could be present.

## **New or Continued Business**

Green questioned whether there is a KWPD procedure of how complaints are handled with IA, more specifically if complainants are given a form to complete. Lt. Smith explained that there is a form for the complainant to provide the information; however, it is completed by IA and not the complainant. Lt. Smith offered to provide a copy of the policies pertaining to IA and the procedures for complaint intake to the CRB.

Green also discussed the CRB's five-year anniversary approaching and creating a general press release promoting the CRB as well as providing statistical data to the media. Cintron was in agreement that the public relations of the anniversary would be a good idea however, advised that the promotion should not diminish the effectiveness of the CRB. Green stated that although the CRB is nearly five years old, there are still people who are unaware of the CRB and the promotion would allow for positive acknowledgment of the agency and its function. Cintron also recommended another outlet for public relations would be for each board member, if they

desire to, appear on the Bill Becker radio show so the burden doesn't fall on one member. Dr. White suggested that the board should encourage the Citizen to send a reporter to the CRB monthly meetings. Dr. White stated that the former Citizen reporter always attended the CRB meetings. Denny stated that the media is aware of the meetings as they are publicly noticed.

Lt. Smith informed the board that he has been assigned to IA and the Chief has reconstructed the department for IA to fall under Executive Support, which answers directly to the Chief. Chairman Fritz discussed with Lt. Smith the delay in IA investigating CRB complaints. Lt. Smith informed the board that some of the cases have been issued to captains and lieutenants for findings and they are awaiting that information before they can be released. Kielsgard requested to know the status of the Chittenden case, as it is 111 days overdue to being returned to the CRB. Lt. Smith responded that the Chittenden case was assigned to Captain Sauer for an investigative summary, which has been relinquished to Captain Lee for a finding. Lt. Smith continued that once the Chief reviews the investigative file and signs off on it, the file would be forwarded to the CRB.

### **Executive Director's Report**

None

### **Chairman's Report**

Chairman Fritz stated the board needs to elect a vice-chairman and suggested doing so by a paper vote on those individuals who are nominated. Kielsgard nominated Bryan Green for vice-chairman. No additional nominations were made and an oral vote was taken to elect Bryan Green as vice-chairman.

Yeas:

Trice Denny, Michael Driscoll, Bryan Green, Mark Kielsgard, Susan White and Adare Fritz

Nays:

None.

Motion passed.

The Chairman confirmed the date of the next CRB meeting is scheduled for February 25, 2008.

### **Public Input**

Nicole Malo Key West, FL

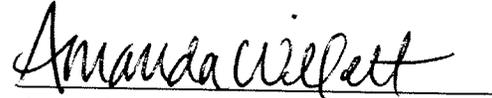
### **Media and Press**

None

**Adjournment**

There being no further business, Chairman Fritz adjourned the meeting at 7:31 p.m.

Respectfully submitted by:

  
Amanda Willett, Executive Director