

City of Key West
CITIZEN REVIEW BOARD
Annual Report
For 2010



January 24, 2011

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2010 Annual Report

CITY OF KEY WEST CITIZEN REVIEW BOARD

I. Introduction

The City of Key West Citizen Review Board (CRB) has been actively reviewing complaints filed by citizens against Key West Police Officers since January 2004. This report was based on data and events occurring in the calendar year of 2010 which will be considered the "reporting period". This report is intended to give the reader an overview of the progress of the Board's efforts and major activities undertaken by the CRB during this reporting period. Readers may obtain a copy of this report and previous annual reports by visiting the City of Key West web site www.keywestcity.com and then selecting CRB under the city department drop down menu. This report is submitted in accordance with Section 1.07(X) of the Charter of the City of Key West.

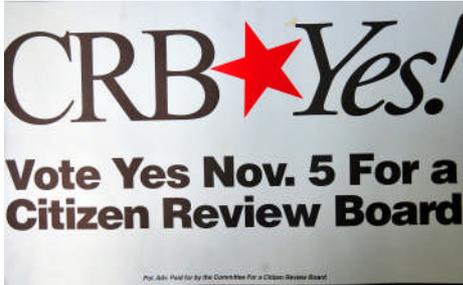
Like other municipal governmental departments throughout the State of Florida, the CRB has faced considerable limitations on funding its operations based on the state wide financial constraints. Despite said financial limitations, the CRB has continued to progress forward with its goal of increasing the public's confidence in the City of Key West Police Department's (KWPD) ability to fairly and thoroughly investigate citizen complaints. The CRB budget FY 09-10 was \$91,680.00 of which, the CRB used \$86,617.00, saving the citizens' tax dollars while performing its mission. The CRB approved budget FY10-11 is \$90,900.00.

The CRB would like to take this opportunity to again recognize the ongoing professionalism of the KWPD members. This report and its recommendations herein, are by no means meant to overshadow this fact. The KWPD, under its current leadership, reflects a professional crime fighting organization and the CRB is appreciative of its ongoing efforts. Chief Lee's administration and the CRB continue to share the same early intervention philosophy to help minimize miscommunications and dispel misinformation involving alleged officer misconduct. Said early intervention processes have continued to reduce the number of formal complaints to the CRB as more fully explained herein in section V(A) of this Annual Report. The KWPD continues to professionally protect paradise.

We hope that this report will enable the reader to understand the role of the CRB. If there are any questions, please call Executive Director Stephen C. Muffler, Esquire at (305) 809-3887 or email us at crb@keywestcity.com. Special thanks to the City of Key West IT Department for its ongoing technical assistance to the CRB and its operations.

II. About The Citizen Review Board

(A) What is the CRB?



Key West voters created the Citizen Review Board (CRB) on November 5, 2002 to review and/or investigate citizen complaints filed by the public against Key West Police Officers for alleged professional misconduct.

(B) CRB Mission Statement

The mission of the CRB is to promote public confidence in the professionalism and accountability of the police officers of the Key West Police Department (KWPD).

(C) Purpose of the CRB

The purpose of the CRB is to establish guidelines for the receipt and processing of allegations of KWPD police misconduct in compliance with the Charter of the City of Key West Article I, Chapter 1.07. The CRB also independently reviews citizen complaint investigations against KWPD police officers, recommends changes in departmental policy, and when deemed appropriate by the Board, conducts an independent investigation of citizen complaints. The CRB forwards findings and/or recommendations to City management, the Chief of Police, State Attorney, other state and federal law enforcement agencies and/or grand juries if appropriate.



Certificate of Membership

2010-11

Citizen Review Board
Key West, Florida

Is an Organizational Member of the

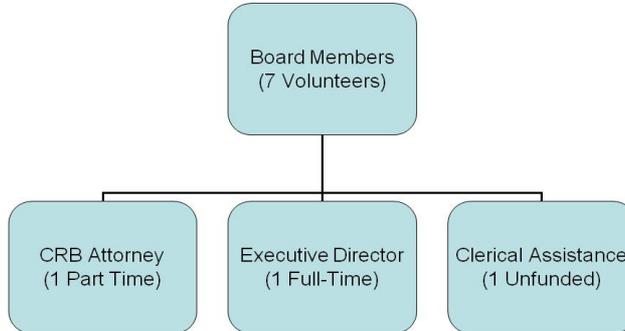
*National Association for Civilian
Oversight of Law Enforcement*

Philip K. Eure
President

Charles D. Reynolds
Secretary

III. Members & Staff of the Citizen Review Board

Citizen Review Board



The City of Key West Citizen Review Board is composed of seven residents of the City of Key West and are not employed by the City. Originally, the City Commission appointed four (4) members from nominations from community based civic and social service organizations. The original four (4) members then selected three (3) additional members from applications submitted by the general public. Any vacancies of these seats are filled in the same manner (Commission versus Board Appointed Positions). As with other city boards and commissions, these are unpaid positions. The term in office for each Board member is four (4) years and a board member can serve no more than nine (9) consecutive one (1) year terms.





In accordance with 1.07(IV)(d), Board members have received training through various sources. These sources include several presentations by Executive Director Muffler, ongoing review of police professionalism publications and two (2) members, Larry Beaver and Rev. Douglas S. Forbes, attended the National Association of Civilian Oversight of Law Enforcement (NACOLE) Conference and workshops at NACOLE'S Annual meeting in

Seattle Washington in September of 2010. Other members thereafter were briefed as to the information learned and materials from the NACOLE conference were made available to the entire Board. More information on NACOLE can be found at www.nacole.org

The Board Members who served in 2010 are:

Susan Srch, Vice Chair. Susan C. Srch is a seven (7) year resident of Key West, originally from the suburbs of Chicago, Illinois. She is a retired police officer having served 26 years with the Oak Brook police department, attaining the rank of Lieutenant/Division Commander. She has a Masters degree in Criminal/Social Justice from Lewis University and is a graduate of the Key West City Ambassador's program. She currently works part time as an office manager for the T-Shirt Factory. **Susan Srch is a Board appointed member who was selected to serve out the remaining term of a prior member in 2009. Susan Srch was reappointed by the Board in June 2009 to serve until June 2013, but subject to renewal. Susan Srch served as Vice Chair until June 2010 and then served as Chairperson for the duration of the remaining 2010 reporting period and is currently serving in this capacity in 2011.**

Dr. Kevin Collins, Vice Chair. Kevin D. Collins is a six (6) year resident of Key West. He attended graduate school at New York University in the field of clinical psychology. While living in the city, Kevin was employed by the NYC Health and Hospitals Corporation at Bellevue Hospital Center and taught as an Adjunct Professor. Eventually he moved to Connecticut where he worked as the Director of Children and Family Services for a private substance abuse hospital. In 1995 he opened a private practice in Ridgefield Connecticut. Dr. Collins is a graduate of the 2008 Key West Ambassador Class and volunteers his time at The Tropic Cinema, Habitat for Humanity, and the Cooking with Love Program. Dr. Collins was a previous Board member and Vice Chair who was appointed by the City Commission during the years of 2008-2009 and he was replaced by Hayward Magby in June 2009. **The Board appointed Kevin Collins to replace Dr.**

Mark Kielsgard in June 2010. Dr. Collins was elected as Vice Chair in June 2010 and his term will expire in June 2014, but subject to renewal

Dr. Bryan Green, Member. Dr. Bryan Green moved to Key West in 2000 with his partner Tony Konrath. He is Vice Chairman of the Performing Arts Center of Key West (Tennessee Williams Theater); Vice Chairman of the City of Key West's HARC, Treasurer of Wesley House and the Community Foundation of the Florida Keys and a Board member of AIDS Help. He also remains on the Board of a number of Charities & Trusts in the UK covering Drug Addiction and Rehabilitation and is past Chairman of War on Want, one of Europe's largest agencies fighting poverty in developing countries. Dr. Green is a member of the Royal Institute of British Architects, Fellow of the Chartered Society of Designers and was appointed to the Royal Victorian Order in recognition of his work for the British Government and the Prince's Trust on urban villages and affordable housing. He remains an advisor to HM Government in addition to his daytime job as Chairman of a group of Architect practices in London and Dublin currently designing a wide range of developments from airports to hotel to industrial parks throughout Continental Europe. **The Board appointed Bryan Green and his term expires June 2011, but subject to renewal. Dr. Green Served as the Chairman for the CRB from June 2008 to June 2010.**

Virginia Altobello, Member. Virginia Altobello was born in Manhattan New York and graduated cum laude with an AA degree from Fairleigh Dickinson University. She first arrived in Key West in 1961 with Naval Officer husband. In 1983, after many winters visiting, moved here permanently. Her career background includes: modeling, management of family real estate, executive in operations department of two major department stores in New York City which included working with police detectives and private investigators to help reduce employee theft and customer shoplifting. Virginia graduated from Key West Citizen Police Academy in 2006 and KW Ambassador Class in 2008. She is now retired but working part-time at Southernmost Hotel Collection and enjoying writing and has published two articles in the Miami Herald. She has also co-authored prize-winning play performed for New Plays in May Series at Waterfront Playhouse. **The City Commission re-appointed Virginia Altobello to the Board in June 2010 and her term will expire June 2014.**

Andrea "Trice" Denny, Member. Andrea Patrice Denny, known as Trice, is originally from LaBelle, Fla. She is a retired Navy journalist and now works as a public affairs specialist for Naval Air Station Key West. An eight (8) year resident of Key West, Trice is also a City Ambassador and in her spare time, DJs at local radio

station Island 107.1. **The City Commission appointed Trice Denny and her term expired June 2010 and she was replaced by Larry Beaver.**

Mike Driscoll, Member. Mike Driscoll was born and raised in New York City. Mr. Driscoll joined the Navy in 1972 after graduating from high school. He initially intended to serve just four years in the Navy, but ended up serving over 33 years on active duty. One of his tours of duty brought him to Key West. Once Mr. Driscoll retired from the Navy, he did like many do and returned to Paradise 2005 to settle down. He holds membership in the following organizations: Veterans of Foreign Wars, Disabled Americans Veterans, Non-Commissioned Officers Association, Senior Enlisted Academy Alumni Association, and the Surface Navy Association. He is a member of the Key West Military Affairs Committee, Key West Art and Historical Society, Key West Maritime Historical Society, The Florida Historical Society and Library of Florida History, Navy League, Fleet Reserve Association, and the American Legion. He is an associate member of the Fraternal Order of Underwater Swimmers School, Key West, Florida. He is a member of the Patriot Guard Riders who show respect for our nation's fallen heroes, their families and their communities. They shield the mourning family and their friends from interruptions created by any protestor or group of protestors and that is accomplished through legal and non-violent means. He is also a member of Moore's Marauders, an organization that conducts expeditions around the world looking for and finding remains of those that have been declared missing in action. This provides closure for family members and returns those who have given their life for our freedom a final resting place in their own homeland. He has earned a career certificate in Corrections and a Bachelors Degree in History/Government. He is a certified SCUBA diver and a licensed U.S. Merchant Marine Officer. In his spare time he enjoys reading, fishing, cooking, scuba diving and gardening. He resides in Key West, Florida, with his wife Suzanne Runnels. **The City Commission appointed Mike Driscoll and he resigned in 2010 and he was replaced by Rev. S. Clair Forbes to serve out this term until June 2011.**

Dr. Mark Kielsingard, Esquire, Member. Dr. Mark D. Kielsingard is a 10 year resident of Key West and an adjunct professor of law, professor of international studies and a former law partner with Love, Kielsingard and Associates. He served as a trial and appellate lawyer who handled approximately 2000 cases, argued several matters before the Virginia Supreme Court and had a case of first impression before the U.S. Court of Appeals. He received his JD from Rutgers University Law School and LL.M. from St. Thomas University School of Law and holds a JSD in International Human Rights Law. Dr. Kielsingard has studied abroad in Austria, the Netherlands and Ireland, and is a Marie Curie Scholar from Leiden

University. He has published several lead articles in academic journals -- translated in up to four languages -- in the areas of international security law, human rights, international criminal law, genocide, and international economic policy. He is finalizing his first book, which deals with the International Criminal Court, and has lectured and made presentations on human rights, civilian oversight of police, and terrorism before the American Civil Liberties Union and other groups. **The Board appointed Dr. Mark Kielsgard and his term expired in June 2010 and was not renewed upon his request due to his relocation overseas to teach legal classes in China. Dr. Kielsgard was replaced by Dr. Kevin Collins in June 2010.**

Hayward Magby, Member. Hayward Magby returned to Key West in 2002 with his spouse and Pastor, the Reverend Dr. Gwendolyn Magby. He received his Speech Communications degree at Jackson State University. He continued graduate work in Counseling in England and Ball State University. His tour of duty from Alaska brought him to Langley Air Force Base where he continued graduate work in Education at Old Dominion in Norfolk. Mr. Magby is a Viet Nam Veteran and retired Non-Commissioned Officer in Personnel Administration and Electronic Security Intelligence in the United States Air Force. Since residing in Key West he has been a community organizer and currently the Department of Education's Substance Abuse and Mental Health Service Administration (SAMHSA), Program Coordinator at a non-profit organization, AIDS Help. He is secretary of the Martin Luther King Jr. Scholarship Committee; Chairperson of Tropical Florida Presbytery, Disaster Relief Committee; a Florida representative for the Southeast Region National Black Presbyterian Caucus; a board member of the Neighborhood Accountability Board (Restorative Justice Prevention Program). In his spare time he enjoys volunteering for Monroe County Health Advisory Council, Habitat for Humanity, and mentoring youth in the Key West Community. **The City Commission appointed Hayward Magby in June 2009 and his term expires June 2013, but subject to renewal**

Larry Beaver, Member. Larry Beaver holds a Bachelor's Degree from Southern Nazarene University and an Associates Degree from Rose State College. He is a veteran of the United States Army who attained the rank of E-5 Sergeant prior to his honorable discharge in 1975. His professional experience includes working for about 20 years with the City of Midwest City, Oklahoma Police Department rising through the ranks from police records clerk, police communications officer, uniformed police officer to police detective/investigator. He is also a former investigator for the Office of the Attorney General-- State of Oklahoma conducting various investigations into medic-aid fraud and elderly abuse. Additionally, Larry has additional

extensive security and investigation experience in the private sector. Larry now calls Key West home with his wife and he is a graduate of the Key West Citizen Police Academy & Key West Ambassador Class. **The City Commission appointed Larry Beaver in June 2010 and his term expires June 2014, but subject to renewal**

Rev. Douglas S. Forbes, Member. Rev. Forbes was a 2 year resident of Key West, originally from Pensacola. He has a Bachelor of Arts Degree in Criminal Justice from the University of West Florida and a Master's of Divinity Degree from Turner Theological Seminary in Atlanta, Georgia. While in Key West, Rev. Forbes served as the Senior Pastor of Bethel A.M.E. Church. Rev. Forbes relocated to Northern Florida at the end of 2010. **The City Commission appointed Rev. Forbes in June 2010 but he resigned in November 2010 due to his reassignment to Northern Florida. This seat is vacated and applications to fill this position will commence in the 1st quarter of 2011.**

The CRB staff during 2010:

The Executive Director of the CRB is contracted with the City of Key West and reports to the Board Chairperson. Stephen C. Muffler, Esquire performed these duties during the reporting period. The CRB attorney is contracted with the City of Key West and reports to the Board. Robert J. Cintron, Jr., Esquire performed these duties during the reporting period. The clerical position identified in City Charter provision 1.07 IX(c) remains unfunded and those responsibilities have been undertaken by the Executive Director. Under City Charter provision 1.07 I(c), the CRB may retain the services of professional investigators as needed.

IV. The Citizen Review Board's Authority & Responsibility

The CRB has the authority to review and investigate citizen complaints involving Key West Police Department personnel and forward findings and recommendations to City management, the Chief of Police, State Attorney, other state and federal law enforcement agencies and/or grand juries. Pursuant to City Charter Provision 1.07 I (a), the CRB is independent of the Key West Police Department (KWPD), other municipal City departments, and to a great extent City Management and City Commission.

Pursuant to 1.07(I)(d) the CRB has the ability to "subpoena witnesses and documents when conducting an investigation.." On a statewide basis, said authority is currently being challenged by the Police Benevolent Association (PBA) which will be discussed in section V herein. The CRB is a neutral body

designed to be a bridge between the community and the Police Department. It was designed to give the public confidence that accusations of misconduct made against an officer will be fairly and thoroughly investigated. In addition to being a neutral hearing body, the CRB offers a public forum for citizens who want to express their opinion on police-related issues. Finally, the CRB adds additional transparency to the police disciplinary process by providing access to public documents via its webpage, acts as a clearing house for information relative to police professionalism organizations and data, offers complaint and commendation forms on its interactive website as more fully explained in section VII of this report.

The CRB independence facilitates and guarantees CRB's review of complaints and its policy recommendations are done "in the sunshine" on a fair and impartial basis. The CRB's near autonomous structure and independence is a paramount characteristic required to successfully perform its functions under the City Charter.

V. The CRB Complaint Review Process

(A) Lodged Complaint Process

Typically, a complainant contacts the CRB office to discuss what they feel is a police professionalism issue. The CRB Executive Director at this stage evaluates the issue to confirm it falls within the CRB jurisdiction, and if not, the complainant is referred to the proper agency. If the issue falls within the CRB jurisdiction, the Executive Director attempts to address the matter with the complainant and the applicable KWPD division before a formal complaint is submitted and/or explains to the complainant that the issue on its face is not a police professionalism issue. The goal of this early intervention process is to reduce the number of formal complaints and quickly and amicably resolve the complainant's issue, to the satisfaction of all involved stakeholders. Should the issue be successfully resolved in this fashion, it is classified as a "lodged complaint".

(B) Formal Complaint Process

If the issue cannot be quickly resolved to the satisfaction of the complainant and/or the matter is of a serious nature that it requires attention by the CRB, then the matter raises to the level of a "formal complaint" in which the

complainant is provided a complaint form to be properly filled out documenting the allegation of misconduct.

All formal complaints received by the CRB office are forwarded directly to the KWPD Internal Affairs Bureau (IA) and the Chief of Police within two (2) days of receiving the complaint. IA generally has 45 days to complete an investigation or inquiry and forward findings to the Chief of Police, the CRB and the complainant. However, the CRB reserves the right to commence an independent investigation at any time.

The CRB Executive Director contacts the complainant to find out if the complainant is satisfied with the ultimate results of IA's investigation. This is usually accomplished by a confirmation letter affirming the complainant's position being mailed to the complainant and/or the complainant is advised of a public Board review of his/her file and encouraged to participate in the same. Additionally, when a complaint is returned to the CRB by IA, the Executive Director reviews it for completeness and writes an executive summary for the Board after the completion of the IA investigation. The Board then reviews each allegation in each case, reflecting on the complainant's additional comments/testimony and IA's additional statements at a public meeting. The Board thereafter makes a recommended finding based on preponderance of the evidence.

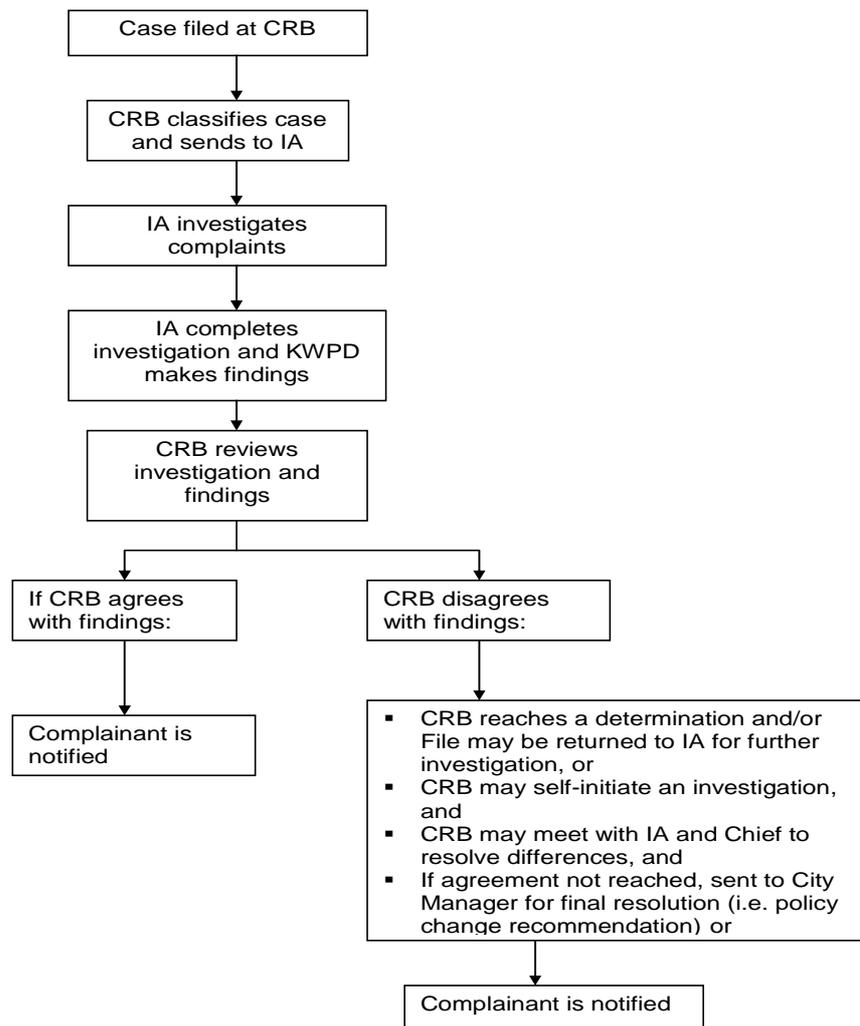
On the occasion, the CRB review reveals that the IA investigation or inquiry is inadequate or incomplete, the CRB has the option of returning the file to IA or conducting its own investigation. Typically the CRB will refer the file back to IA and outline the areas that require further inquiry or investigation. The CRB also has the option to conduct its own investigation employing its own private investigator and has exercised this option on several occasions. Following the review of a complaint, the Board may also consider the KWPD policies that are in place that relate to the complaint.

At the conclusion of the review or investigation, the CRB forwards its written findings and conclusions to the Chief of Police and to affected officers and, to the extent permitted by law, to the complainant. The Chief of Police must respond within 30 days if a response is mandated. The Police Chief and the City Manager have the sole responsibility for discipline.

During this review process, the Board also critiques the quality of the investigation and investigative process. This review and comment by the Board gives City and KWPD management the advantage of having a perspective that

is not found in most communities. This transparent process allows for the citizenry to participate in its government and to inspire confidence in the KWPD disciplinary process. The mere existence of civilian police oversight boards, like the CRB, has been considered by NACOLE as deterrence to unprofessional police conduct which logically would result in the reduction of formal filed complaints from citizens.

CRB COMPLAINT PROCESS CHART



This chart outlines the typical formal complaint processing procedure. However, at anytime during this process the CRB can commence its own investigation

(C) The CRB Complaint Process & Florida Law:

Of noted importance to CRB & IA operations and their overall effectiveness, is Florida Statutes (F.S.) Chapter 112, Part VI, known as the "Officer's Bill of Rights". These Florida statutes require strict time limitations as to: (A) the release of information relative to IA investigations by the KWPD; and (B) the completion of an investigation by the KWPD. F.S. 112.533 (2)(a) states:

A complaint filed against a law enforcement officer or correctional officer with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of such complaint shall be confidential and exempt from the provisions of s.119.07 until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the officer who is the subject of the complaint, either personally or by mail, that the agency has either:

- 1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges; or*
- 2. Concluded the investigation with a finding to proceed with disciplinary action or to file charges*

F.S. 112.532 (6)(a) states¹:

Except as provided in this subsection, no disciplinary action, demotion, or dismissal shall be undertaken by an agency against a law enforcement officer or correctional officer for any act, omission, or other allegation of misconduct if the investigation of such allegation is not completed within 180 days after the date the agency receives notice of the allegation by a person authorized by the agency to initiate an investigation of the misconduct. In the event that the agency determines that disciplinary action is appropriate, it shall complete its investigation and give notice in writing to the law enforcement officer or correctional officer of its intent to proceed with disciplinary action, along with a proposal of the action sought

The Citizen Review Board has the authority to independently investigate complaints and issue subpoenas if necessary. Under the 2008 case precedent of *Timoney v. City of Miami Civilian Investigative Panel (CIP)*, 990 So.2d 614 (Fla. 3rd DCA 2008) the City of Miami's police review board², a sister municipal agency that generally is parallel in characteristics with the Key West CRB, was challenged in court when it exercised its powers to issue subpoenas and investigate the Chief of Police of the Miami Police Department. The trial and appeals court sided with the CIP and ruled that the CIP could investigate police and chief of police using the CIP's subpoena power authority via the Miami City

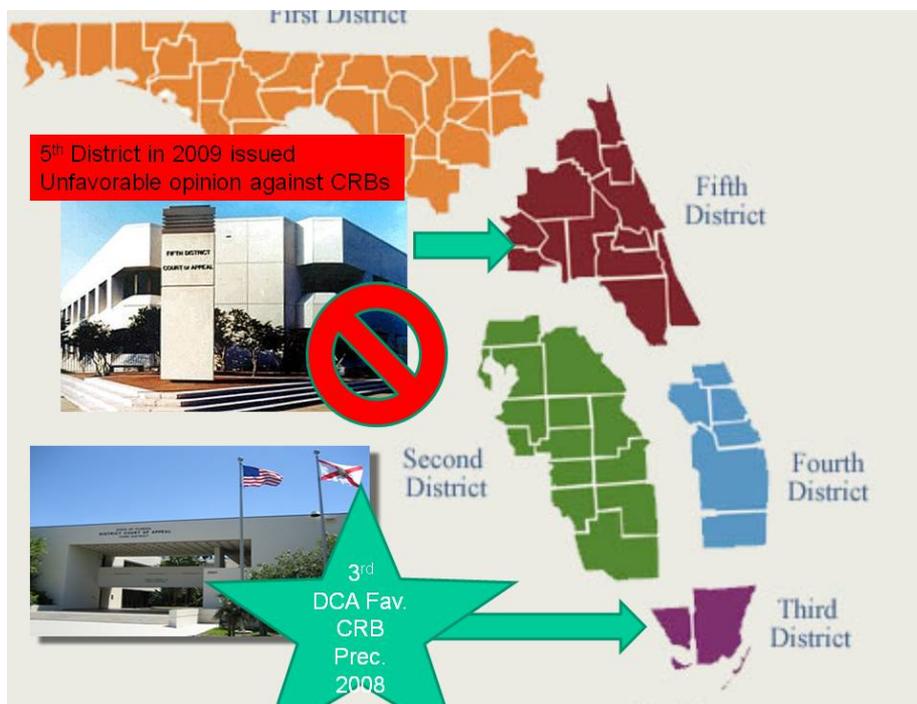
¹ F.S. 112.532(6)(a) enumerates five (5) limited exceptions to this mandatory 180 day time limitation for investigations completed and sanctioning announced .

² The Miami CIP is an almost identical in nature, structure, power and responsibility as the CRB

Charter, outside the restrictions of the Officer's Bill of Rights. A complete copy of the Timoney case can be found on the CRB webpage.

However, in mid-2009 the Fifth Circuit Court of Appeals in the case of Jerry L. Demings, Sheriff of Orange County et. al. v. Orange County Citizens Review Board et. al., 15 So.3d 604 (Fla. 5th DCA 2009) reversed the Orange County trial court's decision and ruled that the Officer's Bill of Rights precluded civilian oversight board's independent investigatory powers, including subpoena power, when investigating sheriff deputies. In the Demings, the court ruled that the Orange County Civilian Review Board was improperly vested with these powers in light of the creation of the separate constitutional sheriff's office and the Officer's Bill of Rights. A complete copy of the Demings case can be found on the CRB webpage.

This has resulted in the middle district of Florida having conflicting law with the southern portion of Florida as pictured in the below graphic. The CRB is currently monitoring pending litigation in other Florida jurisdictions which may mature to an ultimate resolution of this division.



Division of Florida Circuit Courts of Appeals

VI. Fifth Annual Report January 1 2010- December 31, 2010

The files identified in this section are limited to the lodged and formal complaints received or forwarded to the CRB dealing with civilian complaints against sworn officers of the KWPD during the reporting period. A schedule of IA 2010 files which would include additional "internally generated" complaints is attached as "**Appendix A**" which was generated by IA and forwarded to the CRB for purposes of this Annual Report.

A. Summary of 2010 CRB Files:

During the reporting period, the CRB reviewed two (2) files which overflowed from 2009 during the reporting period. These are also represented below:

The files addressed by the Board in 2010 (but filed in 2009):

File # #09	Complaint (Last name)	Respondent(s) (Last name)	Allegation(s)	Disposition	CRB Disposition & Finding.
008	Edwards	Yvonne	Excessive Force/Discourtesy	Unfounded/ Not Sustained	Excessive Force- Exonerated/ Discourtesy- Not Sustained
009	Rodd	Shahdaroba	False Arrest/ Untruthfulness/ Conspiracy	No Investigation by IA	False Arrest- Sustained/ Untruthfulness- Not Sustained/ Deficient Service- Sustained/ Conspiracy- Not Sustained

The files addressed by the Board in 2010 (filed during the reporting period):

File #10-	Complaint (Last name)	Respondent(s) (Last name)	Allegation(s)	Disposition	CRB Disposition & Finding.
001	Rodd	Shahdaroba	False Arrest/ Harassment	No Investigation by IA	False Arrest- Sustained / Harassment- Sustained
002	Capo	Anthony	Harassment	No Investigation by IA	Harassment- Exonerated
003	Wilson	Everette	False Arrest/ Harassment	Withdrawn by Complainant +	No Finding
004	Norris	Dwayne	Discourtesy/ Deficient Service	No Investigation by IA	Discourtesy- Exonerated / Deficient Service- Exonerated
005	Sands	Ronald	Discourtesy	Withdrawn by Complaint +	No Finding
006	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
007	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
008	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
009	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX

+ These complainants withdrew their complaint either after being fully advised of the facts and/or circumstances

XXXXXXXXXX-Represents that the complaint is an "active" and confidential under F.S. 112.533 (2)(a). For a more complete and more accurate description of any of the above files you should place a public records request upon IA and/or the CRB and/or review the CRB Agendas and Meeting Minutes found on the CRB website.

Further, the CRB staff addressed **15** lodged complaints during the reporting period.

Total files addressed/reviewed by the Board and the lodged files addressed by the CRB staff amount to 26 during the reporting period.³

³ This does not include those files "administratively reviewed" by the CRB. If KWPD institutes an internal investigation, not promoted by a CRB complaint, those results are reviewed privately by the CRB members individually under section VII(c). If there is an issue that one of the CRB members considers worthy of the Board's attention and scrutiny, that particular member will direct the CRB Executive Director to place the item on the next CRB agenda where the matter can be addressed at a public meeting.

B. Issues of Concern During CRB 2010 File Reviews:

The vast majority of internal investigations by IA have been handled in a professional and timely manner and the CRB commends the Professional Standards Office and IA for their efforts in 2010. This section, and its critical analysis of the IA process, should not eclipse such professional efforts. This section is meant to be constructive in its critical review of some issues that came to light in 2010.

1. Inter-communication between arresting officers & apparent lack of knowledge of some DUI principals (as applied to bicycles):

During the CRB #09-009 file review, multiple clerical errors were made in the arresting documents authored by the involved officers that most likely played a role in the ultimate unsuccessful prosecution of charges against the complainant in the criminal court system. The officers involved seem to have used the "fellow officer" rule⁴ in documenting their probable cause when filling out their police reports. The police reports were either inaccurate or simply wrong. These clerical errors would have not occurred had the involved officers had better communication between themselves and the supervising shift sergeant would have reviewed all of the reports which would have revealed the material errors and contradictions.

Further, one of the officers deemed a DUI expert, issued a citation for a possible non-existent infraction (refusal to consent to a breathalyzer for operating a bicycle) and wrote the charging citation as boating under the influence (BUI) while citing the BUI statute. Chief Lee conceded that at least one officer "*was deficient in his report writing in a couple of areas*" and that he would direct that officer's supervisor to "*counsel him and document the deficiency for evaluation purposes.*"

2. Preservation of the integrity of the KWPD I-COP system:

⁴ This is a standard procedure used by law enforcement officers involved in an arrest which is recognized by Florida courts. See *Dewberry v. State*, 905 So.2d 963 (Fla. 5th DCA 2005) (If a law enforcement officer has information amounting to probable cause, he or she can communicate that probable cause to an officer who lacks that knowledge for purposes for the second officer making an arrest)

The CRB reviewed two (2) internally generated files⁵ relative to two (2) separate off duty KWPD sergeants being pulled over for driving offenses and possible suspicion of driving under the influence by two (2) separate road officers on two (2) separate occasions.⁶ In both instances, the I-COP in car camera and voice recording systems were purposely turned off by the road patrol officers during the traffic stop, preventing any meaningful visual or audio evidence to document the stop and investigation. Ultimately, both traffic stops resulted in no police reports or incident reports being authored and no formal criminal or ticket infraction charges filed. To the credit of Chief Donie Lee and the IA staff, an internal investigation was commenced which resulted in sanctions against the involved officers and sergeants.

For the I-COP to remain a valuable evidentiary and training tool, and for these systems and the road officers who use them to maintain credibility, the KWPD must continue to hold all I-COP operators to the highest degree of professionalism and admonish any apparent purposeful and/or improper termination of these systems' recordings during active, roadside stops. The subject officer's conduct, at the very least, promoted an appearance of "preferential use" and/or "optional use" of these systems by the road officers. However, much of the confidence in the use of these systems was restored by Chief Donie Lee's administrative investigation and sanctioning of the involved officers setting a clear mandate that KWPD I-COP policies and procedures will be followed by all KWPD members.

Example of I-COP Video Screen from KWPD Unit:



⁵ If KWPD institutes an internal investigation, not promoted by a CRB complaint, those results are reviewed privately by the CRB members individually under section VII(c). If there is an issue that one of the CRB members considers worthy of the Board's attention and scrutiny, that particular member will direct the CRB Executive Director to place the item on the next CRB agenda where the matter can be addressed at a public meeting.

⁶ One incident was originally reported by a 911 call from a concerned citizen describing hazardous driving patterns by the vehicle operator and the other incident originated by the road officer's observation of a vehicle traveling at a high rate of speed and failing to maintain a single lane.

3. Failure of officers to attend CRB meetings.

Although there is no mandatory attendance requirement by subject officers before the Board, such attendance would help facilitate a timely and fair resolution of the matter. Further, the appearance of the specific officer before the Board reflects genuine good faith and a concern by the subject officer. Since October 2008, all respondent officers have been, in writing, invited to attend, either personally or through a union or legal representative, the relevant CRB meeting. Unfortunately, very few invitations have been accepted by the subject officers and/or their representatives. Such unilateral rejection of these extended invitations is not a positive step towards building working relationships between the Board, KWPD management and the Police Union and its members.⁷

This has been an ongoing concern and in CRB Case #09-009 one respondent officer only objected to the CRB's initial "sustained" finding of untruthfulness against him, after the fact. Thereafter, by way of a 10 page letter authored by a Union attorney on behalf of the subject officer, the union attorney was highly critical of the CRB's overall file review and findings, challenged the CRB's legal existence and criticized the CRB for not allowing the KWPD to do the investigation into the charges against the officer.⁸ In light of this correspondence, the CRB in good faith re-opened the file and rescheduled a public meeting and again invited the subject officer and his attorney to appear to address their apparent appeal of the CRB finding. Neither the union attorney, or subject officer, appeared at the rescheduled public meeting leaving the CRB with an incomplete record due to IA's refusal to investigate the matter.

This issue was again highlighted when the complainant in CRB Case #10-004 was mistakenly detained and questioned by the KWPD. Chief Lee appeared before the CRB during its meeting reviewing the complaint and apologized to the complainant directly⁹. However, the complainant queried why the subject officer(s) were not present to personally apologize at the public

⁷ There are reasonable explanations for officers non-attendance which include conflict of work schedules, personal commitments and alike. However, the CRB would welcome a police union representative to attend on behalf of officers to explain the officer's position. The CRB would also welcome a police union representative to give a presentation to the Board on Union processes to improve the relationship between the CRB & Police Union.

⁸ This complaint was timely forwarded to the KWPD for investigation, and ultimately Chief Donie Lee decided not to commence an investigation, a fact that the Union's attorney apparently did not know.

⁹ The CRB has recognized that Chief Lee will not hesitate to state in public when his department falls short of its duties and/or performance standards and this was one of those occasions. Chief Lee continues to be held in high regard by the public due to his responsiveness and openness, a positive characteristic sometimes lacking by other law enforcement leaders.

meeting. In the complainant's mind, the non-appearance of the involved officers' at the CRB meeting cast doubt as to the sincerity of Chief's apology and showed disrespect to both him and the CRB complaint process.

4. IA's continued blanket refusal to commence ANY investigation under certain circumstances:

IA has a standard policy to NOT commence an investigation of a citizen's complaint if the complainant is facing pending criminal charges stemming from the interaction with the subject officer. IA has adopted this standard operating procedure to avoid infringing on 5th Amendment rights of the complainant who is facing pending criminal charges arising out of the incident or interaction or to affect any underlying related criminal case prosecution of the complainant. This standard operating procedure is applicable even if the complainant wishes to proceed regardless of prejudicing their 5th Amendment rights.

However, IA is willing to reconsider the complaint after the criminal charges are settled should the complainant re-file the complaint. This standard operating procedure sometimes results in the complainant abandoning their complaints completely and/or delaying a complaint for long periods, sometimes over two (2) years.

This policy standard procedure tends to delay investigations when the complainant is NOT facing pending charges. This situation arose in CRB #09-008 in which there was an allegation of "excessive force" and "discourtesy" in the use of a taser. The complainant was NOT under any criminal charges whatsoever, but her granddaughter who was tased was charged with "resistance without violence" and under prior criminal charges stemming from an alleged theft. The investigation commenced about ninety (90) days after the CRB transferred the file to the KWPD and was not acted upon until the criminal charges were addressed by the court. This resulted in a very long delay in addressing the City's first allegation of excessive force involving a taser.

Additionally in CRB Case #09-009, the apparent contradictory written statements by two (2) different KWPD involved officers, on their face substantiated the allegation of "deficient service" at the very least. However, the KWPD did not move forward with any investigation leaving the CRB to review an incomplete record and without any type of investigative results, including the subject officers' statements explaining their actions or inactions.

5. Internal Affairs Representatives are members of the Police Union:

It has come to the attention of the CRB that the Director and Inspector of the Office of Professional Standards & IA, the primary if not exclusive KWPD investigators of complaints against officers, are union members. While the CRB appreciates and values all unions and acknowledges their importance in the workplace, such union membership reflects an appearance of partiality and conflict of interests. The Union defends and represents officers during IA investigations and their own members (IA staff) are investigating their fellow union members.

Although these IA representatives are very professional, such a conflict of interest and/or the mere appearance of this conflict of interest, should be eliminated in police operations. Further, it places these same IA representatives in a difficult position investigate their fellow union members and report to the CRB on these investigative results.

The CRB proffers a recommendation to correct this material issue/situation via the Recommendation section of this report to eliminate the appearance of partiality and would build the public's confidence that all complaints are being diligently investigated by IA and eliminate even the appearance of a conflict of interests.

6. Use of Tasers & Tracking usage:

The KWPD adopted the use of video and audio equipped tasers in 2008¹⁰. The CRB recognized the usefulness of such devices, but was mindful of the general concerns of possible misuse or "casual" use of this valuable compliance tool. During its file review of CRB Case #09-008 dealing with the first citizen complaint of excessive force stemming from the use of a taser, some CRB members were concerned with the necessity of its use to gain compliance. The CRB and IA investigations established that the taser was discharged in "drive-stun" function and the subject was charged with resistance "without violence". Although the subject officers were exonerated of the charges by the CRB, the CRB adopted a procedure in which, on a quarterly basis, the KWPD would report its field displays vs. field discharges of the taser so that any trends could be tracked over a period of time. See section VII (D) of this report.

¹⁰ These devices can be deployed via projectile prongs being discharged into a subject or via a "drive-stun" feature of direct contact with the subjects skin and/or clothing delivering short disbursements of electric charges without deployment of the projectiles to gain compliance.

7. Challenge to the CRB's independence:

The voters approved City Charter provision 1.07 with the critical element of assuring an independent CRB, free from possible improper influences by the City Commission, City Management and other City Departments¹¹. Such independence is a crucial element in an effective police oversight agency. In the review of CRB #09-008, the KWPD IA department dispatched a memorandum requiring that the CRB Executive Director to “fully comply with all lawful instructions” from the KWPD and give a sworn statement relative to the complainant’s allegations and barring the Executive Director “to discuss the investigation with anyone except the KWPD or your legal representative” or face possible “disciplinary action” including “possible termination”.

The correspondence necessitated a formal written reply by attorney Robert Cintron and culminated in a formal meeting between the Chief Lee, IA Inspector Randy Smith, CRB Chairman Brian Green, CRB Attorney Robert Cintron and Executive Director Stephen Muffler to amicably resolve the situation and to clarify the City’s Charter’s mandates. In the interests in moving the already delayed investigation forward, Mr. Muffler ultimately gave a voluntary statement with reservation of the CRB rights to reject any future KWPD attempts at controlling the CRB’s operations or personnel.

Dangers of KWPD’s “compelling” the CRB director’s statement and controlling the CRB directors activities, not only runs contrary to the City Charter provision, it also “chills” citizen complainants from contacting the CRB Director and liberally communicating their allegations. Further, it will severely limit the CRB Executive Director’s ability to interface with complainants and/or investigate allegations if needed since such activities could be the basis for a sworn statement to be used in an effort to attack the credibility of the complainant’s allegations even if the Executive Director is not a material witness to the event in question and only acted to intake the complaint. The CRB proffers a recommendation to avoid this KWPD procedure that creates an apparent model which pits the CRB executive director against the complainant in citizen complaints and undermines the City Charter provision creating an independent CRB.

¹¹ Art. I, Sec., 1.07 (I)(a) states “*The Citizen Review Board (CRB) is an independent board...*” ; Sec. 1.07(IX)(c) dictates the CRB retain its own executive director and attorney. Finally, Sec. 4.1 of the contract in effect between the City of Key West CRB and the CRB Executive Director states that “...*The Contract Employee serves at the pleasure of the CRB members and does not report to and is not subject to the direction of the City Manger of the City of Key West. Therefore, all disciplinary matters related to the performance of the Contracted Employee are the sole responsibility of the CRB.*”

C. Summary of CRB independent investigations and/or research during 2010:

As stated previously in this report, the Citizen Review Board has the authority to independently investigate complaints and issue subpoenas if necessary as verified by the landmark precedent case of Timoney v. City of Miami Civilian Investigative Panel (CIP), 990 So.2d 614 (Fla. 3rd DCA 2008) but see, Jerry L. Demings, Sheriff of Orange County et. al. v. Orange County Citizens Review Board et. al., 15 So.3d 604 (Fla. 5th DCA 2009). During the reporting period, the CRB has conducted three (3) independent investigations and/or research/evaluations:

CRB #09-008: The KWPD IA opted not to investigate a serious allegation of taser mis-use for about ninety (90) days because the material witness, who was tased but who was not the complainant, had an open criminal case. This forced the CRB to proceed to upload the entire complaint on the internet and proceed with a public meeting to address the allegations. Only after such files and pictures were uploaded to the website, did the KWPD IA representative decide to move forward, which necessitated an immediate removal of these items from the internet so as not to taint the pending investigation. Ultimately, the CRB was able to secure a sworn statement at its public meeting of the material witness who was the alleged victim of excessive force when being "drive stunned". This particular witness refused to voluntarily cooperate with the KWPD investigation and thus her statement was not considered in the IA investigation. Ultimately, her live testimony established with certainty that the KWPD officers were following KWPD operating procedures when using the taser device to gain her compliance. Without this independent CRB research of public records, pictorial evidence secured by the CRB staff and the CRB's live questioning of a material witness under oath, this matter addressing the City's first taser mis-use allegation, may have never been fully resolved with certainty.

CRB #09-009:

The KWPD refused to commence an investigation into this complaint leaving the CRB without any meaningful statements from the involved officers. The CRB director used public records requests to secure copies of all the police reports, incident reports, arrest documents and I-COP and jail house video for the CRB to evaluate. The CRB director also contacted an independent witness to confirm the accuracy of her prior sworn

statement represented in the reports. The CRB was able to reflect on documentation and reports that materially conflicted on their face as to the probable cause for the initial stop of the complaint and by the KWPD. Further, the documentation showed apparent inaccuracies and deficient performance in communications between the officers. Without this independent CRB research of public records, video & pictorial evidence and report reviews the CRB would have never fully resolved this matter with certainty and rendered a sound advisory opinion to Chief Lee as to its findings and recommendations.

CRB #10-001:

The KWPP refused to commence an investigation into this complaint leaving the CRB without any meaningful statements from the involved officer. The CRB director used public records requests to secure copies of all the police reports, incident reports, arrest documents and I-COP and jail house video for the CRB to evaluate. The CRB was able to reflect on documentation and reports that revealed the arresting officer's deficient performance Without this independent CRB research of public records, video, pictorial evidence and report reviews the CRB would have never fully resolved this matter with certainty and rendered a sound advisory opinion to Chief Lee as to its findings and recommendations.

VII. Overview of Key West CRB Operations in 2010

- A. **Continuing to add transparency to the disciplinary process:** The cornerstone of The CRB's efforts to bring transparency to the KWPD disciplinary process is its continued use of its departmental website which can be located under the "CRB" department link from the City's homepage located at www.keywestcity.com.

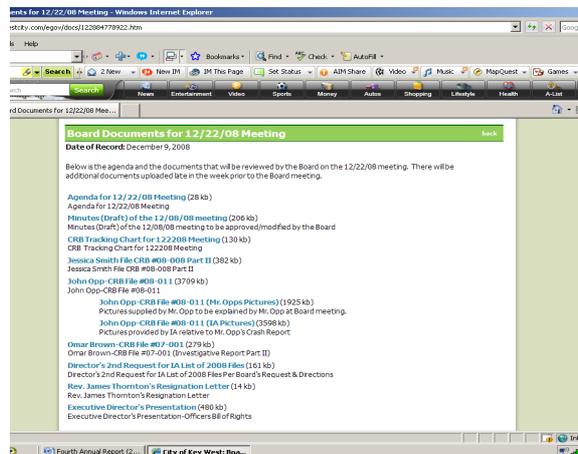


Snapshot of the top of the CRB webpage

This "user friendly" webpage now provides 24 hour access by the public of:

1. The City Charter Provision 1.07 which creates the CRB;
2. The CRB Policy and Procedures;
3. The Florida Officer's Bill of Rights & the Case Law;
4. A full colored downloadable CRB Brochure & PowerPoint Slide show explaining the entire CRB complaint process and CRB operations;
5. A downloadable commendation form to compliment an officer;
6. A downloadable complaint form to complain against an officer;
7. The entire CRB yearly meeting schedule;
8. Past CRB Meeting Minutes and Agendas for the past 5 years;
9. Useful NACOLE links;
10. CRB Staff Credentials; &
11. Related Police Oversight Links

During the reporting period, the CRB hosted the review of these documents on its website itself. The Board members continue to receive their file documents via this delivery method and thus has saved the City thousands of dollars in copier costs, paper, manpower for reproduction, storage space, delivery charges and alike. This allows the public to also view these documents and makes the entire process transparent.



Snapshot of a typical CRB webpage featuring Meeting Documents in pdf formats

Please note: this meeting's minutes have not been finalized yet. Actions taken on legislation and their results are not available.

Details

Name: [Citizen Review Board](#) Agenda status: Final
 Meeting date/time: 11/22/2010 6:00 PM Minutes status: Draft
 Meeting location: Old City Hall
 Published agenda: [Agenda](#) Published minutes: Not available
 Meeting video: Not available

Meeting Items (11)

File #	Ver.	Agenda #	Name	Type	Title	Action	Result	Action Details	Video
Min 10-936	1	1	Minutes		August 23, 2010		Not available		Not available
10-789	1	2	Discussion Items		Tracking Chart Review		Not available		Not available
10-800	1	3	Action Items		File review: CRB #10-005 (Sands)		Not available		Not available
10-804	1	4	Action Items		Approval of Proposed 2011 CRB Meeting Dates		Not available		Not available
10-787	1	5	Discussion Items		Quarterly Taser Statistics for July 2010-September 2010		Not available		Not available
10-790	1	6	Discussion Items		Chief Lee's Request for CRB to Reconsider its Policies & Procedures for Reporting Closed Internally Generated Files to the CRB (Sec. VII c)		Not available		Not available
10-805	1	7	Reports		Counsel's Report		Not available		Not available
10-806	1	8	Reports		Chairperson's Report		Not available		Not available
10-807	1	9	Reports		Board Members' Reports		Not available		Not available
10-808	1	10	Reports		Executive Director's Report		Not available		Not available
10-795	1	11	Reports		PSO/TA Comments		Not available		Legistar File

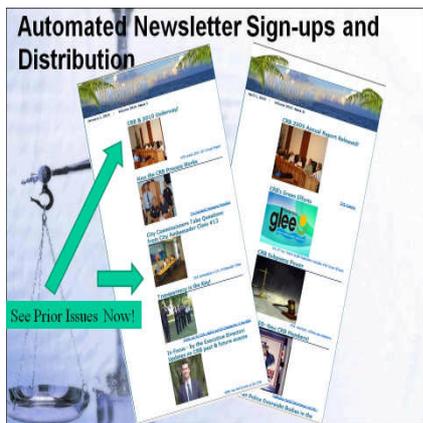
Commencing November 2010, the CRB adopted the use of the City's Legistar system for uploading the public viewing of file contents in an attempt at achieving city wide uniformity of presenting such public records to the citizens of Key West. The public can access Legistar from the City's Home page at www.keywestcity.com

Snapshot of a typical Legistar document delivery screen from City's Home Page

This continued liberal access to public documents, provides IA with a platform to demonstrate the effectiveness and completeness of each of its investigations. The advantages of the foregoing has opened up the transparency of the entire review process, permanently archived these critical documents safe from hazards and allows all of the City's residents to truly see their government in action. The public has embraced this continued era of transparency the CRB website has facilitated.

B. CRB advances its use of technology: The CRB's automated newsletter sign ups and quarterly distribution continued throughout the 2010. Review past CRB quarterly newsletters at:

<http://www.keywestcity.com/egov/apps/egov/connect.egov?fDD=36-0>



The CRB's scanning & online delivery of documents helped the city win the 2010 GLEE environmental award.



Advancing its internet presence & use of technology, the CRB created a Holiday Video Card for the citizens of Key West which was distributed via CD-ROMs, mass e-mail attachments, channel 77 and via YouTube at <http://www.youtube.com/watch?v=78fGeZKenUs>



Snapshot of scenes from the 2010 CRB Holiday Card

C. **CRB continues its community outreach:** The CRB continues to conduct aggressive community outreach through the Executive Director's presentations at the Bahama Village meetings and regular appearances on local radio stations to discuss CRB activities. The CRB also presented its department overview to the City Ambassador program and regularly sets up the facilities for these classes and filled in as the coordinator when needed. City Manager Jim Scholl interviewed the CRB Director for a one-half hour cable station City Beat program addressing the CRB and its operations.



Hours of radio interviews were aired during 2010 keeping the public fully informed of CRB activities (above)

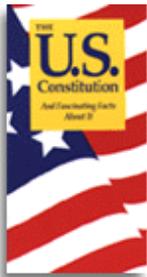


Snapshot of cable station interview by Manager Jim Scholl CRB Executive Director Stephen Muffler



Ongoing presentations to City Ambassadors 2010 Classes

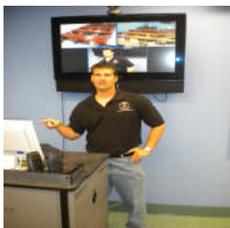




Further, the CRB director organized and participated in National Constitution Day 2010 at FKCC which included distribution of pocket Constitutions at the City Commission Meeting on September 14, 2010 and at the FKCC on campus event on September 17, 2010.



Almost 100 in attendance at US Constitution Day 2010 Jointly Hosted by FKCC & CRB



The CRB Executive Director also presented a training session at FKCC, video conference to two (2) additional FKCC sites, in November 2010 addressing professionalism and ethics.

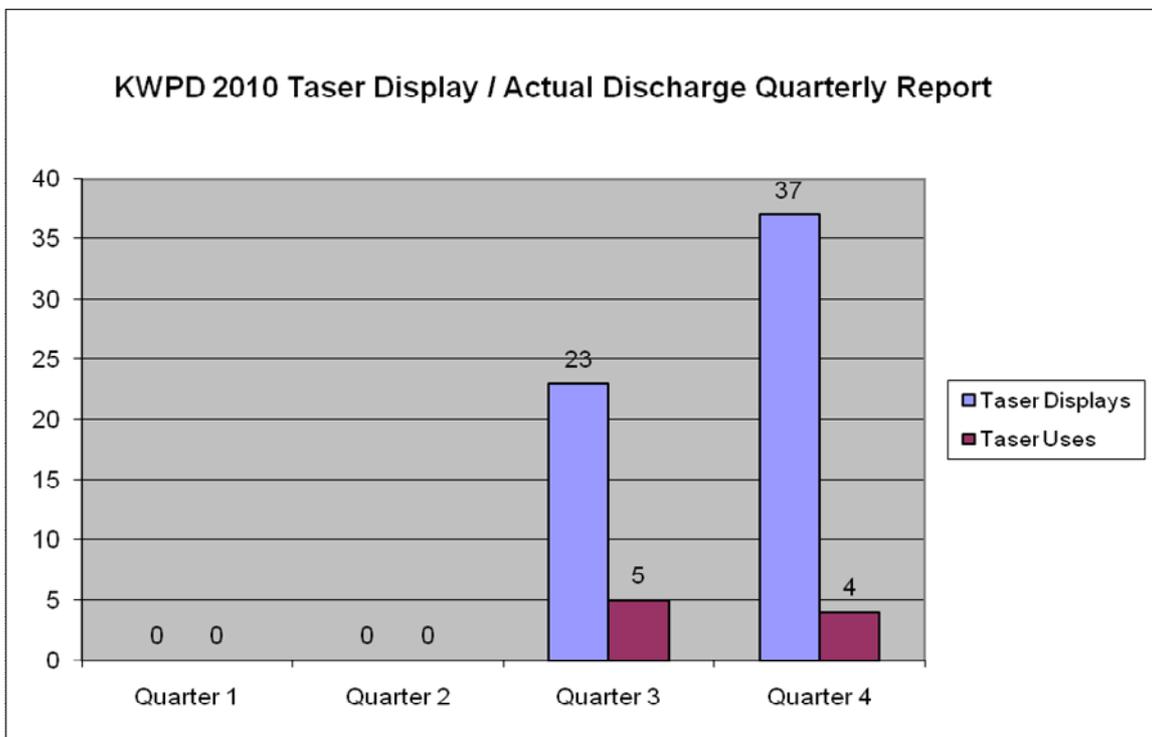


Additionally, the CRB Executive Director presented a seminar at the NACOLE 2010 Conference in Seattle Washington addressing technology in police oversight.



About 150 representatives from federal, state and local police oversight agencies attended the 2010 NACOLE Conference in Seattle Washington.

D. **CRB adopts policy to track taser usage:** In 2010, the CRB resisted the suggestion by some to review every KWPD taser discharge and opted to only review citizen complaints stemming from the allegation of improper taser usage. To accommodate the detractors of this complaint driven approach and mindful of some segments of public's apprehension relative to the use of such devices on a philosophical basis, the CRB adopted a policy in 2010 to collect data on the usage by KWPD on a quarterly basis. This is an effort to track any trends or sudden unexplained escalations of taser deployments in the field that may reflect a sense of casualness in the use of this device by officers. Below is the statistical chart which is disclosed to the public covering the last two quarters of 2010.¹²



Taser Usage includes both Drive Stuns and Full Deployment of Taser Prongs

¹² This chart along with its backup and future charts in 2011 can be reviewed by the public via the CRB website.

VIII. Recommendations by the CRB

The CRB would not be fulfilling its obligations under the City Charter without proffering recommendations to improve police accountability, promote police professionalism in the KWPD and build public confidence in the IA's and CRB's efforts to "police the police". Pursuant to City Charter Provision Section 1.07(X), the following recommendations are respectfully submitted to all stakeholders and should be addressed by the City Commission, City Management and the KWPD management forthwith:

1. The CRB was relocated from its former 2008 public location on Eaton Street, to a trailer located inside Truman annex, removed from the general public and bus routes. This has been the result of budgetary constraints placed on the City to be unable to afford rental for CRB offices.¹³ The CRB understands this practical situation and is appreciative of said new temporary location. However, the CRB suggests that if it is financially possible, upon the completion of the new City Hall, the CRB office have its own individual private entrance on the first floor so it is accessible by the general public which will reflect CRB's its independent nature mandated by the City Charter;
2. The CRB requests that the "clerical assistance" mandated by the City Charter 1.07 IX (c), should be funded to support a part-time assistant for the CRB office once the city's general budget faces less constraints during these trying economic times. This will allow the Executive Director to use his limited time doing meaningful tasks which include conducting investigations, meeting with city and police officials, interfacing with community activists, attending community functions, conducting police "ride-alongs" and generating detailed Annual Reports, instead of attending to clerical activities. Again the CRB is appreciative of the funding it presently has and understands the financial shortfalls that local governments are facing so this additional funding may not be practical at this time;
3. The CRB recommends that KWPD Office of Professional Standards & IA members be non-union. City Management should conduct a "Best Practices" review of police departments across Florida to determine if

¹³ The CRB has been advised that said current location must be vacated in 2011 due to environmental remediation efforts in the Truman Annex. At the time of approving this report, the CRB has not been advised of where its new temporary offices will be housed.

KWPD has an abnormal percentage of "Union Membership" presence in such a department.

4. Under the revised I-COP system, it is the CRB's understanding that the I-COP units can still be manually turned off by the officer under certain circumstances even when the emergency lights of a unit are in operation. The integrity of this recording system, and its usefulness, is undermined when such manual termination of the recording process is available to officers, who are below the supervisory rank. The CRB has no authority to mandate that such systems be continuous when activated until such time as the activation (unit emergency lights) are turned off. However, such a policy (ie. no manual deactivations by the drivers of the units) would boost the credibility of the entire I-COP program;
5. The CRB, being a City Charter entity, should have one screen viewing shot displayed on the city's informational channel which rotates during off air time and which describes the CRB's functions and contact information. The CRB will be proffering a 15 minute CRB video "infomercial" to the Channel 77 staff in 2011 and the CRB encourages the airing of the same. Both of these multi-media will be valuable informational mechanisms to increase the public's awareness of how their local municipal government is here to serve their interests. The CRB further recommends that the 15 minute CRB video "infomercial" be distributed to the attendees of each KWPD citizen police academy with a cover letter from the CRB Director explaining the enclosed CD ROM video to each attendee. This will allow the CRB to be represented at the KWPD citizen police academy, without usurping any valuable time allocated to this program. It will further show how the KWPD and the CRB work together to promote police professionalism;
6. The KWPD renders a monthly report to the City Manager that includes statistics and summaries of burglaries, unattended deaths, sexual batteries, robberies, hate crimes, community affairs activities and alike. The CRB respectfully suggests that these monthly reports also disclose the same information about taser usage as itemized in section VII(D) of this report in an effort to promote transparency and adequately keep city management informed of an sensitive issue of public concern.
7. The KWPD should re-evaluate how it trains its officers and implements the "fellow officer rule" and strengthen its mandates that shift sergeants

review all reports for apparent conflicts to ensure information being passed from one officer to another is accurately recorded to avoid errors and any possibility of conflicting police statements, affidavits and incident reports involving several officers attesting to the same event;

8. The City Commission, City management & legal staff should publically recognize the importance of the CRB's independence and should advise the KWPD to limit any future attempts to control the CRB staff or members, so as to avoid even the mere appearance of violating the City Charter Article I, Sec. 1.07. If the KWPD desires to take any sworn statement of CRB members and/or CRB staff relative to an administrative investigation into KWPD personnel, the KWPD should first apply and secure CRB for permission before proceeding. The CRB will then carefully weigh such request at a public meeting. The CRB stands ready, willing and able to cooperate and assist the KWPD in its inter-disciplinary investigative functions. However such voluntary assistance should not come at the price of undermining the CRB's City Charter mandated independence.

It should be noted that only recommendation #5, #6 & #8 above are new recommendations as the others were generally submitted by the CRB in its 2008 & 2009 Annual Report, but remain either (1) un-adopted; or (2) under advisement at this time by the KWPD or City Management.

In closing, the CRB again would like to stress its highest respect and regard to the men and women of the KWPD who truly are protecting paradise. Nothing contained in this report should overshadow the CRB's steadfast support and admiration of our police department, its members and its current leadership.



Appendix A

Complainant	Complaint [KWPD polices involved]	Disposition/ Date Closed	Ofc. Involved	Case No.	Date Filed	Finding : <i>See file for complete information</i>
KWPD	Unlawful Conduct Unbecoming Conduct Duty Assignments	Closed 3/1/2010	M. Hadas F. Cohens	PS 10-001	1/4/2010	Count 1: Not-Sustained Count 2: Not Sustained Count 3: Sustained
Edwards	Decorum Use of Force	Closed 5/27/2010	B. Leahy T. Calvert M. Chaustit R. Thomas	PS 10-002	2/18/2010	Count 1: Not-Sustained Count 2: Unfounded
Reeves	Performance Standards	07/09/2010	J. Young	PS 10-003	4/12/2010	Count 1: Sustained
KWPD	Illness Unbecoming Conduct Truthfulness	Closed 5/20/2010	F. Cohens	PS 10-004	4/16/2010	Count 1: Sustained Count 2: Sustained Count 3: Sustained
Wilson	Rudeness	08/12/2010	T. Calvert	PS 10-005	Undetermined	Withdrawn
KWPD	Unlawful Conduct Unbecoming Conduct Canons of Law Enforcement – (Ethics-Private Conduct)	Closed 8/20/2010	R. Currul	PS 10-006	7/12/2010	Count 1: Sustained Count 2: Sustained Count 3: Sustained
KWPD	Unlawful Conduct Unbecoming Conduct Canons of Law Enforcement – (Ethics-Private Conduct)	Closed 8/31/2010	R. Allen	PS 10-007	8/7/2010	Count 1: Sustained Count 2: Sustained Count 3: Sustained
XXXX	XXXXXXXX	XXXXXX	XXXXXX	PS 10-008	XXXXXX	XXXXXXXXXX

XXXXXX- Represents that the complaint is an “active” investigation and confidential under F.S. 112.533(2)(a). This chart does not reflect KWPD “summary proceedings” that resulted in discipline nor investigations into non-sworn KWPD personnel. To review that information, or details of the above files, please contact the KWPD Office of Professional Standards at (305) 809-1035