

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street
Monday, December 14, 2009
6:00 p.m.

1. MEETING CALLED TO ORDER AT 6:05 P.M.
2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Bryan Green
Virginia Altobello
Mark Kielsgard
Susan Srch
Trice Denny
Robert Cintron, Attorney for the Board
Stephen Muffler, Executive Director of the Board
Inspector Randy Smith-KWPD/IA

ADDITIONAL ATTENDEES:

None

3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
 - a. November 9, 2009

Motion made by Trice to approve the Minutes of November 9, 2009 and seconded by Sue Srch.

Vote: Passed by Consent without any objections

5. TRACKING CHART REVIEW

Board members reviewed the CRB tracking chart and there were no questions/concerns. Chairman Green confirmed with KWPD IA Inspector Randy Smith that both CRB Case #09-008 & 09-009 were being timely processed and that they would go before the CRB on its next meeting in January 2010. Inspector Randy Smith confirmed that one will probably be ready and the other might be ready or more time may be needed. Inspector Smith stated that #09-008 complaint involved a pending criminal charge and would not be processed by the KWPD until that charge is still pending and thus no internal affairs file will be opened. Attny. Cintron clarified with Inspector Smith that since IA was not going forward with opening an

investigation of a complaint that the CRB forwarded, it is now public record. Robert Cintron reported that Omar Brown final summary judgment will be January 29, 2010 in front of Judge Audlin and filings were in the process of being drafted for such a final hearing.

6. CONTINUED OR NEW BUSINESS

a. Phone Conference with ACLU representative:

ACLU lobbying agent Courtenay Strickland attended by phone and gave a general overview of Florida legislative process. Board members asked general questions as to how to approach the Florida legislature to inform them of CRB issues. Online sunshine website was discussed and the CRB Executive Director and Attny. Cintron will keep the Board informed during their monthly meeting presentations as to their efforts in cooperating with the City of Miami and tracking legislative bills of interest.

7. COUNSEL'S REPORT

Attorney Cintron reported to the Board that the Omar Brown CRB litigation was ongoing as stated in the tracking chart review conversation.

8. CHAIRMAN'S REPORT

None.

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

10. EXECUTIVE DIRECTOR'S REPORT

- a. Executive Director proposed to cancel the December 28th meeting due to low file load and the Board agreed. The Board reaffirmed its 2010 schedule of once an month (last Monday of each month in 2010)
- b. Executive Director informed the Board that the CRB quarterly newsletter will come out on January 1, 2010.
- c. Executive Director informed the Board that the 1st draft of the CRB Annual Report (5th Annual Report) will be sent out via e-mail to the members for their review in one week. The Members can e-mail their non-substantive comments/changes to the Executive Director in January 2010. Board members were informed that they should propose any substantive changes to the Annual Report at the CRB January 25, 2010 meeting. At the CRB January 25, 2010 the final version of the Annual Report will be modified, approved and finalized.
- d. Executive Director informed the Board that the NACOLE materials were online for about one month for their training purposes.
- e. Executive Director informed the Board that the CRB website will be updated to reflect the new 2010 meeting dates.

11. PSO/IA COMMENTS/FOLLOW-UP

Chairman Green asked IA Inspector Randy Smith how the KWPD controlled the collection of officers on a scene that seem to be a minor issue. Chairman was concerned with the apparent “collecting” of officers at a scene which involved trivial matters. Inspector Smith stated that it was the responsibility of the two shift sergeants and the lieutenant to manage the deployment of officers and that was up to their discretion. Mark Kielsgard questioned if the sergeants and the lieutenant had policies to follow and Inspector Smith stated it was on a case-by-case basis but he would look into any formal operating procedure on the issue. Mark Kielsgard also asked for any updates on improvements of the “fellow officer” rule implementation in the field. Inspector Smith stated that this was being handled by the Chief but would look into it. Chairman Green requested a copy of the final I-COP approved procedures and Inspector Smith stated he would look into this matter.

12. PUBLIC INPUT

None

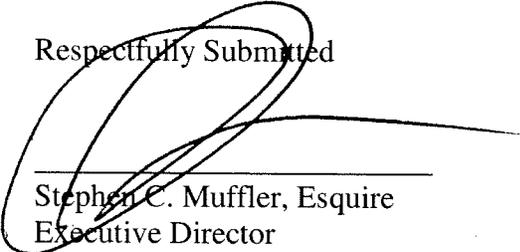
13. MEDIA AND PRESS QUESTIONS

None.

14. ADJOURNMENT

Adjourned at 7:10 p.m.

Respectfully Submitted



Stephen C. Muffler, Esquire
Executive Director

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street
Monday, November 9, 2009
6:00 p.m.

1. MEETING CALLED TO ORDER AT 6:00 P.M.
2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Hayward Magby
Bryan Green
Virginia Altobello
Mark Kielsgard (By Phone)
Susan Srch
Trice Denny
Robert Cintron, Attorney for the Board
Stephen Muffler, Executive Director of the Board
Inspector Randy Smith-KWPD/IA

ADDITIONAL ATTENDEES:

Shahdaroba Rodd
Kevin Collins
J. Meaker

3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
 - a. September 28, 2009

Motion made by Susan Srch to approve the Minutes of September 28, 2009 and seconded by Hayward Magby with the modification that Hayward Magby's name be listed only once as in attendance.

Vote: Passes Unanimously
Mark Kielsgard unable to vote

5. TRACKING CHART REVIEW

Board members reviewed the CRB tracking chart and there were no questions/concerns. Chairman Green confirmed with IA Inspector Randy Smith that the KWPD IA department has seen a decrease in complaints compared to 2008 and Inspector Smith confirmed the same. Inspector Smith felt that one reason was that Chief Lee was taking a pro-active stance in mediating problems out before they become complaints.

6. VOTING FOR NEW VICE CHAIR.

Susan Srch was self nominated and Mark Kielsgard nominated Virginia Altobello but Virginia Altobello declined. Since there were no other nominations, Sue Srch became the Vice Chair with no objections.

7. CONTINUED OR NEW BUSINESS

a. File Review/Hearing: CRB #09-006 (Rodd)

Chairman Green updated the Board on the procedural posture of the case and clarified that the only issue was officer's Kouri's actions and the allegation of untruthfulness or deficient performance as the Board declined to look into the matters/charges against the other officers and/or made a "No Finding" relative to these other charges and/or officers. Attorney Cintron explained to the Board that the PBA has communicated in writing that Officer Kouri will not attend the meeting/hearing. Attorney Cintron placed Mr. Rodd under oath. Mr. Rodd explained in his opening remarks to the Board that he felt that the conduct by Officer Kouri was intentional to make Mr. Rodd seem as the worse possible driver. Mr. Rodd referred to his complaint which itemizes the defects with Officer Kouri's conduct relative to the field sobriety report. Mr. Rodd felt that the report was so inaccurate as to many points that it could not have been a product of an accident.

Attorney Cintron asked specific questions of Mr. Rodd who answered those questions. Attorney Cintron passed out exhibits labeled A-C to the Board and Mr. Rodd and asked Mr. Rodd about these exhibits. Mark Kielsgard, Hayward Magby and Chairman Green asked follow up questions to Mr. Rodd directly who responded. Mr. Rodd made a final statement that he felt that Officer's Kouri conduct was not professional.

Mark Kielsgard felt that the CRB has satisfied the Due Process requirements and felt that the subject report was a product of mistake and not intentional misrepresentation by Officer Kouri.

Motion by Mark Kielsgard to find the allegation of untruthfulness against Officer Kouri as NOT SUSTAINED based on lack of evidence which was seconded by Trice Denny.

**Vote: YEAS: Unanimous
Mark Kielsgard unable to vote**

Motion by Mark Kielsgard to find that the conduct of Officer Kouri amounted to Deficient Service based upon the sobriety report filled by Officer Kouri (Exhibit B in the hearing) be SUSTAINED, which was seconded by Virginia Altobello

**Vote: YEAS: Unanimous
Mark Kielsgard unable to vote**

8. COUNSEL'S REPORT

Attorney Cintron reported to the Board that the Omar Brown CRB litigation continues and that a final hearing on the matter may be had in early 2010. Attorney Cintron suggests that the Board have a meeting to brainstorm as to how to be heard in the next Florida legislative session as to any Officer Bill of Rights proposed statutory amendments in 2010. Attorney Cintron suggested that the president of NACOLE could the CRB meeting by phone and address any assistance on this matter that they can render. Mark Kielsgard suggested that his ACLU contact attend by phone also on this topic at the next CRB meeting. Executive Director Muffler was directed to try to coordinate these phone appearances at the next CRB meeting. The Board members generally agreed that this was acceptable.

9. CHAIRMAN'S REPORT

None.

10. BOARD MEMBERS REPORT/GENERAL COMMENTS

Hayward Magby briefed the members on NACOLE conference and he gave a thumb drive that contained many of the handouts and session overviews to the Executive Director to distribute to the other Board members. Both Mark Kielsgard and Hayward Magby felt it was a very good conference and that they would go into more detail next meeting after the Board members reviewed the documents.

11. EXECUTIVE DIRECTOR'S REPORT

- a. Executive Director explained that NACOLE presentation was well received and he would reproduce the data on the thumb drive over the next week or so and distribute it to the members for training purposes.
- b. Executive Director encouraged members to set up and do ride-alongs during the upcoming holiday period and Virginia Altobello commented that she has just recently participated in a day ride-along since last meeting.
- c. Executive Director proposed to cancel the November 23, 2009 meeting and hold the next meeting on December 14, 2009 and the Board agreed.

12. PSO/IA COMMENTS/FOLLOW-UP

None.

13. PUBLIC INPUT

None

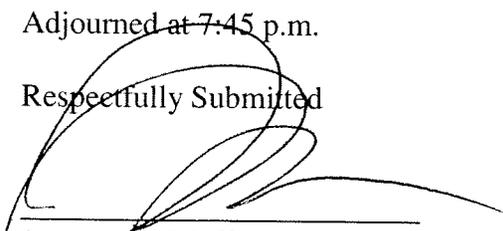
14. MEDIA AND PRESS QUESTIONS

None.

15. ADJOURNMENT

Adjourned at 7:45 p.m.

Respectfully Submitted



Stephen C. Muffler, Esquire
Executive Director

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street
Monday, September 28, 2009
6:00 p.m.

1. MEETING CALLED TO ORDER AT 6:00 P.M.
2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Bryan Green
Virginia Altobello
Mark Kielsgard
Hayward Magby
Susan Srch
Mike Driscoll
Trice Denny
Robert Cintron, Attorney for the Board
Stephen Muffler, Executive Director of the Board
Inspector Randy Smith-KWPD/IA
Chief Donie Lee

ADDITIONAL ATTENDEES:

Shahdaroba Rodd
John Caris
Sedgwick Vogstein
J.P. Moyr

(Others present but did not sign in or their signatures are unreadable on the sign-in sheet)

3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
 - a. August 24, 2009

Motion made by Virginia Altobello to approve the Minutes of August 24, 2009 meeting with proper spelling of Sue Srch's last name and seconded by Mark Kielsgard

Vote: Passes Unanimously
Hayward Magby unable to vote

Hayward Magby introduced himself and his background to the members. The members welcomed him and thanked Kevin Collins for his past service on the Board. Attorney Cintron offered to schedule a meeting between himself and Mr. Magby and the two agreed that they would organize such a meeting between themselves.

5. TRACKING CHART REVIEW

Board members reviewed the CRB tracking chart and there were no questions/concerns.

6. CONTINUED OR NEW BUSINESS

a. File Review/Hearing: CRB #09-005 Price

Chairman Green introduced the file and pointed out that the complainant did not want any further action.

Motion by Mark Kielsgard and seconded by Virginia Altobello of no finding on this file and to take no further action.

**Vote: Passes Unanimously
Hayward Magby unable to vote**

b. File Review/Hearing: CRB #09-007

Chairman Green pointed out that this file should be handled like the Price file and no action should be taken. Mark Kielsgard pointed out that the officer seemed to have acted inappropriately and such conduct was not positive. Mark Kielsgard explained an unrelated personal observation of an officer parking and blocking a fire hydrant in front of Sandy's on White Street and seemed to be there for 45 minutes when there was plenty of parking available. He says this, and this file's allegations, seem to discredit the police's reputation in the eyes of the public. Virginia Altobello, Bryan Green and Mark Kielsgard qusted IA Randy Smith as to the process of investigating active restraining orders and validity. Mark Kielsgard asked if the complaint on its face stated a cause of action worthy of investigating. Chief Lee and Mark Kieslgard exchanged comments about a hypothetical review which Chief Lee preferred not to explore.

Motion by Mark Kielsgard and seconded by Susan Srch of no finding on this file and take no further action.

**Vote: Passes Unanimously
Hayward Magby unable to vote**

c. File Review/Hearing: CRB #09-006

Chairman Green updated the Board on the procedural posture of the case and the past review and the referral to Chief Lee. Chief Lee's responsive letter was discussed. Virginia Altobello addressed Chief Lee with her concerns and the Board's concerns generally. Chief Lee admitted that the overall handling of this case was not perfect and recognized errors but he felt

that it did not meet the minimum threshold of untruthfulness or false arrest to justify an internal affairs investigation. Chief Lee explained that Officer Kouri was in field training and the “turning over” of DUI suspects to fellow officers was typical in this case and the procedure was proper. Chief Lee stated that the DUI investigation was proper even though there was carelessness and errors.

Chairman Green asked about the apparent disconnect between the arresting officer (Smith) and the DUI report writing officer (Kouri). Chief Lee explained the “fellow officer” rule where probable cause could be compiled based upon fellow officers observations by the report writing officer.

Mark Kielsingard asked if there was a provision or policy to recheck the reports filled out and filed by other officers on duty when this “fellow officer” procedure is being used. Chief Lee acknowledged that he would look into the procedures of double checking reports like this one.

Chief Lee explained he met with State Attorney Ward and assistant prosecutors on the KWPD DUI process as a whole. Chairman Green questioned Chief Lee that part of the problem was that copies of the ticket (at least one) were allegedly not given to Mr. Rodd at the scene which compounded the confusion and injury to Mr. Rodd. Chief Lee explained if that was true, it was sloppiness on the part of the involved officer. Chairman Green asked about the procedures concerning the refusals to give a breath test and specifically if the arrestee could demand a urine or blood test. Chief Lee stated that if urine or blood is requested by the suspect, it is the defendant/suspect’s responsibility to arrange it and pay for it.

Mark Kielsingard asked about the field sobriety test and IA Inspector Smith explained that suspect declined field sobriety tests on the road, so Rodd was taken to the Jail to blow into the breathlizers. Mark Kielsingard asked Chief Lee if this matter could be submitted to the standing committee for improving the procedures of inter-communication between multiple officers involved in an arrest when the “fellow officer” rule in drafting a police report is involved. The Board directed the CRB Executive Director to meet with Chief Lee and propose ways to make the system better relative to the process of passing on the arrest information between fellow officers.

Mr. Rodd feels that this was more than just sloppiness, it is untruthfulness. Mr. Rodd feels that the paperwork reflects false reports done deliberately.

Mark Kielsingard felt that the subpoena issue should be addressed. Inspector Smith explained that he was not served properly and explained the administrative hearing process and that he was unavailable on the hearing dates. The Board came to the general conclusion that Officer Kouri would have been the material officer to testify to the revocation of license for refusal. Thus, the Board generally felt that the non-appearance allegation against Inspector Smith was really irrelevant at this point and not worth proceeding against.

Chairman Green requested input from the Board members if they would like to open up their own investigation. No Board member was inclined to proceed to make such a motion.

Mark Kielsingard moved to continue the matter until Chief Lee could look into amending and correcting the police reports and documents so that they properly reflected the facts. Virginia Altobello seconded the motion. Chief Lee questioned if such a process was even legal or

possible to amend paperwork that was about 3 years old. Other members shared his concern. Mark Kielsgard withdrew his motion and Virginia Altobello also withdrew her second on the pending motion.

Motion by Mark to move to dismiss the charges, but the Executive Director pointed out that such a motion was not proper. Mark Kielsgard moved for a finding of "Not Sustained" which was seconded by Virginia Altobello. Members generally felt this conducted amounted to deficient service by Officer Kouri only and not purposeful untruthfulness. Mark Kielsgard withdrew his pending motion and Virginia Altobello withdrew her second on the pending motion.

Attorney Cintron suggested the Board make a finding it wants to investigate the matter or not first, and then move into other motions. Attorney Cintron pointed out that an evidentiary hearing should be conducted by the Board at its next meeting to take sworn testimony from Mr. Rodd and Officer Kouri to conform to Due Process. Attorney Cintron suggested that new notices go out to Officer Kouri that his presence was requested for an evidentiary hearing. Mr. Rodd did not mind if the matter was deferred to the next meeting in November.

Motion by Mark Kielsgard to defer the recommendation until the next meeting and properly notice the officer that an evidentiary hearing would be had then, seconded by Trice Denny

**Vote: YEAS: Trice Denny, Mark Kielsgard, Bryan Green and Virginia Altobello
NEAS: Mike Driscoll & Sue Srch
Hayward Magby unable to vote.**

7. COUNSEL'S REPORT

Attorney Cintron reported to the Board that there was a hearing in the CRB litigation file relative to the CRB's petition to enforce the subpoena before Judge Audlin this Thursday and that he would forward the information to the Executive Director to inform all the members as to the exact time/place.

8. CHAIRMAN'S REPORT

Chairman Green briefed the Board on a non-citizen complaint file that was delivered to him by IA directly. He suggested that any Board member who wished to review it should contact the Executive Director who would secure it from IA. Mark Kielsgard felt that since it was not a citizen complaint generated item, it really was not subject to review unless another member wanted to formally review it.

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

None

10. EXECUTIVE DIRECTOR'S REPORT

- a. Executive Director explained that the City Commission approved the CRB budget FY 09-10
- b. Executive Director confirmed that Sue Srch and Hayward Magby would attend the upcoming NACOLE conference and were instructed to personally book their flights.
- c. Executive Director proposed to cancel the October 2009 meeting and hold the next meeting on November 9, 2009 and the Board agreed.
- d. Executive Director explained that the Fall 2009 CRB Newsletter would go out October 1st.
- e. Executive Director proposed the 2010 meeting dates/locations and the Board members had no objection to them and the Executive Director would proceed to schedule and reserve the big room at Old City Hall for the meetings.

11. PSO/IA COMMENTS/FOLLOW-UP

None

12. PUBLIC INPUT

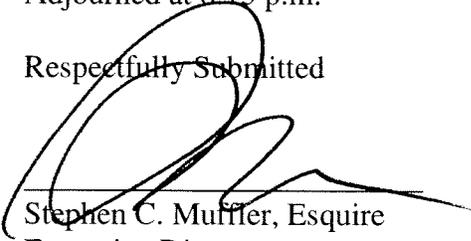
Mr. John Caris wanted to remind the Board of the need in the CRB in the past and that he felt he was improperly treated by the Key West Police relative to his arrest several years ago and that the CRB had ruled wrongly on his past complaints. Mr. Carris wanted the members to know he intended to come before them with new evidence via a witness' testimony that would justify the re-opening and reconsideration of the Board's findings in his files. Attorney Cintron suggested that if Mr. Caris has a new witness or new evidence, it should be provided to the Executive Director.

13. MEDIA AND PRESS QUESTIONS

14. ADJOURNMENT

Adjourned at 8:15 p.m.

Respectfully Submitted



Stephen C. Muffler, Esquire
Executive Director

CRB Sign In

SHANDAROA RODD

SEDMICK X. VOGSTEIN

JOHN CAIS 307 ELIZABETH ST
K. WFLA 896-9699

J.P. Moya.

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street
Monday, August 24, 2009
6:00 p.m.

1. MEETING CALLED TO ORDER AT 6:00 P.M.
2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Bryan Green
Virginia Altobello
Mark Kielsingard
Kevin Collins
Susan Srch
Mike Driscoll
Trice Denny
Robert Cintron, Attorney for the Board
Stephen Muffler, Executive Director of the Board
Inspector Randy Smith-KWPD/IA

ADDITIONAL ATTENDEES:

Shahdaroba Rodd
Ronald Whitehorn
David Klein
Douglass Mellen
(Others present but did not sign in or their signatures are unreadable on the sign-in sheet)

3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
 - a. July 27, 2009

Motion made by Kevin Collins to approve the Minutes of July 27, 2009 and seconded by Susan Srch.

Vote: Passes Unanimously

5. TRACKING CHART REVIEW

Board Members reviewed the CRB tracking chart and Executive Director Muffler explained that CRB Case No. 09-005 was returned to the CRB from IA because the complainant will not return calls. Director Muffler explained he sent a letter to the

complainant requesting him to cooperate with IA and setting the item down for the next CRB meeting and noticing the complainant of the same. Attorney Cintron updated the Board that the CRB litigation involving the subpoena of Officer Rodriguez was progressing and the judge expected a final hearing ultimately on the matters in about February 2010.

6. CONTINUED OR NEW BUSINESS

a. **File Review/Hearing: SHAHDAROBA RODD CRB #09-006**

Chairman Bryan Green explained the file review process to Mr. Rodd. Member Kevin Collins briefed the Board on the file and facts and summarized the complaint. Mr. Rodd addressed the CRB and explained his complaint as to officers Kouri and Koehane (untruthfulness) and not making a suggestion that Officer Smith was untruthful. Mr. Rodd was asked if there was any other material items/documents that have not been presented to the Board. Mr. Rodd said no, but that Officer Smith may have said Mr. Rodd was traveling 20 mph on the roadway during the DUI trial. Thus Mr. Rodd feels this should show he was not speeding. Mr. Rodd explained that the administrative hearing in his case was prejudiced due to the multiple mis-statements in the documents/police reports.

Mark Kielsgard and Chairman Bryan Green explored with Mr. Rodd as to the administrative hearing process and how his license was revoked. Mr. Rodd explained he felt that these mis-statements had a cumulative negative effect on his efforts to keep his license or secure a temporary license. Mr. Rodd explained that his only complaint against Officer Smith was that he issued a ticket which he was not guilty of (failure to maintain his proper lane) and failed to show up when subpoenaed to do so in the administrative hearing process. Chairman Bryan Green explained that the only charge Mr. Rodd was convicted of was failure to maintain the lane, which is the same ticket that Officer Smith wrote.

Chairman Bryan Green asked Mr. Rodd why he waited so long to file the complaint. Mr. Rodd explained he did not want to always be in a "battle" against the KWPD so he decided initially to "let it go". Mr. Rodd then explained that something happened since then that he felt now compelled him to bring this complaint forward.

Mark Kielsgard asked clarification of the administrative subpoenas and the timing of his license revocations issue from Mr. Rodd. Virginia Altobello asked if Mr. Rodd was denying he almost sideswiped other cars while driving. Mr. Rodd stated that he was denying that accusation.

Motion by Mark Kielsgard and seconded by Virginia Altobello that the Board not address the charge of false arrest and no probable cause because it was beyond the scope of the Boards mandate and that issue was already adjudicated by the court as finding Mr. Rodd Guilty of the initial stop violation of failure to maintain a single lane.

Vote: Passes Unanimously

The Board then addressed the allegations of untruthfulness as to Officers Kouri and Koehane. Some Board members felt that these actions amounted to clerical errors but could not say for certain due to no investigation into the matter by IA. Chairman Bryan Green read into record Chief Lee's letter that there was probably some mistakes made by these officers under the circumstances of that Fantasy Fest weekend. Mark Kielsgard points out that in his mind there were sloppiness, misstatements on the forms/reports, failure to issue the temporary license and finally failure to comply with the administrative subpoena request against Officer Smith.

Officer Smith explained the necessity of the process of passing on arrested individuals to other officers to process due to the weekend being Fantasy Fest weekend. Board members discussed the "Field Sobriety & Alcohol Influence Report" and how it came about. Further, the Board members wondered who completed the form and if this person had personal knowledge of the statements within it. The Board came to the conclusion that there was not enough evidence before them to make a decision if the apparent mis-statements were truthful or not or if they were a byproduct of sloppiness or intentionally mis-statements due to the fact that IA had not conducted an investigation into the matter.

Attorney Cintron pointed out that the KWPD declined to investigate and an investigation would be helpful to clear up some of the Board's questions concerning the file's documentation. Attorney Cintron also questioned if IA had the authority not to investigate a complaint once forwarded to them by the CRB. Attorney Cintron suggested that the Board consider sending the matter back to IA for an investigation or that the CRB do the investigation itself.

Motion by Mark Kielsgard and seconded by Virginia Altobello that: (1) the file be returned to the KWPD with a request that IA conduct an investigation as allegation of untruthfulness against Officers Kouri and Koehane; (2) Chairman Green and Attorney Cintron come up with a list of questions for the KWPD to ask the subject officers; (3) and request Chief Donie Lee to examine the present KWPD standard operating procedures and see if this DUI investigation violated any of those procedures and how this situation can be avoided in the future.

Vote: Passes Unanimously

Douglass Mellon addressed the Board and pointed out that the Complaint was found not guilty on many charges. Mr. Mellon feels that KWPD does not like Mr. Rodd and was giving Mr. Rodd a hard time in this case. Mr. Rodd addressed the Board and explained that he felt there was no way he could have almost hit objects while driving and the sloppiness was all "negative" and prejudicial towards him, which brings into question if this was truly accidental or not on the part of the officers.

The Board then discussed the alleged non-compliance issue relative to the administrative subpoena. The Board came to the conclusion that it was unclear as to if Officer Smith received the subpoena or if he simply purposefully disregarded the subpoena. Further, the Board was unsure as to the allegation that Officer Kouri purposefully did not give Mr. Rodd the necessary

documentation to act as his temporary driver's license at the scene. Again the Board felt that since IA did not conduct an investigation, this issue could not be resolved one way or another.

The Board generally agreed that both the allegations of: 1) Officer Smith's ignoring an administrative subpoena and (2) the allegation that Officer Kouri failed to give a temporary driver's license documentation to Mr. Rodd at the scene or during his arrest process should be explored via the list of questions since the CRB was going to ask the KWPD to conduct an investigation into this file.

b. Policy & Procedures Modifications/Discussion & Adoption

The Board had a discussion as to if they should change their current policy of limiting the Board's consideration the complainant's arrest history and the officers prior commendations/disciplinary history until after a SUSTAINED finding.

Motion by Kevin Collins and seconded by Mark Kielsingard to have IA provide CRB with the officer's prior disciplinary history and commendations in their initial CRB packets for consideration but NOT uploaded to the internet and also apply that same process as to the Complainant's criminal history.

**Yeas: Kevin Collins
Mark Kielsingard
Virginia Altobello**

**Nays: Trice Denny
Mike Driscoll
Bryan Green
Susan Srch**

Motion Fails

Motion by Mike Driscoll that when a case is filed with the CRB, the CRB should request information by IA to identify to the CRB a pattern or practice in their report back to the CRB. No second

7. COUNSEL'S REPORT

None

8. CHAIRMAN'S REPORT

None

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

None

10. EXECUTIVE DIRECTOR'S REPORT

- a. Executive Director updated the members on the CRB open seat search and the final applicants will be interviewed by the City Commission on September 15, 2009.
- b. Executive Director updated the members on the CRB budget and that the final public input would be during the September 1, 15 and 24, 2009 Commission meetings
- c. Executive Director proposed the cancellation of the upcoming CRB meeting for September 14, 2009 and the Members were in general agreement;
- d. Executive Director informed the Members of the 4th annual policeman's ball and urged donations or purchase of tickets and invitations were passed out to the Members.

11. PSO/IA COMMENTS/FOLLOW-UP

Inspector Randy Smith explained that "Love Fund" benefit policeman's ball and how the money goes for good causes.

12. PUBLIC INPUT

None

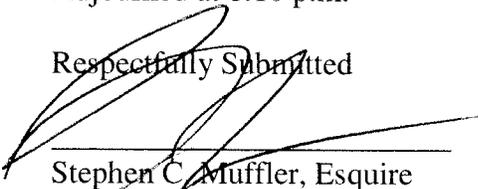
13. MEDIA AND PRESS QUESTIONS

None

14. ADJOURNMENT

Adjourned at 8:10 p.m.

Respectfully Submitted



Stephen C. Muffler, Esquire
Executive Director

CRB Sign IN

SHANDAROA RUDD

Ann Miles

Ronald Whitehorn

DAVID KLEIN

Douglass Mellem

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street
Monday, July 27, 2009
6:00 p.m.

1. CALL THE MEETING TO ORDER
2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Virginia Altobello
Dr. Mark Kielsingard (by phone)
Dr. Kevin Collins
Mike Driscoll
Susan Srch
Robert Cintron, Attorney for the Board
Stephen Muffler, Executive Director of the Board
Inspector Randy Smith-KWPD/IA

ADDITIONAL ATTENDEES

Donna Calvert
Lucie Peire
(others in attendance but did not sign in)

3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
 - a. June 22, 2009

Motion to approve the minutes of the June 22, 2009 meeting was made by Mike Driscoll and Seconded by Sue Srch.

Vote: No Objections, Approved. (Dr. Mark Kielsingard not voting b/c of phone appearance)

5. TRACKING CHART REVIEW

Executive Director Muffler informed the Board that he has received the amended IA response to CRB complaint #09-006 which will be forwarded to the complainant for complainant's input and be ready to be reviewed by the CRB at the August 24, 2009 meeting. Inspector Randy Smith explained that the complainant in CRB file #09-005 will not return calls and thus that file will be returned to the CRB closed.

6. CONTINUED OR NEW BUSINESS

- a. Revisiting CRB Decision on Considering Prior Disciplinary History of Subject Police Officers to be Included in Board Materials for Prior Consideration Before a Finding:

Vice Chair Dr. Collins pointed out the prior decisions by the board on this particular procedural issue and felt that it was very important that more Board members present for a vote if a change to the current CRB policy is to occur. Sue Srch agreed with this approach. Board generally felt it was a better approach to defer this matter until the next meeting.

- b. NACOLE Annual Conference Information & Selection of Board Members who will Attend:

Executive Director Muffler explained to the Board the upcoming NACOLE dates, the reservation of 2 rooms and the paying of attendance fee for 2 members in order to take advantage of the early registration discount. Executive Director Muffler explained that so long as the City Commission does not cut the CRB current proposed budget FY 09-10 two of the newest CRB members can go. Sue Srch agreed to attend as one of the new members. Virginia Altobello declined due to the fact that she would have to work in the hospitality industry during this very busy week of Fantasy Fest. Mike Driscoll represented he wanted to go and would be available to go. Executive Director Muffler pointed out that so long as the City Commission does not appoint a new person in the open CRB seat, then Mike Driscoll could go. If a new member is appointed in September 2009 to the CRB, that new member would be given priority in training and would be offered the remaining spot to attend the NACOLE event instead of Mike Driscoll. Executive Director Muffler reported that he was invited to give a portion of the opening seminar at the NACOLE event and he accepted and will seek funding from other sources and burden the costs himself for his one day trip.

- c. Update on CRB Budget (FY09-10) City Commission Meeting Results:

Executive Director Muffler briefed the Board on the CRB budget request and generally it was well received by the City Commission. It will be the lowest in the history of the CRB. However, the health insurance costs for the CRB Executive Director was not included. The Board accepted the reading into the record of a proposed resolution sponsored by Vice Chair Dr. Kevin Collins and attached hereto to be presented to the City Commissioners and Mayor for consideration.

Motion by Mike Driscoll and seconded by Virginia Altobello to pass the resolution reflecting that this was the Board's intent.

Vote: Passes Unanimously (Dr. Mark Kielsgard not voting b/c of phone appearance)

7. COUNSEL'S REPORT

Attny. Cintron briefed the Board as to the Rodriguez case and the recently filed "Motion to Dismiss" by the police union's attorney. Also Attny. Cintron briefed the Board on the federal court case involving Scott Harrington as a plaintiff against the City of Key West based on alleged police misconduct and some former Board members, himself and Amanda

Willet will be subpoenaed to testify in the matter as to some documents. Attny. Cintron asked the Board members to call him directly should they have any specific questions about any current litigation matters.

8. CHAIRPERSON'S REPORT

None

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

Members Mike Driscoll and Dr. Mark Kielsgard stated that they will attend upcoming meetings by phone until further notice.

10. EXECUTIVE DIRECTOR'S REPORT

- a. Executive Director Muffler explained that the CRB Quarterly Newsletter went out on July 1, 2009 and the next edition will go out October 1, 2009. He encouraged members to write an article and send it to him to be included should they wish to do so.
- b. Executive Director Muffler reported to the Board the ongoing efforts to search for applicants for the open "Commission Appointed" seat. The deadline for all applications is August 7, 2009 and it is expected that the City Commission will conduct formal interviews and make an appointment at its September 1, 2009 meeting.
- c. Executive Director Muffler reported that a special link on the CRB webpage was created to allow the public to monitor the current CRB litigation case.
- d. Executive Director Muffler reported to that the community activist heading up the November election ballot initiative to create an independent Ft. Myers CRB with investigative power stated that no official from the Ft. Myers city was willing at this time to officially request a presentation from the Board on how the CRB functions in Key West. Executive Director Muffler suggested that until such an invitation is received in writing by at least one of their city representatives, the Board should not get involved but refer them to the CRB webpage for information. The Board generally agreed.
- e. Executive Director Muffler explained that during the last month he has increased his community outreach activities which included a meeting with Reverend Stephen Braddock and touring of the various FKOC operations and related homeless facilities and programs in the City and on Stock Island. He also spoke at the recent Bahama Village Meeting and the City Ambassador Program.
- f. Executive Director Muffler suggested that the Board cancel its meeting set for August 10, 2009 and hear all the files on the August 24, 2009 date and the Board agreed without any objections.

11. PSO/IA COMMENTS/FOLLOW-UP

None

12. PUBLIC INPUT

None

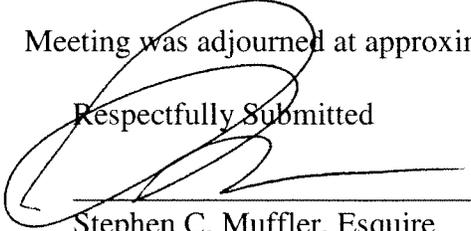
13. MEDIA AND PRESS QUESTIONS

None

14. ADJOURNMENT

Meeting was adjourned at approximately 6:41 p.m.

Respectfully Submitted



Stephen C. Muffler, Esquire
Executive Director

Resolution

Whereas the Citizen Review Board (CRB) is an independent city department approved by majority vote of the citizens of the City of Key West in November 2002;

Whereas the CRB budget has been continuously reduced over the years and the CRB's proposed budget for the year 2009-2010 will be the lowest in its history;

Whereas other City of Key West department directors, and most other full time city workers, are afforded basic health insurance from the City of Key West;

Whereas the CRB could not include basic health insurance coverage in the Executive Director's contract upon hiring him in 2008 because the CRB was not properly funded for such costs;

Whereas the CRB has authored its 2008 Annual Report recommending that the city's funding should include health insurance for its Executive Director for the enumerated reasons therein;

Be it Resolved that, the CRB, by unanimous consent its members, hereby respectfully request the City Commission to specifically approve the cost for the standard health insurance coverage for its Executive Director in the 2009-2010 city budget.

Respectfully Submitted



Dr. Kevin Collins
Vice Chair, Citizen Review Board
July 27, 2009

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street
Monday, June 22, 2009
6:00 p.m.

1. CALL THE MEETING TO ORDER

Meeting was called to order by Chairman Bryan Green at 6:00 p.m.

2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Bryan Green
Virginia Altobello
Dr. Mark Kielsingard
Dr. Kevin Collins
Mike Driscoll
Susan Srch
Trice Denny
Robert Cintron, Attorney for the Board
Stephen Muffler, Executive Director of the Board
Inspector Randy Smith-KWPD/IA

ADDITIONAL ATTENDEES

Red Flowers
Donna Calvert
Sean Kinney (Keynoter)
Adam Linhardt (Citizen)
Shahdaroba Rodd
(Others in attendance but did not sign in)

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES:

- a. May 11, 2009

Motion to approve the minutes of the May 11, 2009 meeting with the modification that Member Susan Srch's name be corrected was made by Dr. Kevin Collins and Seconded by Dr. Mark Kielsingard.

Vote: No Objections, Approved.

5. ELECTION OF OFFICERS:

Chairman Green requested nominations for Chairmanship position.

Motion by Dr. Mark Kielsgard and second by Virginia Altobello to re-nominate Bryan Green as Chairman. No other nominations or showing of interest in the position by any other Board member.

Vote: Passes Unanimously

Motion by Bryan Green and second by Dr. Mark Kielsgard to re-nominate Dr. Kevin Collins as Vice Chairman. No other nominations or showing of interest in the position by any other Board member.

Vote: Passes Unanimously

5. TRACKING CHART REVIEW

Executive Director Muffler reviewed the CRB Tracking Chart with the Members. One file listed as CRB #09-006 was returned to the Executive Director by Internal Affairs at the meeting and would be processed and come before the CRB next meeting. Members pointed out that there was an apparent typo. in the receipt date of the new complaints and Executive Director Muffler agreed that he would modify the chart to show the correct receipt date.

6. CONTINUED OR NEW BUSINESS

a. Kevin Collins Reappointment:

Chairman Green explained the events that apparently occurred leading up to the City Commission's denial of Dr. Collin's re-appointment application. Chairman Green explained that the prior re-appointment process (for a City Commission appointed seat) was researched and showed Dr. Susan White was "reappointed" by the City Commission by Unanimous consent on the Consent Agenda for May 16, 2006, without any type of apparent advertisement. The procedure for "reappointment" of a City Commission Board appointee was confirmed with Amanda Willett in the City Attorney's office by e-mail. Therefore the "reappointment" of Dr. Collins was submitted in accordance with said precedent and written confirmation instructions for the City Commission meeting to be held on June 16, 2009. This Consent Agenda item was sent into the City Manger's office requesting it to go before the City Commission on June 16, 2009. Apparently, the city attorney had mistakenly advanced the item to the June 2, 2009 Commission date in an effort to assist the CRB, but no prior message was sent to the CRB of this advancement on the Commission Agenda. The City Commission apparently heard the matter without the CRB's prior knowledge at the City Commission meeting on June 2, 2009, without any CRB representation being at said City Commission meeting. The City Commission rejected the re-appointment request and directed a city wide search, after advertising the vacancy feeling that the "consent agenda" re-appointment approach was not the proper manner to handle such a vacancy.

The CRB Members expressed their general disappointment over the situation and the apparent unfair negative light that was cast upon the CRB during the June 2, 2009 Commission meeting. However, the CRB Members agreed that vacancy would be announced, advertised and filled in

accordance with the City Commission's directives and that it made no sense in revisiting the issue at this juncture. The Members generally agreed that this is a City Commission appointed seat and thus the City's Commission's will would be best carried out by a city wide vacancy announcement and search.

. b. **Budget Review:**

Chairman Green reported that he and Executive Director Muffler went to a workshop and presented the budget that the CRB had drafted. The workshop went relatively smoothly and the only issue seemed to be the Health Insurance coverage request for the Executive Director. That issue would have to be visited during the upcoming rounds of budget reviews by the City Commission set for July 13-16, 2009. The Members were handed a schedule of said budget reviews for their information.

7. COUNSEL'S REPORT

Attorney Cintron explained that he has filed the litigation against Sgt. Rodriguez to enforce the CRB subpoena. He explained that local attorney Edwin Scales volunteered his time for appeals on behalf of the CRB if necessary. The Board members were generally very happy to hear of this socially responsible act by attorney Scales and were acceptable with such an arrangement. Atty. Cintron explained that the CRB may want to get somewhat involved in the Orlando CRB litigation if it proceeds to the Florida Supreme Court or a rehearing occurs. Dr. Mark Kielsingard suggested he send an e-mail to the Florida ACLU requesting assistance on this statewide legal issue. The Board felt that he should do so in his own personal capacity if he felt it appropriate.

8. CHAIRMAN'S REPORT

Chairman Green advised the Board he had reviewed an internal KWPD file that was internally generated, dealing with internal rules/procedures only. He felt it was not within the CRB's parameters and thus sent it back to IA as an internal KWPD matter without any CRB involvement.

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

Dr. Kevin Collins would like to revisit a decision at one of the CRB's last meetings dealing with CRB's abilities to review the subject officer's prior disciplinary history in the CRB standard package before a CRB finding occurs. Dr. Mark Kielsingard agreed that this was prudent and the matter should be revisited as he felt it was a poor decision on the Board's part to limit their review of prior history of the subject officer, prior to a finding. The matter would be placed on the next CRB Agenda and revisited at the next meeting.

Member Sue Srch stated she has applied to the Key West's Ambassador's program for their next session.

Chairman Green suggested anyone who was interested to sign up for the next KWPD citizen's academy contact Steve Torrence at the KWPD.

10. EXECUTIVE DIRECTOR'S REPORT

- a. Executive Briefly explained that the next CRB Newsletter will be released on July 1, 2009 to the list of sign-ups and also posted on the CRB Website.
- b. Executive Director Muffler announced the search process for the now vacant Commission appointed seat and the deadline would be August 7, 2009 for all applications to be received.
- c. Executive Director Muffler informed the CRB that the City of Ft. Myers had formed a CRB with no independent investigative or subpoena authority. A group of citizens in Ft. Myers collected enough signatures to place on the city wide ballot for November 2009, the formation of a CRB with expansive independence, investigative and subpoena powers. That local group has requested a KW CRB representative to present to their group, at an unnamed date, a presentation on how the KW CRB works. Executive Director Muffler felt this may be perceived as "meddling" in City of Ft. Myer's business and wanted directions before such invitation was accepted or declined. The Board generally requested the Executive Director to find out if the City of Ft. Myer's has any objection to such an appearance before the civic groups within their jurisdiction. Then bring that response back to the KW CRB so they would decide how to respond to the invitation.
- d. Executive Director Muffler informed the Board of Member Sue Srch's issue of "Field Interview Cards" (FIC) which she identified in the Sgt. Rodriguez's deposition relative to the Omar Brown criminal case. There were references in the deposition that these FIC naming Omar Brown may exist. CRB Executive Director conducted a public records examination of the FIC that exist from 2002-2006 at the KWPD. (Prior FIC before 2002 were destroyed by the KWPD in accordance with public records laws according to Inspector Randy Smith). The FIC cards after 2007 were irrelevant as Omar Brown was arrested in late 2006 and has been incarcerated ever since that arrest. Executive Director Muffler distributed the KWPD FIC operating procedures and explained that no FIC, authored by Sgt. Rodriguez, could be located referencing Omar Brown as a suspect or "associate" on the FIC. Omar Brown was named in one (1) FIC on June 3, 2005, as a suspect, authored by Officer Piskator and as an "associate" during the same encounter on two (2) other FIC dated the same date/time by Officer Piskator. Randy Smith from IA explained that these cards are not always handed in or generated by the officers, may not have been kept/retained, and not a complete record of all stops/detainments that occur by the KWPD. Executive Director Muffler did point out that he was told that these are incomplete records and further explained that he was only trying to link Omar Brown with Sgt. Rodriguez via searching these 1500+ FIC, but was unsuccessful in doing so. Such a link may be helpful or relevant in some Board member's minds as to supporting Sgt. Rodriguez's "prior arrest" statement in the subject affidavit in CRB file #07-001.

11. PSO/IA COMMENTS/FOLLOW-UP

None

12. PUBLIC INPUT

None

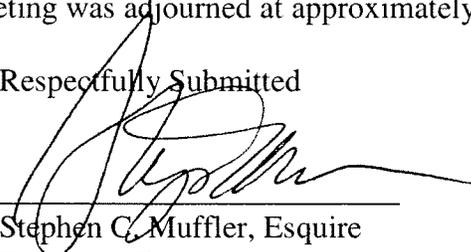
13. MEDIA AND PRESS QUESTIONS

None

14. ADJOURNMENT

Meeting was adjourned at approximately 7:10 p.m.

Respectfully Submitted



Stephen C. Muffler, Esquire
Executive Director

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, May 11, 2009

6:00 p.m.

1. CALL THE MEETING TO ORDER

Meeting was called to order by Chairman Bryan Green at 6:00 p.m.

2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Bryan Green
Virginia Altobello
Mark Kielsingard
Kevin Collins
Mike Driscoll
Robert Cintron, Attorney for the Board
Stephen Muffler, Executive Director of the Board
Inspector Randy Smith-KWPD/IA

ADDITIONAL ATTENDEES

Steve Torrance KWPD
Rick Rohrer
Mike Petrow
Kim Pammelt
Victor Arguelle
Other members of the FKCC "Crossover Program" present but did not sign in.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES:

- a. April 27, 2009

Motion to approve the minutes of the April 27, 2009 meeting was made by Kevin Collins and Seconded by Mike Driscoll.

Vote: No Objections, Approved.

5. TRACKING CHART REVIEW

The Board reviewed the Tracking Chart and Kevin Collins pointed out a typo. on one of the dates to the Executive Director to fix in future charts.

6. CONTINUED OR NEW BUSINESS

a. Mario Sainital CRB File #08-012

Chairman Green introduced the file to the Board and described the relationship between the two files being heard at this meeting and itemized the facts of this particular file. Mike Driscoll felt that the allegations, evidence, testimony and statements at least constituted some evidence of the allegations but does not arise to the level of sustaining the charges. Mike Driscoll felt that the finding should be not sustained rather than IA's finding of unfounded. Kevin Collins agreed for the same reasoning. Susan Srch wrote an e-mail to the Board for their consideration due to her inability to make it to the meeting due to travel/flight issues. Sue Srch felt that since there was a lack of independent witnesses to support the claims and the only independent witness is Jerry Curtis who had witnessed other interactions between Pablo Rodriguez and Mario Sainital that were not harassing in nature, she felt that charges should be unfounded.

Mark Kielsgard felt that since Mario Sainital was involved in the drug trade and known for his involvement in the drug trade by the officers, this warranted the extra scrutiny by the subject officers which would not amount to racial profiling. Mark Kielsgard agreed that the correct finding would be not sustained due to all of the evidence and statements before the Board.

Chairman Green explained that it was explained to him, that the TIF unit's purpose was to target the drug traders and pointed out that Sgt. Rodriguez should not have stated that Mario "do it" somewhere else, but not in the immediate area (referring to dealing drugs). Chairman Green pointed out his feeling that having no rotation of the TIF unit members was troubling and not a sound personnel practice. Chairman Green felt that the file should be not sustained given all of the statements and evidence.

Attorney Cintron wanted the record to reflect that neither complainants were at the meeting tonight, although noticed of the meeting.

Motion by Mike Driscoll and seconded by Virginia Altobello to find the allegations NOT SUSTAINED.

Vote: Passes Unanimously

b. Mario Sainital CRB File #09-001

Virginia Altobello briefed the Board on the complaint and its background and allegations. Chairman Green explained that he did converse with IA, and IA did not investigate as the video because it "spoke for itself". Mark Kielsgard pointed out that Office Leahy's comments may have violated the Officer's Bill of Rights but the Board generally agreed that more evidence would have to be collected to reach such a conclusion.

Motion by Chairman Bryan Green that the allegations of harassment and racial profiling were UNFOUNDED, but as to inappropriate conduct and untruthfulness, SUSTAINED.

Vote: Passes Unanimously

Kevin Collins wanted to know if there was an apology ever offered. IA Randy Smith stated he could find out if an apology was ever proffered to Sainital but he did not know at that time. IA Randy Smith produced officer Leahy's prior history to reflect no prior disciplinary history and two commendations were handed out to the Board.

Motion by Mark Kielsingard to defer the recommendation as to discipline to the next meeting so that the Board could get more information from Chief Lee as to the new KWPD policy as to permanency of the discipline in the individual officer's file

Motion has no second and dies on the table.

Motion by Mike Driscoll and seconded by Virginia Altobello to accept the level of disciplinary action taken by the KWPD against officer Leahy in this file.

**Vote: Yeas: Mike Driscoll, Virginia Altobello, Bryan Green, Kevin Collins
Neas: Mark Kieslgard**

Motion Passes

c. Budget Packet FY 09-10 Circulated to Members & Discussion

Attorney Cintron explained that the category for court reporter fees should include "court fees" for filing of cases. Board generally agreed to submit the proposed budget to city management as modified.

d. Policy & Procedures Modifications/Discussion & Adoption

Executive Director Muffler reviewed with the Board the final modifications to the CRB policies and procedures.

Motion by Chairman Green and Seconded by Mike Driscoll to accept all of the modifications

Vote: Passes Unanimously

7. COUNSEL'S REPORT

Attorney Cintron explained he is in the process of drafting the complaint for the enforcement of the subpoena in CRB Case #07-001 and will review the CRB complaint form when he catches up with his workload.

8. CHAIRMAN'S REPORT

Chairman Green pointed out that there will be elections of new officers in June.

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

Mark Kielsgard felt that the Board made a mistake at last meeting by deciding to limit the introduction of the officer's prior history and commendations in the review of files.

Attorney Cintron pointed out that IA representatives are sometimes acting like an advocate for the subject officers improperly and that the subject officers, and/or their agents or representatives, should appear at the CRB meetings to be the advocate of their individual positions.

10. EXECUTIVE DIRECTOR'S REPORT

- a. Results of Law Day May 1, 2009 & CRB Presentation to Key West Rotary Club on May 7, 2009 were relayed to the Board by the Executive Director Muffler.
- b. Reminder to the Board members that CRB officer elections would take place at the CRB June 22, 2009 meeting; and
- c. The meeting for June 8, 2009 would be cancelled as there are no files ready for evaluation yet.

11. PSO/IA COMMENTS/FOLLOW-UP

IA explained that he had received several complaints from other officers and the public that the Board was cast in a negative light in the last Citizen newspaper article as favoring criminals and protecting criminals. He did not know if this was the appearance the Board would like the public to have or not, or if the story and its quotes were taken out of context.

12. PUBLIC INPUT

Chairman Green has brought forward public comment at an earlier stage of the meeting due to numerous attendees. Steve Torrence explained that he had brought his class from FKCC to observe the meeting and explained they were enrolled in the "cross over" class from correction officers to police officers. Steve Torrence also announced the police memorial service May 22nd at 5:30 at Bayview Park to honor the fallen officers of both KWPD and Monroe County.

Steve Torrence introduced the correction deputies to the Board and the Board introduced themselves to the correction deputies. Steve Torrence explained this is his current class at night and wanted his class to see the proceedings. Board was very appreciative of their attendance and interest and thankful to Steve Torrence in building up community relations.

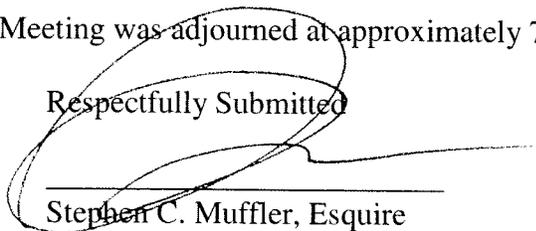
13. MEDIA AND PRESS QUESTIONS

None

14. ADJOURNMENT

Meeting was adjourned at approximately 7:35 p.m.

Respectfully Submitted



Stephen C. Muffler, Esquire
Executive Director

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, April 27, 2009

6:00 p.m.

1. MEETING CALLED TO ORDER AT 6:01 P.M.

2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Bryan Green

Virginia Altobello

Mark Kielsgard

Kevin Collins

Susan Srch

Mike Driscoll

Trice Denny

Robert Cintron, Attorney for the Board

Stephen Muffler, Executive Director of the Board

Inspector Randy Smith-KWPD/IA

ADDITIONAL ATTENDEES:

Red Flowers

John Carris

Adam Linhardt

(Others present but did not sign in)

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES:

a. April 13, 2009

Mike Driscoll stated that he was present at the last meeting but his name does not show up in the minutes as having been present. Mark Kielsgard requested that the minutes be clarified as to his statements on page 2, section 9 to reflect he was addressing the chilling effects of IA threatening complainants with filing false reports/statements charges. Bryan Green pointed out that the Motion on Joseph Murphy should read that there was "No Finding" and that at this time a vote should be had to correct this entry into the minutes.

Motion made by Bryan Green to clarify the finding last meeting in the Joseph Murphy CRB file #09-002 to include a "No Finding" and seconded by Virginia Altobello.

Vote: Passes Unanimously

Motion by Kevin Collins and Seconded by Susan Srch to approve the Minutes of April 13, 2009, as modified by the aforementioned members' comments.

Vote: No Objections, Approved

5. TRACKING CHART REVIEW

Inspector Randy Smith explained that the CRB File #08-012 will go before the Board for review at the next meeting on May 11, 2009. Chairman Green pointed out that CRB File #09-001, which is considered its companion file to CRB File #08-012, will also be heard by the Board at the next meeting. Mark Kielsgard pointed out that it was getting close to the 180 day time limit for file CRB #08-012 to come before the Board.

6. CONTINUED OR NEW BUSINESS

a. File Review/Hearing: Omar Brown CRB #07-001

Deferred by the Board until 6:40 p.m. Then the discussion was commenced.

Robert Cintron explained to the Board that the CRB issued a lawful subpoena which was properly served on Sgt. Pablo Rodriguez and that he has refused to appear before the Board. Sgt. Pablo Rodriguez, nor his representative, was present at this hearing. Chairman Green read into the record the recent letter received from Sgt. Rodriguez's attorney and asked that it be made part of the minutes. Attorney Cintron presented the Board the following options:

1. Bring action into Circuit Court to enforce the Subpoena;
2. Proceed with a final resolution of the case w/o the benefit of Sgt. Rodriguez's input;
3. Defer the case until the judge in the criminal case addresses any possible motion to suppress the search warrant in the Omar Brown criminal trial; or
4. Do nothing

Chairman Green wanted the record to reflect that the city attorney has been advised of this situation and referred the matter to Robert Cintron to handle. The Board members discussed the aforementioned options.

Motion by Mike Driscoll and seconded by Mark Kielsgard to authorize Robert Cintron to file any and all appropriate action to enforce the subpoena via court proceedings.

Vote: Passes Unanimously

b. Budget Packet FY 09-10 Circulated to Members & Discussion

Chairman Green passed out the first draft of the CRB FY09-10 proposed budget and explained the process of budget review with the city. Chairman Green briefly identified the various data on the handout and encouraged the members to contemplate the proposed figures and then be prepared to comment or make modifications at the next meeting so that the final proposed budget can be tendered to the City Finance Department and the process commences for its approval.

c. Policy & Procedures Modifications/Discussion & Adoption

Detailed review of the proposed modifications to the CRB policies and procedures were discussed by the Board members. The majority of the modifications were accepted by the Board members except those dealing with limiting the internet posting of documents in “administratively handled” complaints (ie. no investigation had occurred by IA) and sections dealing with mediation.

Motion by Mark Kielsgard and seconded by Trice Denny, that except for pages 7, 10-11, 12 of the proposed modifications of the rules and procedures are approved.

Vote: Passes Unanimously

Executive Director was directed to re-propose rules dealing with Mediation and present them to the Board at a later meeting.

Robert Cintron then explained the proposed internet posting policy and Board discussed the proposed policy limiting the posting of certain documents relative to “administratively handled” complaints. Mike Driscoll and Mark Kielsgard felt that the CRB should continue forward with its current policy of posting everything in the files that the complainant makes as part of their complaint so that the public can review it.

Motion by Mike Driscoll and seconded by Mark Kielsgard to continue business as the CRB has in the past, posting everything with a disclaimer being made in multiple locations.

Vote: Yes: Mike Driscoll, Mark Kielsgard, Bryan Green & Virginia Altobello

No: Kevin Collins, Trice Denny & Susan Srch

Motion Passes

7. COUNSEL’S REPORT

Attorney Cintron will make suggestions on how to improve the CRB complaint form at a later date.

8. CHAIRMAN'S REPORT

Chairman Bryan Green explained he had met with Chief Lee concerning the interpretation of "Working Agreement" and IA's timing of producing prior disciplinary history & commendations of officers to the CRB for their review. Chief Lee explained that he felt that the prior history of the officer should not be considered by the CRB before a Sustained Finding was announced by the CRB. A general discussion on the issue was had. Virginia Altobello and Susan Srch felt that the prior disciplinary history of the officer should be considered after a CRB finding of Sustained. Mark Kielsgard felt it should be disclosed to the CRB with the other materials. The Board members were concerned that only the complainant's prior criminal history was in their materials and that did not seem fair.

Motion by Kevin Collins and seconded by Mike Driscoll that prior disciplinary history and commendations of the officer be presented to the CRB, along with the criminal history of the complainant which can be reasonably ascertain by the Executive Director using local public websites, with IA's response to the Complaint.

Vote: Yes: Kevin Collins, Mike Driscoll & Mark Kielsgard

No: Trice Denny, Virginia Altobello, Bryan Green & Susan Srch

Motion Fails

Motion by Bryan Green and Seconded by Trice Denny that the officer's prior disciplinary history and commendations be provided to the Board by IA after the Board finds the charge Sustained.

Vote: Yes: Kevin Collins, Trice Denny, Virginia Altobello, Bryan Green & Susan Srch

No: Mike Driscoll & Mark Kielsgard

Motion Passes

Motion by Mark Kielsgard and Seconded by Virginia Altobello that no criminal history report of the complainant, generated by the KWPD or the Executive Director of the CRB, be part of the CRB packages.

Vote: Yes: Mark Kielsgard Kevin Collins, Trice Denny, Virginia Altobello, Bryan Green & Susan Srch

No: Mike Driscoll

Motion Passes

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

Chairman Green suggested to Inspector Randy Smith that the Board prefers that the ICOP system NOT be turned off by officers. Investigator Randy Smith explained the limitations of the data storage and collection capabilities and not all of the vehicles will have the systems installed and the system will be mainly used by road patrol units. Kevin Collins was concerned that the entire rules proposed are really laying out exceptions and not mandatory guidelines to be followed as a whole. Investigator Randy Smith explained to the Board that these were not the finalized versions and the final version of the rules/procedures would be a long process. The Board was thankful for the information but generally felt that the rules

were not strict enough to avoid the system's credibility from being subject to attack and the polices were not completely sound or complete at this point.

10. EXECUTIVE DIRECTOR'S REPORT

- a. Executive Director Muffler announced that National Law Day will occur on May 1, 2009 at the courthouse in the morning and all are welcomed.
- b. Executive Director Muffler announced that he will be delivering a CRB Presentation to Key West Rotary Club on May 7, 2009.

11. PSO/IA COMMENTS/FOLLOW-UP

Inspector Randy Smith commented that IA and KWPD has a serious concerns about initial complaints received by the CRB being public record before they are fully invested by IA and he wanted the record to reflect this position.

12. PUBLIC INPUT

John Carris explained that about 10 years ago he was victimized by Pablo Rodriguez and his CRB complaint was not fairly decided by the CRB. He was generally upset that the KWPD is not open and transparent and is acting more like an independent entity and not responsible to anyone.

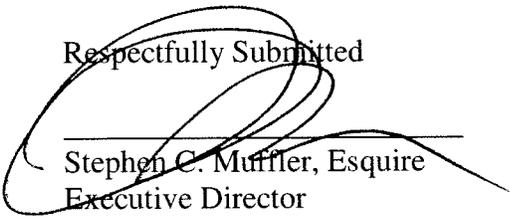
13. MEDIA AND PRESS QUESTIONS

None

14. ADJOURNMENT

Adjourned at 8:21 p.m.

Respectfully Submitted



Stephen C. Muffler, Esquire
Executive Director

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, April 13, 2009
6:00 p.m.

1. CALL THE MEETING TO ORDER

Meeting was called to order by Chairman Bryan Green at 6:00 p.m.

2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Bryan Green
Virginia Altobello
Mark Kielsgard
Kevin Collins
Susan Srch
Mike Driscoll
Robert Cintron, Attorney for the Board
Stephen Muffler, Executive Director of the Board
Inspector Randy Smith-KWPD/IA

ADDITIONAL ATTENDEES:

Adam Gersten-ASA
Red Flowers
Raymond (Complete Name Unknown)

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES:

Motion to approve the minutes of the March 23, 2009 meeting was made by Virginia Altobello and seconded by Mark Kielsgard.

Vote: No Objections, Approved.

5. TRACKING CHART REVIEW

IA representative Inspector Randy Smith stated that most likely CRB File #08-012 would be completed and presented to the CRB by next CRB meeting.

6. CONTINUED OR NEW BUSINESS

a. File Review: Joseph Murphy: CRB #09-002

Chairman Bryan Green introduced the file to the Board. Board members discussed the file. IA Inspector Randy Smith explained to the Board that CI identities are confidential and there is no way to ever prove this allegation (concerning the complainant's allegation of being an CI) unless the criminal investigation unit would come forward with such evidence. However, there is no evidence of complainant ever being a CI and really no way that the respondent could have known of the CI status of Murphy. Chairman Bryan Green and Mark Kielsgard felt that this is a court issue and not proper for the CRB to handle this due to a pending criminal case.

Motion by Chairman Bryan Green and seconded by Mark Kielsgard to make a recommendation to complainant to withdraw his complaint b/c of timing issue under the Officer's Bill of Rights and make a finding of NO FINDING and allow the complainant to refile his allegation after the pending criminal matter against him is resolved.

Vote: Passes Unanimously

Kevin Collins suggested, with the Board's agreement, the that file should remain on the CRB tracking chart until it is finally disposed of.

b. File Review: Lynn Parker CRB File #09-004

Mark Kieslgard briefed the Board on the case and allegations. Chairman Bryan Green explained he did visit the subject alleyway involved and it was not as narrow as the statements in the file suggest. Chairman Bryan Green did not understand why the vehicle was towed away and the necessity of towing when the keys were in the van and it could have been locked. IA Inspector Randy Smith explained that the vehicle had to be towed b/c the KWPD was now responsible for its safekeeping and contents. This was confirmed by Susan Srch as standard operating procedures of most departments. Chairman Bryan Green questioned if the car actually was "partially on the street" as it was apparently parked at the end of a cul-de-sack. IA Inspector Randy Smith explained that if the vehicle was more than 30" from the side of the street, it should be towed anyway. Inspector Randy Smith stated that the van was still in the impound yard but probably liened over its value at this point. ASA Adam Gersten pointed out that Ms. Parker made several appearances in the criminal case and had legal representation.

Motion by Mark Kielsgard and seconded by Kevin Collins that the case be dismissed and found UNFOUNDED for the failure of the complainant to provide sufficient evidence to further either charges.

Vote: Passes Unanimously

c. Omar Brown CRB #07-001 (Board update on actions taken & upcoming)

Executive Director Muffler informed the Board that Sgt. Rodriguez has left a voice message on the CRB answering machine that he received the subpoena and was forwarding it to his attorney for directions.

7. COUNSEL'S REPORT

Attorney Cintron explained that there is no sign, one way or another, if Sgt. Rodriguez would appear on the April 27, 2009 date but hoped that if he intended not to show, his attorney would contact the CRB as a professional courtesy.

8. CHAIRMAN'S REPORT

None

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

Mark Kielsgard pointed out that the CRB files tonight did not include the prior disciplinary history of the involved officers. IA Randy Smith stated that he was willing to present such documents after the CRB members made their initial decision of a finding of "Sustained" and not before. Inspector Smith felt that CRB viewing of the prior disciplinary history of the officers during the regular deliberations of files, may be improperly weighed by the Board. Chairman Bryan Green announced that he would talk directly with Chief Lee on the matter. Mark Kielsgard also pointed out to the Board that he wanted to address the IA comments that threats of filing a false report made to complainants have a "chilling" affect on complainants from filing with the CRB. Mark Kieslgard wanted to bring this to the attention of the Board because of various remarks contained on the voice files he heard dealing with Lynn Parker. Mark Kielsgard also raised the issue that the standard CRB complaint headings (classifications of the complaint) were not entirely clear or proper and Attny. Cintron stated he would look at the issue and get back to the Board. Mark Kielsgard suggested the elimination of the "false arrest" category and "illegal searches" category and try to clone the IA form as much as possible. IA Inspector Randy Smith stated that the IA form had no classifications at all. Attny. Cintron will get back to the Board on changing the headings.

10. EXECUTIVE DIRECTOR'S REPORT

- a. Budget reductions/changes FY 08-09 were presented to the Board members per their request and the last three years proceeding the current year.
- b. Executive Director Muffler explained that the Budget deadlines FY09-10 budget review and approval were now received and circulated to the members. Chairman Green agreed that he will directly participate with meeting with management and that the forms given to the CRB on April 20th should be presented to the CRB members at the next meeting.
- c. Executive Director Muffler explained the website upgrades to the members and conducted a online demonstration of the same.

- d. Executive Director Muffler asked members to contribute an article to the next newsletter if possible which will go out July 1, 2009.

11. PSO/IA COMMENTS/FOLLOW-UP

IA inspector Smith explained via a powerpoint slide show the I-Cop procedures and system to the Board and Board requested that they be given time to reflect upon entire presentation and then bring their individual questions at the next meeting. IA encouraged suggestions from the Board to include in the SOP of I-COP regulations.

12. PUBLIC INPUT

Attorney Citron recommends that the Board formulate a policy as to the documents online and the Board members agreed to discuss this item at the next meeting.

Red Flowers stated that the CRB should not remove or censor items from the internet as it is a transparency issue.

Raymond stated that the CRB can make a referral under Civil Rights Act as a criminal referral and should do so.

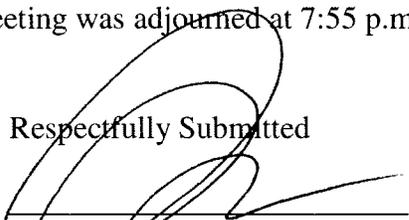
13. MEDIA AND PRESS QUESTIONS

None

14. ADJOURNMENT

Meeting was adjourned at 7:55 p.m.

Respectfully Submitted



Stephen E. Muffler, Esquire
Executive Director

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, March 23, 2009
6:00 p.m.

1. CALL THE MEETING TO ORDER

Meeting was called to order by Chairman Bryan Green at 6:00 p.m.

2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Bryan Green
Virginia Altobello
Mark Kielsingard
Kevin Collins
Trice Denny
Susan Srch
Robert Cintron, Attorney for the Board
Stephen Muffler, Executive Director of the Board
Inspector Randy Smith-KWPD/IA

ADDITIONAL ATTENDEES:

Donna Calvert
Janeth Del Cid
(others in the audience did not sign in)

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES:

Motion to approve the minutes of the February 23, 2009 meeting was made by Susan Srch and seconded by Trice Denny.

Vote: Unanimous Approval

5. TRACKING CHART REVIEW

Executive Director Muffler reviewed the files on the tracking chart and many of the pending complaints (at least 1 to 3) will most likely go before the Board next meeting. File # 09-004 has been completed by IA and Randy Smith of IA explained to the Board the others are almost all finished. IA representative Randy Smith

explained that the complainant in file 09-002 has represented he would NOT like to proceed with his complaint and efforts are being made to memorialize such an intent. Chairman Green requested IA to send the file to the CRB one way or another.

Calvert file's procedural posture was explained by Executive Director Muffler and clarified by Chairman Green that the complainant must fill out a new CRB complaint on new allegations and that her file would not be reviewed by the CRB because it was not originally or ever filed with the CRB. Chairman Green asked if Donna Calvert wished to give a statement to the Board at this time and she declined.

Randy Smith explained that the ICOP training policy will be presented to the Board soon with a possible presentation of the system to the Board members.

6. CONTINUED OR NEW BUSINESS

a. File Review: Omar Brown CRB #07-001 (Board update on actions taken & upcoming)

Executive Director Muffler refreshed the Board's recollection on the procedural posture of this file. Executive Director Muffler also briefed the Board on his efforts and research and newly filed deposition transcript of Sgt. Rodriguez in the Omar Brown criminal case. The deposition transcript addresses the subject affidavit language that is before the Board. The Board generally agreed that the Executive Director should complete as much of his investigation/research on this matter and upload it to the CRB website ASAP, in time for the officer's appearance before the board on April 27, 2009 under subpoena. Attorney Cintron stated to the Board that possibly there is movement in the criminal case that impacts or addresses the validity of the affidavit's language.

7. COUNSEL'S REPORT

Status on Omar Brown File –CRB #07-001 (Status on Subpoena Efforts)

Attorney Cintron explained to the Board that the subpoena on Sgt Rodriguez is in the process of service on the officer for the April 27, 2009, CRB hearing date. Attorney Cintron explained the process of questioning the officer at the CRB hearing and how it would be handled.

8. CHAIRMAN'S REPORT

Chairman Green explained that the KWPD Citizen's Police Academy is proceeding and everyone is learning from the experience.

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

Virginia Altobello stated that she has sent out communications to the Mayor, City Commissioners, City Manager and others that the CRB Executive Director should be offered basic city coverage for health insurance. She stated that no one replied back to her. The Board generally discussed the CRB budget and if such health insurance coverage could be afforded to the CRB director next fiscal year. The Board directed the Executive Director to

collect information on the costs of such coverage and process of applying and also any budget comparisons between city department budget reductions versus CRB reductions.

10. EXECUTIVE DIRECTOR'S REPORT

- a. Budget Items FY 08-09 were discussed by the Board.
- b. Executive Director Muffler explained that he conducted a CRB Presentation to City Ambassador Class on March 5, 2009 and it was well received.
- c. Executive Director Muffler explained that he attended the CRB Summit in Miami from February 24 through February 26, 2009 and useful information was exchanged. Representatives from Jamaica's Ministry of Police Oversight were thankful for our efforts and would adopt the CRB website openness theme in their future operations.
- d. Executive Director Muffler explained that the City of Ft. Myers Clerk's Office requested copies of the CRB's budget for the past few years as their city is moving forward with setting up a CRB.

11. PSO/IA COMMENTS/FOLLOW-UP

IA representative Randy Smith reported that the police budget has been noticeably reduced over the years as well.

12. PUBLIC INPUT

Chairman Green directly asked if there was any public input from any of the attendees and none spoke.

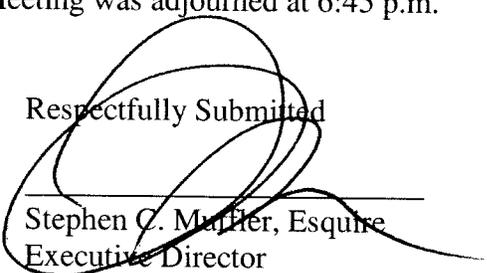
13. MEDIA AND PRESS QUESTIONS

None

14. ADJOURNMENT

Meeting was adjourned at 6:45 p.m.

Respectfully Submitted



Stephen C. Muffler, Esquire
Executive Director

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, February 23, 2009
6:00 p.m.

1. CALL THE MEETING TO ORDER

Meeting was called to order by Chairman Brain Green at 6:00 p.m.

2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Bryan Green
Virginia Altobello
Mark Kielsingard
Kevin Collins
Trice Denny
Mike Driscoll
Susan Srch
Robert Cintron, Attorney for the Board
Stephen Muffler, Executive Director of the Board
Chief Donie Lee-KWPD
Inspector Randy Smith-KWPD/IA
Sgt. Pablo Rodriguez-KWPD
Officer Brian Leah-KWPD

ADDITIONAL ATTENDEES:

Red Flowers
(others in the audience did not sign in)

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES:

Motion to approve the minutes of the February 9, 2009 meeting was made by Mark Kielsingard and seconded by Trice Denny.

Vote: Unanimous Approval.

5. TRACKING CHART REVIEW

Executive Director reviewed the CRB Tracking Chart with the Board members and explained that Donna Calvert had sent conflicting instructions as to if she wanted her file reviewed or not by the CRB. The Board agreed to have the Executive Director try to clarify if Mrs. Calvert would like the Board to review the file or not and place it on the Agenda next meeting for a status and/or review. IA representative stated that

they needed more time on the 08-012 file because more witnesses were revealed by the Complainant.

6. CONTINUED OR NEW BUSINESS

a. **Review File: Mario Saintal --CRB#09-001**

One of the complainants, Latavia Jackson, although not present, stated to the Executive Director that day that she would attend. Chairman Brian Green asked the Board if they wished to proceed to review this file or if the Board would prefer it to be reviewed at the same time as the related file is reviewed (which is still under investigation by IA). The Board members were generally concerned that it was so related to the other file that it should wait until the related file is before the Board for review.

Motion by Chairman Green to defer the file review until the related complaint is ready for review and motion was seconded by Mark Kielsgard.

Vote: Kevin Collins, Trice Denny, Mike Driscoll, Mark Kielsgard and Virginia Altobello voted YES. Chairman Brian Green voted NO. Susan Srch abstained from the vote. Motion PASSES

7. COUNSEL'S REPORT

Attorney Cintron explained that he could try to file under a present case number at the court house to avoid the fees for the issuance of the two (2) subpoenas in the Omar Brown File. The Board left it up to his discretion on how to proceed to get the subpoenas issued.

8. CHAIRMAN'S REPORT

Chairman Brian Green reported that he attended the ride along with Sgt. Blasberg recently. Chairman Brian Green encouraged the other members to do ride-alongs. Chairman Brian Green announced that the Executive Director should send e-mails to the involved officers noticing them of the CRB meetings to reduce the occurrence of the officers not knowing that their files are being reviewed by the CRB. Chairman Brian Green pointed out that the 4 CRB members attending the citizen police academy program now in session was promoting very good dialog between parties and that the new member, Susan Srch, should also try to attend if there are openings.

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

Virginia Altobello pointed out that health insurance expires for the Executive Director in October of 2009, and thus the Board should seek coverage for him under city's policy soon. Mark Kielsgard pointed out that the Executive Director should be covered under the city policy anyway. Attny. Cintron suggests that issue should be brought up with city attorney to explain why the Executive Director is not getting the standard benefits now. The Board agreed generally that this should be addressed next round of budget negotiations to commence later this year.

Kevin Collins asks about the policy of mediation and should such sessions conducted by the KWPD be recorded. Kevin Collins wanted IA to announce its policy to the Board concerning mediation. Chief Lee stated there is no written policy to record mediation but was open to suggestions. Chief Lee stated that the standard practice is to NOT record mediation when an complainant and officer try to resolve a complaint amicably. Chairman Brian Green felt that it would be helpful for the taping of mediation and Kevin Collins felt it would be better practice to tape mediations. Mark Kielsgard pointed out that this is not really "mediation" in the legal sense but rather a form of a "consultation". Generally the Board felts that recording the mediations would be a good idea, but fell short of making any formal recommendation on this issue.

10. EXECUTIVE DIRECTOR'S REPORT

Executive Director Muffler reported that the training of the new member, Susan Srch is proceeding. The CRB Annual Report was circulated to the parties under the Charter that are required to receive it via e-mail and that the item is on the CRB website and also featured on the City's Home Page. Executive Director Muffler reported that he conducted a CRB overview presentation to the Bahama Village Community Meeting on February 12, 2009 and is due to present the same presentation to the City's Ambassador class on March 26, 2009. Executive Director Muffler explained that a police oversight summit was being organized in Miami for this week to assist the Jamaican Ministry of Policing Oversight's representatives who would be visiting the USA this week. Executive Director Muffler would attend such meetings this week and exchange ideas with other civilian review/investigative boards while there.

11. PSO/IA COMMENTS/FOLLOW-UP

None.

12. PUBLIC INPUT

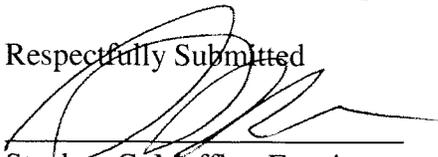
Chairman wanted to explore the difference between policing efforts during day and night in Bahama Village. Chief Lee explained the "Tiff" funding of 4 dedicated uniformed police officers for the Bahama Village and their general operations. Red Flowers stated he saw a notable improvement in the reduction of open aired drug activity in the area due to the increased police presence.

13. MEDIA AND PRESS QUESTIONS

14. ADJOURNMENT

Meeting was adjourned at 6:55 p.m.

Respectfully Submitted


Stephen C. Muffler, Esquire
Executive Director

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, February 9, 2009
6:00 p.m.

1. CALL THE MEETING TO ORDER

Meeting was called to order by Chairman Brian Green at 6:12 p.m.

2. ROLL CALL

BOARD MEMBERSHIP/AGENTS PRESENT:

Bryan Green
Virginia Altobello
Mark Kielsgard
Kevin Collins
Trice Denny
Mike Driscoll
Robert Cintron, Attorney for the Board
Stephen Muffler, Executive Director of the Board
Inspector Randy Smith-KWPD/IA
Sean Smith-City Attorney

ADDITIONAL ATTENDEES:

Larry Beaver
Maragaret Roniero
Patrice Sanders
Donna Calvert
Audrey Samz
Susan Srch
(others in the audience did not sign in)

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES:

- a. January 12, 2009 minutes approved with the addition to add Trice Denny as present at the meeting;
- b. Previous Minutes in 2008 were also approved by the Board

5. TRACKING CHART REVIEW

Executive Director Muffler reviewed the tracking chart with the Board noting that the outstanding response letters relative to the OPP file (from the Chief) and the Anonymous Complaint file (from the City Manager) have been received. IA Inspector Smith explained that CRB complaint number #08-012 was still being

investigated and not ready for review. IA Inspector Smith felt that there will be substantial progress on this particular investigation by next meeting and completed within one month.

6. CONTINUED OR NEW BUSINESS

a. Review File: Arian Fisher---CRB#08-013

After review of the additional documents from the courthouse file, the Board decided to close its review of this file without any finding.

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

Executive Director Muffler briefed the Board on the legal research results at both the federal and state levels on the past 10 years. The Clerk of the Court files were pulled and analyzed to determine the arresting officers/supporting arresting officers relative to the arrest of Omar Brown which resulted in filed criminal charges over the past 10+/- years. [search results to document this are available at the CRB office] There were no documents which reflected the involvement of Sgt. Pablo Rodriguez in said files that could be found. Chairman Bryan Green read into the record Chief Lee's and the PBA's competing letters which seemed to conflict with each other (PBA claiming a completed investigation and Chief Lee's letter insinuating that an investigation will be commenced after Mr. Brown's criminal case was completed). IA could not explain the conflict. The Board reflected on Mr. Brown's "untruthfulness" accusation and the subject affidavit executed by Sgt. Rodriguez. Mark Kielsgard suggested that a subpoena be issued. Board members stated their opinions as to the conflicting letters between the PBA and Chief Lee were troublesome and needed to be addressed with a subpoena also. Attorney Cintron explained the process of subpoenas and how it would proceed should the Board decide to undertake such a task. The Board generally agreed that the answer to this "untruthfulness" charge rests with Sgt. Pablo Rodriguez and all efforts have generally been exhausted to find the truth in this matter without using the subpoena powers issued to them by the City Charter.

Motion for the KWPD records be subpoenaed to produce any and all documents, recordings and materials related to any prior investigation undertaking by KWPD on this matter in the past along with records of prior arrests of Sgt. Rodriguez/Omar Brown that the KWPD has in its possession along with a separate subpoena to compel Sgt. Rodriguez to come before the Board to explain this statement in the affidavit. Motion Seconded by Mike Driscoll

Vote: Passes Unanimously.

7. MEMBERS WERE INTERVIEWED BY THE BOARD AND DISCUSSION HAD ON ALL MEMBERS.

Board members voted by point systems on all candidates and selected Susan Srch as the new Board Appointed Member to serve out Rev. Thornton's remaining term after oral interviews of each applicant took place.

8. COUNSEL'S REPORT

None

9. CHAIRMAN'S REPORT

None

10. BOARD MEMBERS REPORT/GENERAL COMMENTS

None

11. EXECUTIVE DIRECTOR'S REPORT

- a. The Board had a discussion on the 4th Annual Report and Kevin Collins felt it to be a little too long. Executive Director Muffler pointed out that there was no Annual Report done for 2007 and the "back up" for the rationale for the recommendations made in the report had to be fully explained in the body of the report, which made it longer than normal. Executive Director Muffler brought to the attention of the Board members that some public requests to put the Board meetings on cable TV have been received. Discussion was had as to if the meetings should be televised.

Motion by Mike Driscoll to place in the recommendations of the Annual Report that the Board meetings be televised to conform to the "openness" of the CRB operations. Motion was seconded by Trice Denny.

**Vote: Yes: Kevin Collins, Trice Denny, Mike Driscoll, Virginia Altobello
No: Mark Kielsgard & Brian Green
Motion Passes.**

Board members generally approved the 4th Annual Reports remaining contents.

- b. Executive Director presented a continuing education powerpoint slide show on the Sunshine Law and also member's conduct at meetings and statements outside the meetings. Board had a discussion as to if a formal policy should be adopted which limited Board member's statements to the press. Attny. Cintron stated that it would be wise to have only a few outlets for information (Chairman and Executive Director) but would not be wise to adopt a blanket policy of members not interacting or talking to the press. Board members could not reach a decision on the matter.
- c. Executive Director Muffler requested the Board to consider the institution of Provision #2 in the "Working Agreement" to require IA to orally brief the Board of the officer's prior disciplinary history only after the Board reached a sustained charge. IA supported such a procedure. Board members rejected the proposal due to the fact that the prior disciplinary records were public records and that the complainant's prior arrest records are routinely in the files. Board members directed that the prior history should be in their packets on each file under the "Working Agreement".

12. PSO/IA COMMENTS/FOLLOW-UP

No comments.

13. PUBLIC INPUT

No comments

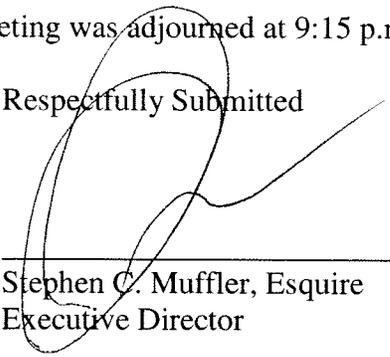
14. MEDIA AND PRESS QUESTIONS

None

15. ADJOURNMENT

Meeting was adjourned at 9:15 p.m.

Respectfully Submitted



Stephen C. Muffler, Esquire
Executive Director

MINUTES

Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, January 12, 2009
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
Kevin Collins
Trice Denny
Robert Cintron, Attorney for the Board
Stephen Muffler, Executive Director of the Board
Inspector Randy Smith-KWPD/IA

ADDITIONAL ATTENDEES:

John Opp
Bob Watson
Robert Kelly
Red Flowers
Carl Drysdale
Adam Gierstea
(others in the audience did not sign in)

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES:

Motion to approve the Minutes for December 22, 2008 meeting as written made by Mark Kielsgard & Seconded by Virginia Altobello;

Vote: Passes by Acclamation

5. TRACKING CHART REVIEW

Board reviewed the CRB tracking chart and had some questions as to some items. The status of the drafting of the revised ICOP procedural manual was addressed by Randy Smith who explained that the process is detailed and many internal department procedures/directives needed to be updated. Executive Director handed out the CRB/KWPD "Working Agreement" modifications from the Attorney's Office and

the Board agreed to accept them with a short discussion on the impact of the proposed change to the ride-along language. Executive Director Muffler was directed to secure signatures by both parties as soon as practical.

6. CONTINUED OR NEW BUSINESS

- a. **Review File: John Opp – CRB# 08-011** was taken out of order on the Agenda by Board consent.

Chairman Green refreshed the Board's recollection of the previous discussion on this file at last meeting and explained that the central question was whether or not Sgt. Blasberg was deficient in some way when investigating this crash. Mr. Opp was asked if he knew the location or contact information of Mr. Blanchard, a material witness to the crash, and Mr. Opp stated he did not. Mr. Watson then spoke at the meeting.

Mr. Watson stated he lived at the crash location area and is Mr. Opp's landlord. Mr. Watson stated he had spoken to/with Sgt. Blasberg about the accident within 24 hours after its occurrence. Mr. Watson stated he could attest that the subject damage at issue to Mr. Opp's truck was not there prior to the crash Mr. Watson tried to explained that to Sgt. Blasberg. Mr. Watson felt that Sgt. Blasberg's evaluation that the damage was "old" is simply 100% wrong. Mr. Watson refreshed the Board's memory that Jack Reily, Mr. Opp's neighbor who spoke at the last CRB meeting on this issue, also supported the fact that Opp's truck was impacted during the crash. Mr. Watson reasserted his written statements in the record and explained to the Board the relevancy. He stated he had offered to show debris (which included pieces from Mr. Opp's truck) from the accident but Sgt. Blasberg refused to even look at the debris. The broken bondo was debris from Opp's truck but the Sgt. Blasberg refused to take that into consideration when reviewing the accident. Mr. Watson says the impact dislodged Mr. Opp's interior car components b/c of the impact which he saw these dislodged components after the accident.

Inspector Smith explained that Mr. Blanchard did not respond to any IA calls. Mr. Blanchard never, at the time of the incident, indicated to the KWPD officers that Mr. Opp's vehicle was impacted. No Bondo was shown to IA he explained. Inspector Smith explained that the majority of the physical evidence, by a very large margin, shows no possible impact with Mr. Opp's vehicle and if Mr. Opp's truck was struck with as much force as Mr. Opp claims, then there would be more damage to Mr. Opp's truck and there would be more bondo and car parts in the debris field at the scene.

Virginia Altobello pointed out that the charge was deficient service and that no one from KWPD seems to have contacted Mr. Blanchard when the KWPD was put on notice that there was conflicting evidence that Mr. Opp's vehicle may have been hit. Virginia Altobello pointed out that there was time for KWPD to get a statement from this material eye witness about the crash and if Mr. Opp's vehicle was struck before this material witness was lost and apparently relocated out of state. Mark Kielsingard explained to the Board that he feels that it would be bad public policy for the Board to conclude that not interviewing a witness "per se" results in deficient service. Mr. Kielsingard cited the two experts reports as proof of some of the physical evidence that supports the fact that Mr. Opp's truck was not impacted. However, Mr. Kielsingard pointed out to the Board that additional evidence was in possession

of Mr. Watson (crash debris and Bondo from Mr. Opp's vehicle) but Sgt. Blasberg refused to review or even look at it (part of the debris). Mr. Kielsingard felt that the first deficiency was that Sgt. Blasberg failed to perform his job reasonably by not even taking the time to look at the evidence that Mr. Watson wanted to show him.

Motion to find the charge of deficient service "SUSTAINED" against Officer Blasberg made because Sgt. Blasberg did not look at all the relevant physical evidence and that Sgt. Blasberg made a judgment on a materially altered scene based upon faulty evidence without reflecting upon the physical evidence in Mr. Watson's possession who offered Sgt. Blasberg three (3) times to view, made by Mark Kielsingard. Motion seconded by Kevin Collins.

Inspector Smith explained that skid marks are definitive evidence as to the direction of the involved striking vehicle and the debris field was only ancillary in the totality of the evidence to reach the conclusion that the crash experts did. Attny. Cintron points out the KWPD crash experts and Sgt. Blasberg were not present for this meeting which now left IA in a difficult position to explain this situation properly to the Board. Chairman Green explained to IA that Sgt. Blasberg's refusal to interface with Mr. Watson and review the alleged physical evidence before reaching a conclusion was critical to this file and this was in his mind deficient service. Chairman Green communicated that he hoped KWPD learned from this file to interact more with citizens who have input to give regarding crashes/incidents and not simply disregard them, like what apparently happened here with Mr. Watson.

Vote: Kevin Collins, Mark Kielsingard, Bryan Green & Virginia Altobello voted YES; Trice Denny voted NO. Motion Passed

Motion by Mark Kielsingard for the recommended sanction to be verbal counseling to Sgt. Blasberg as the error was not egregious. Kevin Collins seconded the Motion.

Vote: Kevin Collins, Mark Kielsingard, Bryan Green & Virginia Altobello voted YES; Trice Denny voted NO. Motion Passed

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

Inspector Smith explained to the Board that he, prior to mediation with Jessica Smith, explained to officer Sanchez that he should be more diplomatic and sensitive when he communicates with the public in matters such as this one. Inspector Smith pointed out that this was an oral remedial training method given to officer Sanchez related to this file. Board members Kevin Collins and Mark Kielsingard were somewhat concerned with the way the Officer Sanchez relayed his message. The Board decided to consider this matter closed without any finding as it was mediated out between the parties.

c. Review File: Arian Fisher---CRB#08-013

Chairman Green pointed out to the Board that there was no audio of the apparent settlement discussions between the parties. Various Board members questioned Inspector Smith about KWPD policies as to settlement negotiations and the KWPD "mediation" policy. Inspector Smith stated he knew of no official policies and it was on a case-by-case basis. Executive

Director Muffler explained to the Board that no action needs to be taken on this matter due to it not being a complaint and voluntarily forwarded to the Board by IA to show that IA does have civilian complaints come in directly and addresses them in a timely manner. Attorney Cintron suggested that the Board defer this file and reschedule it for the next meeting so that more information can be collected about this file including a copy of the ticket. Attny. Cintron felt that the court case status was relevant and should be reviewed and he would try to contact Mr. Fisher because Executive Director Muffler's attempts had failed. Board agreed to defer this matter until next meeting.

7. COUNSEL'S REPORT

Attorney Cintron reported that there was no response yet to his letter requesting an attorney general opinion and he did not expect one in the near future. Attorney Cintron and Executive Director Muffler explained to the Board the need for the current union contract negotiations include the issue of having proper disciplinary procedures and timetables in the agreement to account for the CRB's ability to give a recommendation before the ultimate sanction or finding is rendered. Attorney Cintron explained that his prior attempts to communicate this necessity were politely ignored before and he feels it is a crucial issue. Attorney Cintron explained to the Board that if the CRB is not part of the collective bargaining process, then the final union agreement may have disciplinary deadlines & procedures that conflict with the CRB time tables. Executive Director Muffler explained to the Board that the Board should probably not wait until the final contract is presented to the Commission as that might be too late and such a situation could be avoided by city management including CRB into the negotiations or at least protect the CRB's granted authority by charter and Florida law.

Board members generally directed the Executive Director Muffler to interface with the City Manager and explain the issue and agreed that attorney Cintron would write a letter to the city manager/attorney to explain this situation and "cc" the City Commissioners as this was a serious concern as the negotiations have been going on for a long period without any CRB input requested. Executive Director Muffler explained that the relative new Florida case law (Timoney Case) will be discussed at the next CRB meeting as part of the continuing education of the Board members per the Charter provision.

8. CHAIRMAN'S REPORT

None

9. BOARD MEMBERS REPORT/GENERAL COMMENTS

Kevin Collins asks IA about the lack of participation and response from KWPD member to CRB invitations to the officers for mediation and offers to attend meetings.

10. EXECUTIVE DIRECTOR'S REPORT

- a. Review File: Omar Brown ---- CRB #07-001 (Director's Memo—Newly Discovered Evidence)

Executive Director Muffler reported to the Board of the discovery of the subject arrest affidavit. Chairman Green felt that this issue would be very time consuming to clear up and the allegation would be easily neutralized by Sgt. Rodriguez simply clarifying when his prior

arrest of Omar Brown occurred. Mark Kielsgard also agreed that this could be simply clarified by such a statement by Sgt. Rodriguez. However, the allegation was serious and that the Board should re-open the file to make sure.

Motion made by Mark Kielsgard to reopen the investigation and have Executive Director Muffler research Omar Brown's prior arrests, explore if Sgt. Rodriguez would voluntarily give a statement to quickly clear this issue up and report back to the Board next meeting and the Board can consider their options then. Motion Seconded by Virginia Altobello

- b. Executive Director Muffler delivered a summary of CRB educational information/public affairs efforts and offered the Board members review of Comcast's "City Beat" Mayor interview of CRB Executive Director.
- c. Executive Director Muffler stated that he has received the IA list of 2008 files and it would be part of the 2008 CRB Annual Report.
- d. Executive Director Muffler informed the Board members that they would receive the first draft of the 2008 CRB Annual Report by e-mail by the end of the week and that they should carefully review it and offer suggestion, modification and pay close attention to the CRB recommendations section (last section of the report). Executive Director Muffler stated that the report should be finalized at the next CRB meeting and delivered to the Commission mid-February.
- e. Executive Director updated the Board on his efforts in securing applications from the public to fill Board appointed vacancy on CRB and explained that the 1st meeting in February the Board would do the interviews. The applications would be sent to the Board via thumb drives and not uploaded to the website, but available for public viewing in the CRB office.

11. PSO/IA COMMENTS/FOLLOW-UP

- a. None.

12. PUBLIC INPUT

Carl Drysdale approached the CRB and complained that his original CRB complaint, which was at least two years old, was never closed out properly by the CRB and never fully addressed. He demanded the CRB to take some type of action. The Board generally felt that this prior complaint was already fully addressed and Chairman Green suggested to Mr. Drysdale that nothing else could be done on his file unless he had new evidence.

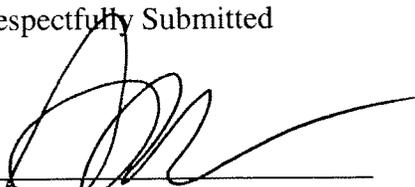
13. MEDIA AND PRESS QUESTIONS

None

14. ADJOURNMENT

Meeting was adjourned at 8:10 p.m.

Respectfully Submitted

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Stephen C. Muffler, Esquire
Executive Director