

CRB COMPLAINT EVALUATION FORM

Case Number: 08-008

Complainant Name: Jessica Smith

CASE SUMMARY-SUPPLEMENTAL

Date of Incident: September 13, 2008
Date of Complaint filed with IA: Via CRB Fax dated October 6, 2008
Date of Complaint filed with CRB: September 24, 2008*

* Note that the CRB had no Executive Director at the time and the complaint went unattended until the New Executive Director was hired.

Officers: Officer Luis Sanchez **Allegation:** Discourtesy
Deficient Service

The Board reviewed Mrs. Jessica Smith's complaint for the first time during its December 8, 2008 meeting and concluded that IA should be given more time to investigate this matter. The complaint is still viewable on the CRB website under the meeting documents link for 120808 if any CRB members need to refresh their recollection on this file.

On December 11, 2008, Mrs. Smith agreed to meet with the subject officer and a representative from IA at the KWPD to try to settle the matter amicably. The Executive Director of the CRB on this date met with Mrs. Smith before said meeting at the KWPD and informed her that her participation in such a meeting was completely her choice and she did not have to settle this matter under any conditions. However, this type of meeting would be a positive step in the complaint process and would not be objected to by the CRB.

On December 15, 2008, IA forwarded two documents showing the amicable resolution of this complaint by the parties and Mrs. Smith's desire to withdrawal her pending complaint. IA also forwarded an audio wave file of the meeting between the parties that occurred on December 11, 2008.

On December 15, 2008, Mrs. Smith had a phone conversation with the Executive Director confirming her desire to withdrawal her complaint as she felt that the officer had made the appropriate apology and now truly understood her complaint and situation. The Executive Director encouraged Mrs. Smith to appear before the Board at the December 22, 2008 meeting to give final comments on her file if she wished. If she would not appear, the Executive Director would announce that she desired no further action in this matter by the Board at said meeting. Mrs. Smith was contemplating if she will appear or not at this next meeting.

This supplemental summary consists of the following written/audio materials:

1. IA report on the meeting dated December 12, 2008;
2. Signed statement by Jessica Smith acknowledging the voluntary withdrawal of her complaint;
3. Audio wave file (to be distributed to the Board members via thumb drives)
4. Executive Director's memo to IA per Board's directives dictating a time table for IA to address this matter; &
5. Notice letters to all involved parties.

The CRB must determine if the complaint should now be disposed of without any further action or investigation into this matter.

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Donald J. Lee, Jr.
Chief of Police



Key West
POLICE DEPARTMENT

TO: Stephen Muffler
FROM: Inspector Randy Smith, Office of Internal Affairs
DATE: December 12, 2008
RE: Jessica Smith Complaint

I spoke with Ms. Smith during the day and asked if she would consider mediation with Ofc. Sanchez and she agreed. I met and conducted mediation with Jessica Smith and Officer Luis Sanchez at 6:30pm last night in my office. This meeting was a voluntary meeting by both parties. They discussed their feelings on the matter and we were all able to gain valuable insight into each others perspective and ultimately this will help the Key West Police Department serve the community better. It also appears Ms. Smith was able to achieve a better understanding of Ofc. Sanchez's position in this matter. In the end both parties agreed there was some miscommunication, which has been clarified. Ms. Smith stated she was satisfied with the mediation and dismissed her complaint. There appears to be a sincere desire on Ofc. Sanchez's part to help Ms. Smith personally with the ongoing problems she has having. I believe this was a successful meeting and I hope this may be a good alternative in the future to handle issues that arise between officers and the community.

-Please see the attached audio file and withdraw letter.



RESPECT - INTEGRITY - FAIRNESS

Key West Police Department 1604 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111
www.keywestcity.com



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Donald J. Lee, Jr.
Chief of Police



Key West
POLICE DEPARTMENT

I am fully aware of the complaint process of the Key West Police Department. I have filed a complaint against certain officers of the department and understand an administrative inquiry has been initiated into my complaint. I have decided to withdraw my complaint at this time with the understanding that no further administrative action will be taken regarding this matter and the Key West Police Department considers the matter closed.

Signed: [Signature]

Date: 12-11-08

Witness: [Signature]

Date: 12-11-08



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Key West Police Department 1804 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111
www.keywestcity.com



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(audio wave file of meeting between the parties on 12/11/08)

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

TO: Inspector Randall Smith
FROM: Stephen Muffler, Esquire
DATE: 12/10/08
RE: CRB Agenda for 12/22/08

Per Lt. Smith's directions received yesterday by e-mail, I am to start sending you my communications regarding pending investigations and IA issues.

Attached please find the agenda for the above referenced CRB meeting. As you can see, the CRB wishes to proceed to hear/discuss Mrs. Jessica Smith's file as soon as possible. Per the Board's last meeting on 12/08/08, the Board directed me to send this communication to your office to inform you that the CRB desired this file to be completed by its 12/22/08 meeting, or the Board will consider commencing its own investigation under the City Charter provision at that time.

The IA representative who attends our 12/22/08 meeting should be prepared to articulate the status of this investigation as "non-active" or "active" under F.S. 112.533(2)(b). If the file has been fully concluded and is ready for the Board's review, please send me the entire file's contents for public review by the Board for the 12/22/08 meeting. Mrs. Smith will be attending this next meeting on 12/22/08 and it is imperative that the Board be fully informed on the status of this investigation so it can make a determination if it should commence its own separate investigation.

If you have any questions or concerns, please do not hesitate to contact me directly.

AGENDA

Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, December 22, 2008

6:00 p.m.

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
 - a. December 8, 2008
5. TRACKING CHART REVIEW
6. CONTINUED OR NEW BUSINESS
 - a. Review File: Jessica Smith—CRB# 08-008; &
 - b. Review File: John Opp – CRB# 08-011
7. COUNSEL'S REPORT
8. CHAIRMAN'S REPORT
9. BOARD MEMBERS REPORT/GENERAL COMMENTS
10. EXECUTIVE DIRECTOR'S REPORT
 - a. Status of Omar Brown (CRB Case #07-011) Limited Investigation;
 - b. Monthly Meetings between CRB Executive Director & Chief 1st Tuesdays of every month at **10:00 a.m.** in the year 2009 to improve CRB & KWPD communications; &
 - c. Monthly Meetings between CRB Executive Director & IA staff 1st 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"
11. PSO/IA COMMENTS/FOLLOW-UP
 - a. Status of IA Internal Investigation list for 2008 (see items 10(c));
 - b. Dialog between Board and IA as to how to handle 45/180 day time limits in the future
12. PUBLIC INPUT
13. MEDIA AND PRESS QUESTIONS
14. ADJOURNMENT

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

December 9, 2008

Mrs. Jessica Smith
1640 Morgan Court #4
Key West, FL 33040

VIA REGULAR US MAIL

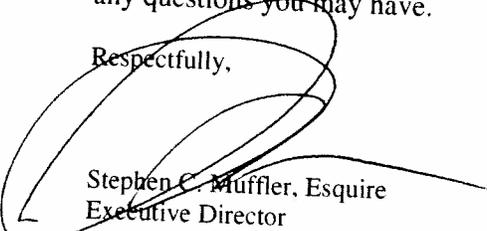
Complaint File: CRB No. 08-008
KWPD-IA File Number: (to be assigned)

Dear Mrs. Smith:

Please be advised that one or more Board members and/or the Executive Director of the Citizen Review Board has placed the above referenced matter on the Agenda for the December 22, 2008 meeting at Old City Hall starting at 6:00 p.m. Enclosed please find the proposed agenda for that meeting. It would be helpful if you and/or your representative could attend this meeting to help the Board reach a fair and just recommendation. Please advise this office of any further evidence that would support your claims of unprofessional conduct by the subject officer(s) mentioned in your complaint.

This letter shall also confirm your new mailing address. You are welcome to call or write us with any questions you may have.

Respectfully,


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

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

TO: Lt. David Smith
FROM: Stephen Muffler, Esquire
DATE: 12/09/08
RE: CRB Agenda for 12/22/08

Attached please find the agenda for the above referenced CRB meeting. Also enclosed please find the respondent officers' notices. **Would you please forward these notices to the individual officers so that they are aware of this upcoming meeting?** It would be desirable for a representative from your office attend this meeting to help address the Board's specific questions on any files or procedures. Please note that all of the Board materials are now available for yourself or the respondent officer's to view on the CRB website.

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

TO: Officer Luis Sanchez
FROM: Stephen Muffler, Esquire
DATE: 12/09/08
RE: CRB Complaint #08-008/Smith

Attached please find a copy of the proposed Agenda for the CRB meeting to be held at 6:00 p.m. at the Old City Hall on December 22, 2008. One or more of the Board Members and/or the Executive Director as placed the above referenced file on the Agenda for discussion. You are a respondent in this file and are invited to attend this meeting to help clarify the matter to the Board members. You are under no obligation to attend nor speak to the Board, but your input on the matter would be carefully weighed and would assist the Board in reaching a fair and just recommendation. You may attend personally, via a union representative or through legal counsel. The documents to be reflected upon by the Board shall be viewable on the CRB website prior to the meeting.

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