

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL

Thursday, December 28, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on 510 Greene Street, Thursday, December 28, 2006.

Chairman Charles Lee called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Charles Lee and Board Members, Adare Fritz, Jane Rohrschneider and Dr. Susan White. Board member Tony Estenoz arrived at 6:10 p.m.

Mark Kielsingard attended telephonically.

Absent: Reverend James Thornton

Also present was Counselor Robert Cintron, Executive Director Amanda Willett and Lt. Jim Benkoczy.

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

Approval of Minutes

Chairman Charles Lee presented the minutes of December 14, 2006. Board member Adare Fritz moved to approve the minutes. Board Member Jane Rohrschneider seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Charles Lee presented the agenda. Chairman Lee informed the board that Complaint Reviews was moved to be heard before Counsel's Report and asked the board if they agreed with the new style of the agenda. Hearing no objections the agenda was approved and the new style of the agenda was agreed upon.

Complaint Reviews

A. Ed Hooks

Adare Fritz led the discussion concerning the complaint filed by Ed Hooks. Fritz stated that in consideration that Mr. Hooks had dropped his complaint and as IA's investigation was indeed thorough, complete and fair, Fritz moved accept IA's findings and to close the case on that basis. Jane Rohrschneider seconded.

Discussion: Mark Kielsingard commented that he agreed the case should be dismissed. Dr. White mentioned that a letter should be drafted to the complainant with a full explanation of why the board made such a decision. Chairman Lee proposed that the letter conform to explain that due

to the complaint being satisfied with IA and with the police stating that they are going to make this apart of their regular training, the board is in agreement with IA's finding.

Yeas: Tony Estenoz, Adare Fritz, Jane Rohrschneider, Dr. Susan White and Charles Lee

Nays: None

B. Dana Druckemiller

Robert Cintron advised the board that they should first decide whether or not they want to hear complaints that have been withdrawn by complainants. Dr. White moved to hear the complaint filed by Dana Druckemiller. Adare Fritz seconded the motion.

Yeas: Tony Estenoz, Adare Fritz, Dr. Susan White and Charles Lee

Nays: Jane Rohrschneider

Adare Fritz led the discussion regarding the complaint filed by Dana Druckemiller. Fritz stated that the two assisting officers involved in the case were not interviewed and that those officers could have determined whether the action taken by the Officer Caruso was the appropriate action as well as provide more information about the case. Fritz further stated that because Mr. Druckemiller withdrew his complaint, the point is probably moot as to whether the other officers should have been interviewed. Fritz advocated by way of motion to close the case based on all of the information provided. Jane Rohrschneider seconded.

Discussion: Mark Kielsingard commented that just because the case is withdrawn doesn't mean that the CRB loses jurisdiction from hearing the case. Kielsingard further commented the main issue is the officer escorted the complainant out of the house wearing only his underwear which would be acceptable if the complainant was resisting and also whether or not the officer's actions was justified. Lt. Benkoczy responded that from speaking with the officers involved, the determination was made to remove Mr. Druckemiller from house because of his threat to his wife and children. He further stated that he was informed that Mr. Druckemiller was not cooperative which is one of the reasons he was not allowed to clothe himself. Lt. Benkoczy continued by stating it is not in their practice to continue with a formal proceeding if the person withdraws a complaint. Kielsingard questioned what the level of resistance the complainant was offering Officer Caruso to act in the manner that he did. Dr. White and Lt. Benkoczy discussed the aspects surrounding the Marchman Act.

Yeas: Tony Estenoz, Adare Fritz, Jane Rohrschneider, Dr. Susan White and Charles Lee

Nays: None

C. James Roberts

Adare Fritz led the discussion concerning the complaint filed by James Roberts. Mark Kielsingard stated that the complainant failed to state a claim in his complaint. Fritz concurred with the findings of IA that there is no complaint on any officer and further believed that it was a court issue. Fritz moved to close the case and forward IA's investigation to Mr. Roberts at the treatment facility. Tony Estenoz seconded.

Discussion: Robert Cintron advised that a letter should be forwarded to the complainant asking him to state specifically what his complaint is so the board will have a better understanding. Willett informed the board that a letter was sent to Mr. Roberts requesting clarification in his complaint and a response was never received.

Yeas: Tony Estenoz, Adare Fritz, Jane Rohrschneider, Dr. Susan White and Charles Lee

Nays: None

New or Continued Business

The board approved the letter to City Manager regarding anonymous complaint and the letter to Chief Mauldin regarding Timothy Stenning and Officer Caruso which was previously discussed in the previous board meeting of December 14, 2006.

Counsel's Report

None

Executive Director's Report

Willett informed the board that she had received an invitation to attend IPTM course on Police Internal Affairs from February 19-23, 2007. Lt. Benkoczy added that the referenced course is the same course that he and Inspector Lisa Caicedo attended previously and that it would be beneficial for the executive director to attend in order to gain a better understanding of the procedures of IA. Chairman Lee stated as there were no objections, approval was granted for Willett to attend the course and proceed with registration.

Yeas: Tony Estenoz, Adare Fritz, Jane Rohrschneider, Rev. Jim Thornton, Dr. Susan White and Charles Lee

Nays: None

Chairman's Report

Chairman Lee read a letter to the board from the Florida Bar commending Robert Cintron on his work and awarding him with The Florida Bar President's Pro Bono Service Award. The board congratulated Robert on his achievements and award.

Public Input

None

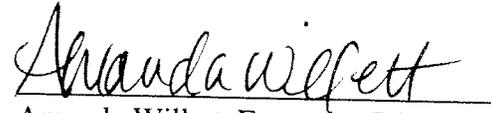
Media and Press

None

Adjournment

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

Respectfully submitted by:


Amanda Willett, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL

Thursday, December 14, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on 510 Greene Street, Thursday, December 14, 2006.

Chairman Charles Lee called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Charles Lee and Board Members, Tony Estenoz, Adare Fritz, Jane Rohrschneider, Reverend James Thornton and Dr. Susan White.

Mark Kielsgard attended telephonically.

Also present was Counselor Robert Cintron, Executive Director Amanda Willett and Captain Donnie Lee.

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

Approval of Minutes

Chairman Charles Lee presented the minutes of November 30, 2006. Board member Adare Fritz moved to approve the minutes. Board Member Dr. Susan White seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Charles Lee presented the agenda. Chairman Lee recommended moving the Drysdale case to be heard first under Complaint Review considering Mr. Drysdale was present for the meeting and the Danner and Shepard cases would follow the Drysdale case since all of their cases are related. Hearing no objections the agenda was approved.

Counsel's Report

Counselor Robert Cintron provided the board with a status on the filing of the Complaint for Declaratory Judgment. Cintron stated that he filed the Complaint for Declaratory Judgment with the court on Tuesday, December 5, 2006 with copies sent to the ACLU, Dr. Dennis Cooper, KWTN and Chief Mauldin.

Executive Director's Report

Willett reported that private investigator, David Burns, withdrew his interest for the position of private investigator with the CRB. Willett further reported that Jim Young, who attended the meeting, would like to be considered for the position. Dr. White moved that Jim Young be accepted as the private investigator for the CRB on a case by case basis. Board member Adare Fritz seconded the motion.

Yeas: Tony Estenoz, Adare Fritz, Jane Rohrschneider, Rev. Jim Thornton, Dr. Susan White and Charles Lee

Nays: None

Chairman's Report

Chairman Charles Lee addressed the board regarding the board's difficulty in having a quorum in October and November 2006. He asked the board if there was an alternate meeting date and time that would be more accommodating to their respective schedules and improve attendance and case preparation. All board members were in agreement to meet on the second and fourth Mondays instead of the presently scheduled Thursdays. Chairman Lee directed Amanda Willett to contact the City Manager's office regarding the availability of the side conference room on Monday evenings for 2007.

Chairman Lee inquired as to the availability of the board members for the December 28, 2006 meeting. Cintron commented that due to the accumulation of cases that the board should endeavor to meet. With general consensus, Chairman Lee stated that the meeting would go forward as scheduled.

Board Members' Report

Board member Jane Rohrschneider presented the board with the Understanding the Law & Police Procedures brochure. Cintron advised that the brochure be forwarded to the State Attorney's office to ensure that it contains an accurate reflection of law concerning the actions of police officers. Chairman Lee directed Rohrschneider and Dr. White to collaborate and make linguistic and stylistic revisions to the brochure.

Public Input

Jim Young
Warren Carl Drysdale
Bruce Kelk

Complaint Reviews

A. Warren Carl Drysdale

Complainant Warren Carl Drysdale addressed the board with his complaint and discussed his supporting documentation. Cintron advised the board that the U.S. Coast Guard letter provided by Mr. Drysdale states that anchorage zone can be established but you cannot require people to use it and if they want to anchor outside of it then they have the right to do so. Cintron stated the real question before the board is whether or not the Complainant and others are being charged with violating an ordinance that is not in compliance with federal law. Cintron further recommended the board to acknowledge that the complaint had been filed, point out that there is an apparent issue of whether or not under federal law, KWPD can arrest people for anchoring in that area and ask the city attorney to investigate.

Dr. White stated that she doubted that KWPD were deliberately and knowingly violating the law and was reluctant to consider this as an individual complaint against a police officer. Dr. White further stated that while Mr. Drysdale may have legal foundation for his claim, it is not within the purview of the CRB to pursue it and the CRB should only be involved in forwarding the matter the City Attorney, City Manager and City Commissioners.

Dr. White moved that a letter would be drafted to the City Attorney stating that Mr. Drysdale appears to have a legal basis for his claim and the city ordinances are apparently in conflict with federal jurisdiction of the U.S. Coast Guard pursuant to the Complainant's supporting document from the U.S. Coast Guard. Adare Fritz seconded the motion.

Yeas: Tony Estenoz, Adare Fritz, Jane Rohrschneider, Rev. Jim Thornton, Dr. Susan White and Charles Lee

Nays: None

Chairman Charles Lee directed Willett to incorporate Mr. Danner and Mr. Shepard's complaints into the letter since all of the complaints are related. Cintron further advised the Mr. Drysdale to retain a private attorney to assist him with his case.

B. Timothy Stenning

Chairman Charles Lee led the discussion concerning the complaint of Timothy Stenning. Chairman Lee pointed out that there are several ways to approach this complaint, from sending a letter to the Chief asking the department to educate us on their policy and procedures to challenging the findings. Kielsingard stated that it was important to first decide whether or not the board agrees with the findings of IA. Dr. White stated that agreeing with IA is different from agreeing with how the case was ultimately resolved by the Chief. It was the general consensus of the board to accept the initial findings of IA and the punishment provided in Captain Lee's letter of reprimand. Kielsingard stated that a letter should be drafted to Chief Mauldin asking for explanation as to why the punishment was reduced before taking a position to agree with the original punishment or not.

Dr. White moved that a letter be drafted to Chief Mauldin stating that the board agrees with the initial findings of IA and would like an explanation of why those recommendations were not followed. Adare Fritz seconded the motion.

Yeas: Tony Estenoz, Adare Fritz, Jane Rohrschneider, Rev. Jim Thornton, Dr. Susan White and Charles Lee

Nays: None

Discussion: Cintron reminded the board that nothing can prevent CRB, based on whatever response is received from the Chief, from opening its own investigation.

C. Anonymous

Adare Fritz led the discussion concerning the anonymous complaint that was filed with allegations against Chief Mauldin. Kielsingard proposed that the CRB should have our

investigator interview the security guard. Cintron questioned whether the CRB has the authority to review complaints against the Chief of Police. Cintron recommended that the board ask the City Manager if the complaint has been investigated.

Tony Estenoz moved that a letter be drafted to the City Manager inquiring as to the status of the complaint and whether it is being investigated by his office and if so, that the board would be provided a copy of his report. Adare Fritz seconded the motion.

Yeas: Tony Estenoz, Adare Fritz, Jane Rohrschneider, Rev. Jim Thornton, Dr. Susan White and Charles Lee

Nays: None

New or Continued Business

None

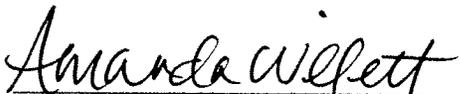
Media and Press

Traci Rork Key West Citizen

Adjournment

There being no further business, the Chairman adjourned the meeting at 8:00 p.m.

Respectfully submitted by:


Amanda Willett, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL

Thursday, November 30, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on 510 Greene Street, Thursday, November 30, 2006.

Chairman Charles Lee called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Charles Lee and Board Members, Tony Estenoz, Adare Fritz, Susan White, and Jane Rohrschneider.

Mark Kielsgard attended telephonically.

Absent: Rev. James Thornton

Also present was Counselor Robert Cintron, Executive Director Amanda Willett, former Chairman Todd German, Captain Donnie Lee and Inspector Lisa Caicedo.

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

Approval of Minutes

Chairman Charles Lee presented the minutes of October 26, 2006. Board member Adare Fritz moved to approve the minutes. Board Member Jane Rohrschneider seconded. Hearing no objections the minutes were approved.

Approval of Agenda

None

Counsel's Report

Counselor Robert Cintron provided the Board with an overview regarding Florida Public Records Law and the Policeman's Bill of Rights. Cintron reminded the board that when the CRB was created and in the process of developing its policies and procedures, one of the issues of concern was whether or not the CRB had the lawful authority to accept complaints as an agency or whether those complaints had to be sent to the police department in the beginning and then the CRB would review the file. Cintron discussed that the dilemma of whether or not the CRB would receive complaints was guided by the Attorney General's opinion which indicated that only IA could receive complaints. He stated that the board was trying to determine how to take complaints without offending the statute and the Policeman's Bill of Rights' confidentiality provision which states that if a complaint is filed against a law enforcement officer with the agency then that complaint remains confidential for 45 days or until the investigation is complete so long as the police department is actively pursuing the investigation. At that time, the board had directed Cintron to inquire of the Attorney General of his opinion on this issue as to whether or not the CRB can take complaints and if the complaints would be subject to the 45 day

confidentiality provision or would the complaint be immediate public record. Cintron recounted that the Attorney General letter never really answered the question and basically stated that the CRB doesn't have the authority to take complaints so there was no need to discuss the confidentiality provision. Cintron explained that the board followed the option to take complaints but in order to respect the confidentiality provision of the Policeman's Bill of Rights, the CRB would keep the complaint confidential until the 45 days expired or otherwise it became a public record.

Cintron reminded the board that Dr. Cooper has filed a public records request and has sent correspondence to him explaining that our current policy was in error and that under the public records law anyone who requests for a public record has a right to file a lawsuit if they think that record is being withheld and if that person files that lawsuit wins the losing party has to pay attorney's fees. Cintron further reminded the board that the ACLU in correspondence has addressed their position is that anything the CRB receives is public record and that the 45 day confidentiality period does not apply.

Board Member Mark Kielsingard proposed that the position of the Attorney General be challenged and file a declaratory judgment.

Dr. Cooper discussed the formation of the CRB and the writing of the Charter. Cooper stated that the intent of the founders was that there would never be secrecy in the CRB and that he filed the public records request because he recently found out about the policy to keep complaints confidential for 45 days. Cooper further stated that he believes that there is nothing to challenge in the Attorney General's opinion because it is ambiguous and that the confidentiality applies to law enforcement agencies and the CRB is not a law enforcement agency. Cooper commented that if the CRB becomes involved in a lawsuit, the Attorney General would not defend the CRB and the ACLU would pursue it.

Former Chairman Todd German reminded the board that they are dealing with not only the ACLU but the PBA with this issue. German also stated that at the time the policy was made, the PBA had a very strong opinion on whether the CRB even had the right to exist and after the letter was received from the Attorney General, the CRB had to decide how to maintain a good working relationship with the police department. German further stated that the CRB has always known that the only way to receive a clear determination on this issue was to go through the court, either through a lawsuit or declaratory judgment. German commented that the current policy has worked very well all of these years for the CRB and the only harm is that it delays the release of the documents for 45 days and time has shown us that it is not that big of a problem. Dr. Cooper responded that the current policy was in violation of the Charter and Sunshine Law. White remarked that the CRB made the current policy judgment early on and decided for it to be this way with the knowledge that someone at some point would challenge it.

Cintron presented several options for the board take into consideration.

1. Remain with the present policy which may invite a lawsuit under the public records law by someone stating that we are wrongfully holding back public records and the court will have an expedited hearing and the loser gets to pay attorney's fees.

2. Change the policy and take the position as Dr. Cooper has articulated. All complaints received by the CRB will immediately become public without the 45 day confidentiality provision. This option may risk a lawsuit from the PBA.
3. File a declaratory judgment due to insufficient clarity from the statutes and court decisions as to how to proceed.
4. Change the policy and no longer accept complaints.

Dr. Cooper asked the board to inform him of their decision tomorrow as he was leaving the meeting.

Willett informed the board that the case which created the public records request by Dr. Cooper has been investigated and closed by IA and returned to the CRB.

Chairman Lee expressed his desire to change the current policy and have the Executive Director provide a list of the complaints to the board before they are forwarded to the police department in order for more transparency.

Board member Adare Fritz moved to remove 45 day confidentiality provision and after that removal, the CRB advise complainants that their complaint will immediately become public record. If the complainant wishes the complaint to remain confidential, then they may file it directly with the police department. White seconded the motion.

Discussion: Kielsingard stated that he supports the motion although he is unable to vote. Former Chairman Todd German expressed to the board that by making this motion the CRB will lose its effectiveness. Board member Dr. White stated that CRB should adhere to the records law. Board member Tony Estenoz expressed concern that with this action, it would diminish our working relationship with the police department. Kielsingard stated that it would be preferable to have the 45 day confidentiality. Estenoz commented that since the CRB could now satisfy Dr. Cooper's public records request, the board should inquire the Court if the CRB can receive complaints.

Fritz inquired of Captain Donnie Lee as to whether the officers would be severely pressured by the proposal being made of the CRB. Captain Lee responded that it would violate the Policeman's Bill of Rights. Chairman Charles Lee commented that he would prefer to have the PBA file lawsuit against the CRB in lieu of the CRB defending the PBA.

Cintron advised the board that they could provide Dr. Cooper with the records that were subject to his public records request because the case is closed and no longer confidential. He could then prepare a Complaint for Declaratory Judgment to be filed immediately.

Fritz rescinded his motion and then moved that the board stand on their current policy but will immediately seek declaratory judgment from the Court as to whether that policy complies with a court of law. Estenoz seconded the motion.

Yeas: Tony Estenoz, Adare Fritz, Jane Rohrschneider

Nays: Charles Lee and Susan White

Executive Director's Report

None

Chairman's Report

Private Investigators David Burns and Jim Young attended the board meeting. Chairman Charles Lee questioned whether the Board could utilize more than one investigator. Cintron advised that the Board would be able to utilize multiple investigators. Lee stated that the board should invite Mr. Burns to attend the next meeting in order for him to present his qualifications to the board.

Board Members' Report

None

Public Input

Jim Young addressed the board for the position of private investigator and discussed his background and availability.

Complaint Reviews

There was no review or discussion of individual complaints due to the lengthy discussion and debate concerning the public records request and 45 day confidentiality provision.

New or Continued Business

None

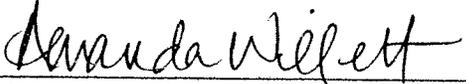
Media and Press

Dr. Dennis Cooper KWTN

Adjournment

Considering the lengthy discussion and debate concerning the public records request and 45 day confidentiality provision, the Chairman called for a vote to adjourn the meeting. Adare Fritz seconded and the meeting was adjourned at 7:45 p.m.

Respectfully submitted by:


Amanda Willett, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL

Thursday, October 26, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on 510 Greene Street, Thursday, October 26, 2006.

Chairman Charles Lee called the meeting to order at 6:03 p.m.

Answering roll call were Chairman Charles Lee and Board Members, Tony Estenoz, Adare Fritz, Mark Kielsgard, Jane Rohrschneider and Rev. James Thornton.

Absent: Susan White

Also present was Counselor Robert Cintron, Executive Director Amanda Willett, former Executive Director Vicki Grant and Lt. Jim Benkoczy.

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

Approval of Minutes

Chairman Charles Lee presented the minutes of September 14, 21, and October 12, 2006. Board member Adare Fritz moved to approve the minutes. Board Member Tony Estenoz seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Charles Lee presented and revised the agenda to have the Chairman's report after the Director's report. Hearing no objections the agenda was approved.

Counsel's Report

Counselor Robert Cintron reported that the CRB's investigator Tom D' Auito has now relocated to the Tampa area. Adare Fritz advocated for an inquiry for a new investigator and their fees. Chairman Charles Lee directed Executive Director to contact Tom D' Auito regarding same.

Executive Director's Report

Amanda Willett presented the board with the proposed 2007 Calendar of Board Meeting dates for their review. Willett informed the board of the necessity to reschedule the November 9, 2006 meeting to November 16, 2006. There were no objections. Jane Rohrschneider moved to have the board meetings at the CRB office. Willett also proposed to cancel the December 28, 2006 meeting due to the Christmas holiday. Chairman Charles Lee decided that in lieu of canceling the December 28, 2006 board meeting, put on the agenda for December 14, 2006 for discussion as well as the designated location for the meetings. Willett notified the board of the impending Robert Allen trial. The board decided to request the trial transcripts depending on the verdict.

Chairman's Report

Chairman Charles Lee discussed the highly praised background of Officer Larry Caruso. Lee presented the board with requesting any additional investigative reports on Caruso that KWPD has investigated due to the recently filed complaints. Lee also presented the board with the concept of drafting correspondence to the Chief requesting educational procedures from the KWPD as to their policies in place to screen officers who have an increasing amount of documented misconduct.

Board Members' Report

Mark Kielsgard gave a brief summary on the Simon Weisenthal lecture from the NACOLE conference regarding racial bias and profiling. Chairman Charles Lee directed Mark Kielsgard to obtain materials from the lecturer to present and educate the board on this matter.

Jane Rohrschneider requested Executive Director to distribute the brochure of Understanding the Law and Police Procedure via mail to all of the Board Members for their review and discussion at the next board meeting.

Mark Kielsgard agreed to move his discussion regarding policy issues to the next board meeting.

Public Input

None

Complaint Reviews

a. Adare Fritz led the discussion concerning the complaint filed by Carl Allen. Fritz discussed that there was a definite change in the behavior of the complainant from the time of which the action had transpired in front of the police car to when he was taken behind the car out of the view of the in car camera. He stated that the complainant's behavior was initially reasonable to becoming enraged by something that occurred after he was out of the view of the in car camera. Adare Fritz moved to close the case and accept IA's findings as exoneration of the officer. Jane Rohrschneider seconded the motion. Mark Kielsgard continued the discussion of the case and having a finding of not sustained due to the lack of the evidence. Considering the statements made by Kielsgard, Fritz moved to revise his motion from exoneration to a finding of not sustained. Jane Rohrschneider seconded the motion.

Discussion: Robert Cintron advised the board that due to the lay readers of the board's opinions and the press not being able to appreciate the fine distinction between findings that it is necessary to also define the meaning of the findings in our future reports.

Yeas: Tony Estenoz, Adare Fritz, Mark Kielsgard, Jane Rohrschneider, Rev. Thornton and Charles Lee

Nays: None

b. Adare Fritz led the discussion concerning the complaint filed by Arturo Gomez. Fritz declared that he is unable to find sufficient information and evidence to support Mr. Gomez's

claim, therefore moving to accept the findings by IA and exonerate the officer. Tony Estenoz seconded the motion.

Discussion: Mark Kielsgard debated whether the officer pushed the Complainant against the fence as opposed to the officer using the Complainant's momentum to put him against the fence. Kielsgard also stated that the witnesses were biased. Kielsgard concluded that there is no real evidence and the allegations made by the Complainant are false. He also questioned whether the officer exercised due care and whether he used excessive force in taking the Complainant into custody. Chairman Charles Lee noted the officer did not violate the recommended use of force matrix and that Complainant's injury did not occur deliberately. Fritz further stated that there are no eyewitnesses to validate the claim of the officer punching the Complainant in the nose and the witnesses could only hear the officer struggling with the Complainant while giving him verbal commands. Robert Cintron advised the board to focus on whether excessive use of force was used by the officer.

Yeas: Tony Estenoz, Adare Fritz, Mark Kielsgard, Jane Rohrschneider, Rev. Thornton and Charles Lee

Nays: None

c. Charles Lee moved to hold the discussion concerning the complaint filed by Timothy Stennings until a letter to Chief Mauldin is drafted inviting KWPD to attend the next CRB board meeting and discuss their education and policy regulations and guidelines concerning officers with escalating misconduct. Rev. Thornton seconded the motion.

Discussion: Robert Cintron commented on the issue of collective bargaining process and the insistence of restructuring the grievance process to allow the CRB to interact and having input to the City Manager and Chief Mauldin. Robert also asked the board to revisit the process which basically precludes the CRB from having any input into punishments.

Yeas: Tony Estenoz, Adare Fritz, Mark Kielsgard, Jane Rohrschneider, Rev. Thornton and Charles Lee

Nays: None

Jane Rohrschneider moved to ask the new City Attorney, Shawn Smith, to attend a CRB board meeting in February 2007 and address the issues of interplay between the CRB and collective bargaining agreement. Mark Kielsgard seconded the motion.

Yeas: Tony Estenoz, Adare Fritz, Mark Kielsgard, Jane Rohrschneider, Rev. Thornton and Charles Lee

Nays: None

New or Continued Business

None

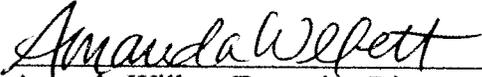
Media and Press

None

Adjournment

There being no further business, the Chairman adjourned the meeting at 8:20 p.m.

Respectfully submitted by:


Amanda Willett, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
Fredrick Douglass Gymnasium/Nutrition Center
111 Olivia Street, Bahama Village
Thursday, October 12, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Fredrick Douglass Gymnasium/Nutrition Center, 111 Olivia Street, Bahama Village on Thursday, October, 2006.

Chairman Charles Lee called the meeting to order at 6:10 p.m.

Answering roll call were Chairman Charles Lee and Board Members, Tony Estenoz, Rev. James Thornton and Jane Rohrschneider.

Absent: Adare Fritz, Susan White and Mark Kielsgard.

Also present was Counselor Bill Webster substituting for Counselor Robert Cintron and Executive Director Amanda Willett. As agreed, there was no representation from Key West Police Department or Internal Affairs.

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

Approval of Minutes

Minutes from the previous meetings were not presented due to the impending final review from board attorney, Robert Cintron.

Approval of Agenda

Chairman Charles Lee presented the agenda. Due to the absence of the representatives from KWPD and IA, the board agreed to move 8(c) Investigation & reports on Caruso to the next scheduled board meeting. Hearing no objections the amended agenda was approved.

Executive Director's Report

No report for this meeting as it was conducted to allow the public to express concerns to the board.

Chairman's Report

Chairman Charles Lee discussed our past meeting in Bahama Village and the improvements that have been made in the community since that meeting.

Public Input

Dwayne Norris and Zachary Brown made individual complaints to the Board. The Board directed them to file a formal complaint with the Executive Director.

Complaint Reviews

There was no review of complaints as this meeting was conducted to allow the public to express concerns to the board.

New Business

There was no new business to report.

Media and Press

None

Adjournment

There being no further business, the Chairman adjourned the meeting at 7:05 p.m.

Respectfully submitted by


Amanda Willett, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL
Thursday, September 21, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on 510 Greene Street, Thursday, September 21, 2006.

Chairman Charles Lee called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Charles Lee and Board Members, Tony Estenoz, Adare Fritz, Rev. James Thornton and Mark Kielsgard.

Susan White participated telephonically.

Also present was Counselor Robert Cintron, Executive Director Vicki Grant. There was no representation from Key West Police Department or Internal Affairs.

Absent: Jane Rohrschneider

Mark Kielsgard recused himself from the meeting due to the anti-nepotism law and interviewing of his wife for the position of Executive Director.

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

Approval of Minutes

Minutes from the previous meeting were not presented.

Approval of Agenda

No Agenda was created.

Executive Director's Report

This meeting was conducted specifically to interview candidates and to select the new Executive Director.

Chairman's Report

Please reference the Executive Director's Report.

Public Input

There was no public input.

Complaint Reviews

There was no review of complaints as this meeting was designed for the interviewing and selecting of the new Executive Director.

New Business

The Board unanimously selected Amanda Willett as the new Executive Director.

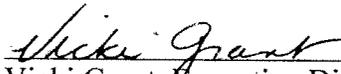
Media and Press

None

Adjournment

There being no further business, the Chairman adjourned the meeting at 8:36 p.m.

Respectfully submitted by



Vicki Grant, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
CITY HALL
Thursday, September 14, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at City Hall on 525 Angela Street, Thursday, September 14, 2006.

Chairman Charles Lee called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Charles Lee and Board Members, Tony Estenoz, Adare Fritz, Mark Kielsgard, and Jane Rohrschneider.

Also present was Counselor Robert Cintron, Executive Director Vicki Grant and Capt. Scott Smith. There was no representation from Internal Affairs.

Absent: James Thornton

Susan White participated telephonically.

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

Approval of Minutes

Chairman Charles Lee presented the minutes of August 10, 2006. Board member Adare Fritz moved to approve the minutes. Tony Estenoz seconded. Hearing no objections, the minutes were approved.

Approval of Agenda

Chairman Charles Lee presented the agenda. Grant requested that the board postpone review of the Carl Allen case under Complaint Reviews (a). Hearing no objections the agenda was approved.

Executive Director's Report

Grant reviewed the details surrounding the board's travel to the Nacole Conference in Idaho.

Chairman's Report

Chairman Lee opened a discussion regarding the application of Tamara Crouch, the wife of board member Mark Kielsgard. Kielsgard agreed to resign from the board should his wife be selected as the new Executive Director.

Public Input

Warren Carl Drysdale made a complaint to the Board. The Board directed him to file a formal complaint with the Executive Director.

Complaint Reviews

a. Vice Chairman Adare Fritz led the discussion concerning the complaint filed by Melissa Towe. Fritz expressed that Internal Affairs' investigation is lacking in detail and critical interviews. Jane Rohrschneider stated that the interview was not conducted properly and people who were not interviewed should have been. Charles Lee moved that a letter would be drafted by the Board to Chief Mauldin requesting him to review and respond to our investigator's report. Subject to Counsel's research and direction Lee also moved to request KWPD and Internal Affairs provide the Board with photographs of the officers that were listed on the CAD report in order for the boyfriend of the Complainant to identify the officer who was engaged in the behavior or have IA conduct a line-up. Robert Cintron would determine the legal ramifications of requesting photographs of police officers. Mark Kielsingard seconded the motion.

Yeas: Tony Estenoz, Adare Fritz, Mark Kielsingard, Jane Rohrschneider and Charles Lee.

Nays: None

Motion passed.

b. Complainant Terrence Ridgeway has filed 3 separate complaints. Vice Chairman Adare Fritz led the discussion regarding the first complaint filed by Terrence Ridgeway. Fritz stated that this complaint involves the unnecessary use of force wherein the Complainant alleges that 5 or 6 officers jumped the Complainant at the Circle K for no apparent reason. The Complainant also claims he was transferred to the hospital and by order of the police officers he was given an injection against his will. The attendants/employees of the Circle K had called the officers to the scene because they had reason to believe that the Complainant was casing the place for a later action. Once the officers approached the Complainant, he struggled and was put into restraints and at that time taken to the hospital. It was evaluated that the Complainant was under the influence of a substance and treated at the hospital. The testimony given by the Complainant is inconsistent with the testimony given by the officers and witnesses. Given the Complainant's condition, Adare moved to accept the findings of Internal Affairs as exoneration of the officers and dismiss the case. Jane Rohrschneider seconded the motion.

Yeas: Tony Estenoz, Adare Fritz, Mark Kielsingard, Jane Rohrschneider and Charles Lee.

Nays: None

Motion passed

c. Board member Mark Kielsingard led the discussion regarding the second complaint filed by Terrence Ridgeway. Complainant was stopped for improper tag and during the course of the stop, the officer observed drug paraphernalia within plain view. Internal Affairs determined that the complaint was a court issue. Mark Kielsingard moved to accept the findings of Internal Affairs and dismiss the case. Adare Fritz seconded the motion.

Yeas: Tony Estenoz, Adare Fritz, Mark Kielsingard, Jane Rohrschneider and Charles Lee.

Nays: None

Motion passed.

d. Vice Chairman Adare Fritz led the discussion regarding the third complaint filed by Terrence Ridgeway. Complainant alleges multiple acts of unnecessary force to restrain him and also alleges being hit by a squad car on his bicycle. Adare stated that most of the officers involved in this case were not interviewed because they are no longer with the KWPD and there is limited amount of input by anyone other than a couple of officers who were there on the scene. There are no witnesses that came forth on behalf of the Complainant to substantiate his claim. Adare was inclined to accept the testimony of the remaining officers and eyewitnesses. As such, Adare moved to accept the findings of Internal Affairs as exonerated of the officers and dismiss the case. The Complainant suggested that Internal Affairs should do more research as to the gunshot that was heard. Fritz noted that the request of the Complainant was beyond the scope of the CRB to take such action as to the gunshot. Tony Estenoz seconded the motion. Discussion: Mark Kielsgard stated although individuals, who may have long records, mental illnesses, and addiction to drugs or even be intoxicated, deserve the CRB's complete consideration on all cases as it is their constitutional right. Robert Cintron discussed with the Board members to not disregard cases in which the officers are no longer with the KWPD (i.e. moving to another state or police department) and exercise diligence in finding those officers.

Yeas: Tony Estenoz, Adare Fritz, Mark Kielsgard, Jane Rohrschneider and Charles Lee.

Nays: None

Motion passed

New Business

The next Board meeting will be held solely to conduct interviews and select the new Executive Director.

Media and Press

None

Adjournment

There being no further business, the Chairman adjourned the meeting at 7:53 p.m.

Respectfully submitted by



Vicki Grant, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL
Thursday, August 10, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on Greene Street, Thursday, August 10, 2006.

Chairman Charles Lee called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Charles Lee and Board Members, Tony Estenoz, Adare Fritz, Jane Rohrschneider and James Thornton.

Also present was Counselor Robert Cintron and Executive Director Vicki Grant. There was no representation from Internal Affairs.

Absent: Mark Kielsgard

Susan White participated telephonically.

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

Approval of Minutes

Chairman Charles Lee presented the minutes of July 13, 2006. Board member Adare Fritz moved to approve the minutes. Jane Rohrschneider seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Charles Lee presented the agenda. Grant added under Executive Director's Report item b. Civilian Police Academy and c. Update on Towe investigation. Hearing no objections the agenda was approved.

Counsel's Report

In response to the Board's inquiry regarding the legality of the new board members voting, Cintron informed the board that the two board members in question are both qualified. Their qualifications will be documented and placed in their file.

Executive Director's Report

Grant reported on the Community Policing Council Meeting that took place in Bahama Village on August 3, 2006. The residents in the Bahama Village community voice their concerns regarding what they thought was police harassment to Chief Mauldin and the City Manager.

Grant informed the board that a new Civilian Police Academy is scheduled to begin August 16, 2006. Board members Adare Fritz and Jim Thornton expressed interest in attending.

Grant informed the board that the private investigator Tom D' Aiuto has read the Towe case and is ready to investigate. He expressed disappointment in the Internal Affairs inquiry and will send a written report to the board. He is in the process of interviewing the complainant and witnesses.

Chairman's Report

The board agreed to cancel the August 24, 2006 meeting. The next meeting is scheduled for September 14, 2006. The Board will attend the Nacole conference in September 24 – 28, therefore the meeting scheduled for September 28 is also canceled. Chairman Lee recommended to the board that the CRB conduct the scheduled October meeting in Bahama Village. Adare Fritz moved to hold the first scheduled CRB meeting in October in Bahama Village. Rev. Thornton seconded. Chairman Lee called the vote.

Yeas: Tony Estenoz, Adare Fritz, Jane Rohrschneider, Rev. Thornton and Charles Lee

Nays: None

Motion carried.

Chairman Lee led the board into the case reviews.

Public Input

None

Complaint Reviews

a. Board member Adare Fritz led the discussion concerning the complaint filed by Carl Allen. Fritz expressed his concerns that the investigation did not include any witness statements or record any attempt to locate witnesses. He pointed out that the arrest took place beside the Dunkin Donuts that is open 24 hours a day and that someone there could have witnessed the incident. Fritz moved to return the case to Internal Affairs to determine if other witnesses exist in an effort to determine if the use of unnecessary force existed. Tony Estenoz seconded. Discussion: The board discussed the likelihood of IA finding witnesses but determined that the message that IA needs to make the effort to attempt to locate witnesses is important. The board directed Cintron to speak to the complainant's attorney. Chairman Charles Lee called the vote.

Yeas: Tony Estenoz, Adare Fritz, Jane Rohrschneider, Rev. Thornton and Charles Lee

Nays: None

Motion passed.

b. Chairman Charles Lee proposed that the Board defer review of the Terrence Ridgeway file until the next scheduled board meeting to allow the board members more time to hear the tapes provided by Internal Affairs. The board agreed.

New Business

Grant informed the board that she is resigning from her position with the CRB. She agreed to continue her involvement until the board finds her replacement.

Media and Press

None

Adjournment

There being no further business, the Chairman adjourned the meeting at 7:12 p.m.

Respectfully submitted by

Vicki Grant, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL
Thursday, July 13, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on Greene Street, Thursday, July 13, 2006.

Chairman Charles Lee called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Charles Lee and Board Members, Adare Fritz, Mark Kielsingard and Jane Rohrschneider.

Also present was Executive Director Vicki Grant and Lt. James Benkoczy.

Absent: Tony Estenoz and James Thornton

Susan White participated telephonically.

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

Approval of Minutes

Chairman Charles Lee presented the minutes of June 8, 2006. Board member Adare Fritz moved to approve the minutes. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Charles Lee presented the agenda. Hearing no objections the agenda was approved.

Executive Director's Report

Due to the turnover on the board, resumes were also distributed to each board member.

Grant distributed a copy of a Response to Resistance Report for 2005 and from January through May 2006 for the board's review. Grant informed the board that the Commissioners are continuing to conduct budget workshops and that nothing has changed regarding the CRB budget at this time.

Chairman's Report

Chairman Lee opened a discussion regarding the itinerary to the Nacole meeting in September. All accommodation and flight reservations have been booked.

Public Input

None

Complaint Reviews

a. Board member Adare Fritz led the discussion concerning the complaint filed by Kevin Clapper. Fritz supports the investigation and the findings by IA and moves that the CRB close the case. Fritz moved to close the file. Jane Rohrschneider seconded. Discussion: Kielsgard commented that the officer acted professionally. Lee inquired if there was a problem that there was scooter damage. Benkoczy responded that the scooter owner did not want to pursue the issue. Chairman Charles Lee called the vote.

Yeas: Mark Kielsgard, Adare Fritz, Jane Rohrschneider, Charles Lee

Nays: None

Motion passed.

b. Board member Mark Kielsgard led the discussion regarding the complaint filed by David Hammack. It is a factual dispute to be dealt with in court. Kielsgard moved that the CRB dismiss the case with the caveat that the CRB make an inquiry of the police department regarding the practice of sweeps during months alleged. Mr. Hammack indicated in his letter that he believes he was arrested because the police were doing sweeps. Lt. Benkoczy informed the board that the department conducts directed patrols where officers are directed to look for any violations of city ordinances and state laws. The department has been directed to enforce city ordinances geared at quality of life issues such as alcohol in public, urinating in public and obstructing sidewalks. Directed patrols depend on the manpower available. The board discussed with Lt. Benkoczy the difference between directed patrols and targeting. Benkoczy informed the board that the department does not target any particular group explaining that if the City is full of spring breakers then they will probably be the group that will conduct the most violations. Being satisfied with the response to the issue regarding sweeps Kielsgard moved to dismiss the case. Adare Fritz seconded. Discussion: White expressed her concern between the difference of arresting homeless on Smathers Beach for open container and people walking down Duval Street with an open container without the same result. The board discussed the different behaviors of people violating the open container ordinance that may lead to their arrest, one being offensive to others and the other merely walking from one destination to another. Chairman Charles Lee called the vote.

Yeas: Mark Kielsgard, Adare Fritz, Jane Rohrschneider, Charles Lee

Nays: None

Motion carried.

c. Board member Charles Lee led the discussion regarding the complaint filed by David Millette. Lee proposed that the Officer was helping Mr. Millette when the Officer left his post at Sloppy Joes pulled him out of the street after Millette fell off of his scooter. Jane Rohrschneider moved to Exonerate the officer. Motion died for lack of a second. Rohrschneider supported the position that the Officer may have saved Millette from further injury. She offered that she did not believe that alcohol was involved based on the fact that Millette was allowed to drive away on his scooter. Kielsgard questioned the need to pull Millette any further than the immediate curb. He also pointed out that Millette does not have to be physically injured to claim excessive force.

The board discussed further the intent of the Officer when he encountered Millette. One witness stated that the Officer forcefully pulled Mr. Millette around the corner. The board agreed that the Officer did pull Mr. Millette to safety. The question by some is if the Officer needed to pull him around the building. Also questioned is the veracity of the complainant based on the number of complaints he has submitted against the police. Kielsgard pointed out that the one witnesses account is sufficiently vague to cause doubt and is not enough to convict the officer but it is enough not to exonerate him either. Mark Kielsgard moved that the finding for the allegations against the officer is not sustained. Adare Fritz seconded. Chairman Charles Lee called the vote.

Yeas: Mark Kielsgard, Adare Fritz, Jane Rohrschneider

Nays: Charles Lee

Motion carried.

Lee requested that the Executive Director speak to Counsel regarding the new board members voting on the Millette case because they were not in attendance when Mr. Millette presented his complaint to the board.

Old Business

The board agreed to meet July 27, 2006

Media and Press

None

Adjournment

There being no further business, the Chairman adjourned the meeting at 7:12 p.m.

Respectfully submitted by

Vicki Grant, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL
Thursday, June 8, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on Greene Street, Thursday, June 8, 2006.

Chairman Lou Hernandez called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Lou Hernandez and Board Members, Adare Fritz, Charles Lee, James Thornton and Susan White.

Also present was Attorney Robert Cintron, Executive Director Vicki Grant, Mark Kielsgard and Jane Rohrschneider

Absent: Tony Estenoz and Larry Maas

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

Approval of Minutes

Chairman Lou Hernandez presented the minutes of May 11, 2006. Board member Adare Fritz moved to approve the minutes. James Thornton seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Lou Hernandez presented the agenda. Hearing no objections the agenda was approved.

Counsel's Report

Counselor Robert Cintron informed the board that he would discuss his report during the budget discussion.

Executive Director's Report

Grant provided a draft of two press releases to choose from that will run in KWTN. The board directed Grant to run the draft marked Ad 2 attached. KWTN has offered to run the press release as an ad gratuitously.

Grant informed the board that she met with the City Manager and City Commissioners regarding the budget. The Commissioners directed the City Manager to move the CRB office into a City building to reduce the lease expense. Chairman Hernandez and Grant will look at the proposed office on Friday, June 9. The board determined that the Chairman will represent the board regarding the acceptability of the proposed office. Counselor Cintron informed the board that he understood that there was discussion among the Commissioners regarding his fee. He said he would take a look at the number of hours he spends working for the CRB to determine if he can

adjust his fee accordingly. The board also directed the Chairman to attend the next budget committee meeting with the Executive Director.

Grant informed the board that attendance to the Nacole conference is approved. The City will pay for travel, accommodations and a per diem.

Chairman's Report

Chairman Hernandez invited the board to nominate a Vice Chairman that will serve for one year as Vice Chair and move into the Chairman position following. Susan White moved to nominate Adare Fritz. Charles Lee seconded. Chairman Hernandez called the vote.

Yeas: James Thornton, Susan White, Charles Lee, Adare Fritz and Lou Hernandez

Nays: None

Motion carried.

Public Input

None

Complaint Reviews

a. Board member Adare Fritz led the discussion concerning the complaint filed by Melissa Towe. Fritz supports the investigation and the findings by IA and moves that the CRB close the case. James Thornton seconded. Discussion: Mark Kielsgard discussed the evidence that was provided in the file. He pointed out that two officer witnesses were not interviewed. The most compelling witnesses are McGraw and Pastella who had nothing to gain coming forward. Kielsgard recommended that the board reopen the case for further investigation or that because no one can identify the officer who allegedly hit the complainant that the finding should be not involved. Lee and White supported Kielsgard evaluation. White also emphasized the need for all officers on the scene of an incident to file individual reports. The board reviewed the CAD report to determine the number of KWPD officers that were on the scene and which ones were not interviewed. The board discussed the option of sending the complaint to the private investigator.

Adare Fritz amended his motion to close the case on the finding of not involved. James Thornton seconded. Discussion: Cintron reminded the board that if they pass this motion then the file is closed and two officer witnesses will not have been interviewed. Chairman Lou Hernandez called the vote.

Yeas: Adare Fritz and James Thornton

Nays: Susan White, Charles Lee and Lou Hernandez

Motion failed.

Susan White moved that the CRB ask the investigator to interview all eyewitnesses that he deems necessary and continue the case. Adare Fritz seconded. Chairman Hernandez called the vote.

Yeas: Adare Fritz, James Thornton, Susan White, Charles Lee, and Lou Hernandez

Nays: None

Motion carried.

b. Charles Lee led the discussion regarding the complaint filed by Marilyn Wild. Lee expressed that he was disappointed in the interview conducted with Weber and Officer Sunderman. In his opinion it looked like a cover-up. The issue of the driver's license was never brought up in either interview. Ms. Wild said she was left standing on the corner while the officers waited for someone to bring Weber's license to him. Lee does not think the inquiry was fair. There are conflicts between Mr. and Mrs. Wild's interview. The Wilds state that they were not offered the option of someone else investigating the accident at the scene and the two officers who state that they did inform the Wilds that they could have another person investigate the accident. Lee moved that the board send back the IA report as not thorough in the investigation of the police officer and the states attorney officer in that it creates a perception of impropriety by not bringing up the issue of the drivers license. The motion failed due to lack of a second.

Adare Fritz moved that the bases of the complaint is unfounded and that the CRB close the case. Motion fails due to lack of a second.

Charles Lee moved to accept the findings of IA but feels that the interviews with the officer and state attorney were not thorough because it did not cover the issue of the driver's license. Chairman Lou Hernandez called the vote.

Yeas: Adare Fritz, Jim Thornton, Susan White, Charles Lee and Lou Hernandez

Nays: None

Motion carried.

Following the review the board suggested that Grant discuss with the complainant what result they expect when they file a complaint. Counsel advised that the board should prepare to review the complaint no matter what the complainant's desired outcome.

Continued Business

Vice Chairman Lee suggested that the board cancel the June 22, 2006 meeting and review the next files at the July 13 meeting. The board agreed.

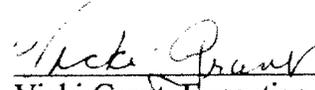
Media and Press

None

Adjournment

There being no further business, the Chairman adjourned the meeting at 8:12 p.m.

Respectfully submitted by



Vicki Grant, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL
Thursday, May 11, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on Greene Street, Thursday, May 11, 2006.

Vice Chairman Charles Lee called the meeting to order at 6:00 p.m.

Answering roll call were Vice Chairman Charles Lee and Board Members, Adare Fritz, Tony Estenoz, and Susan White.

Also present was Attorney Robert Cintron, Executive Director Vicki Grant and Lt. Jim Benkoczy

Absent: Lou Hernandez, Larry Maas and Rev. James Thornton

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

Approval of Minutes

Vice Chairman Charles Lee presented the minutes of April 13, 2006. Board member Adare Fritz moved to approve the minutes. Tony Estenoz seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Vice Chairman Charles Lee presented the agenda. Hearing no objections the agenda was approved.

Chief Mauldin

Chief Mauldin addressed the board. The board members expressed gratitude to the Chief for his attendance at the meeting and for the departments cooperation.

Counsel's Report

Counselor Robert Cintron reminded the board they continue to be mindful of the Sunshine Law. Board members cannot discuss board issues outside of the board meetings. He also reminded the board that they cannot throw any of their documents or notes away. If they are lacking in storage they can take their records to the CRB office for storage.

Executive Director's Report

Grant introduced the new board candidate, Mark Kielsingard, and explained the interview procedure. Vice Chairman Charles Lee led the interview. Vice Chairman called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, and Charles Lee

Nays: None

Motion carried.

Grant provided information regarding the Nacole conference scheduled for September 25-28, 2006 in Boise, Idaho.

Grant provided a copy of the proposed budget for 2007. The board requested that Grant increase the travel and per diem to allow for all of the board members interested to attend the Nacole conference. They also requested that the budget for the contracted services of the investigator remain at \$15,000.

Public Input

Gregory Duque

Miami Dade

Complaint Reviews

a. Board member Adare Fritz led the discussion concerning the complaint filed by Mr. Michael Rosenstein. The board noted that the complainant was satisfied with the complaint resolution however the board asked questions regarding confidential informants CI's). Lt. Benkoczy informed the board that KWPD does have a contract with CI's and that they are screened before they are hired. KWPD does not require a drug test for CI's. Although the CI involved in the arrest of the complainant did attend confidential AA meetings, he was not a plant. CI's are not planted in AA meetings however CI's may attend outside their capacity of their CI duties. Board member Adare Fritz moved that the complaint filed by Mr. Rosenstein against Det. Frank Zamora be closed. Tony Estenoz seconded. Vice Chairman Charles Lee called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, and Charles Lee

Nays: None

Motion carried.

b. Grant explained to the board that because the Duque complaint is based on an incident that occurred before the inception of the CRB that the board must first determine if they will accept and review the case. The board agreed to listen to the complainant before making their decision. Complainant Gregory Duque called in to the board meeting and addressed the board regarding his complaint. When asked what the complainant would like to see as the outcome of his review, Duque responded that he wants to be exonerated; he wants his complaint investigated properly; that a proper investigation would show that he is not delusional and finally that he would like to see Officer Arbie's pension revoked. Board member Estenoz asked if there was any proof that the complainant was injured at the scene of the arrest. The complainant said he has a copy of his medical records. Vice Chairman asked the board members if they thought the board should review the case. Lee expressed that he thought the case was too old, that there is only one officer left on the force and the board had no authority over Officer Arbie's pension.

Board member Susan White expressed that she felt the board should review the complaint, look at the medical records and determine a finding.

Susan White moved that the board hear the complaint. The motion failed due to lack of a second. Adare Fritz moved that the board not accept the case. Tony Estenoz seconded. Vice Chairman Charles Lee called the vote.

Yeas: Tony Estenoz, Adare Fritz and Charles Lee,

Nays: Susan White

Motion carried.

Duque was advised that he can appeal the board's decision.

Continued Business

Grant informed the board that she attempted to contact the witness in the Millette complaint who is or was employed at the Lazy Gecko on Duval Street. The complainant has not returned her calls and the person who answered the phone at the Lazy Gecko said there is no one by his name currently employed. Estenoz gave Grant the owner's name to call. The board directed Grant to make another attempt to reach the witness through the owner of the Lazy Gecko before the next meeting. If unsuccessful, then Counsel will issue a subpoena.

Vice Chairman Lee suggested that the board cancel the May 25, 2006 meeting and review the next files at the June 8 meeting. The board agreed.

Media and Press

Adjournment

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

Respectfully submitted by



Vicki Grant, Executive Director



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

Thursday, May 11, 2006

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLIGIANCE
4. APPROVAL OF MINUTES
 - a. April 13, 2006
5. CHANGES TO THE AGENDA
6. CHIEF MAULDIN
7. COUNSEL'S REPORT
8. EXECUTIVE DIRECTOR'S REPORT
 - a. Interview Board candidate
 - b. Nacole Annual Conference - FYI
 - c. Budget - FYI
9. CHAIRMAN'S REPORT
10. PUBLIC INPUT
11. COMPLAINT REVIEWS
 - a. Rosenstein review
 - b. Duque review
12. CONTINUED BUSINESS
 - a. Millette update
13. NEW BUSINESS
14. MEDIA AND PRESS QUESTIONS
15. ADJOURNMENT

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL
Thursday, April 13, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on Greene Street, Thursday, April 13, 2006.

Chairman Lou Hernandez called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Lou Hernandez and Board Members, Adare Fritz, Charles Lee, Larry Maas and Rev. Jim Thornton.

Also present was Attorney Robert Cintron and Lt. Jim Benkoczy

Absent: Tony Estenoz and Susan White

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

Approval of Minutes

Chairman Lou Hernandez presented the minutes of March 9, 2006. Board member Adare Fritz moved to approve the minutes. Larry Maas seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Lou Hernandez presented the agenda. Hearing no objections the amended agenda was approved.

Counsel's Report

Counselor Robert Cintron discussed with the board the review process. He noted that during past reviews new information was disclosed by representatives from Internal Affairs. Unless there is a hearing he cautioned that receiving new information from anyone other than the complainant or the Officer or Officer's representative is inappropriate. The board agreed.

Counsel addressed the proposed letter the board decided to send to the Chief at the last board meeting. Dr. White and Charles Lee had agreed to draft the letter for Counsel's review and board approval. Counsel informed the board that he did not think the board had enough information that would support their position on this issue. He suggested that if the board suspects that there is a problem then they should consider opening their own investigation into the matter so that when they arrive at a conclusion based on fact that the letter to the Chief will have evidence rather than an assumption or a hunch. The board discussed their options.

The tabled motion was brought forward for a vote and amended to withdraw the motion. (The tabled motion from the March 9, 2006 meeting reads: Charles Lee moved to write a letter to the Chief addressing the actions of Pablo Rodriguez in the Knowles case and other cases for his

review. Susan White seconded. The board agreed to table further discussion and vote until the next meeting.) Larry Maas seconded. Chairman Hernandez called the vote.

Yeas: Adare Fritz, Rev. Thornton, Larry Maas, Charles Lee and Lou Hernandez

Nays: None

Motion carried.

Public Input

David Millette Key West

Complaint Reviews

a. Board member Charles Lee led the discussion concerning the complaint filed by Mr. David Millette. Complainant David Millette was sworn in before addressing the board. Mr. Millette reiterated the events are provided in the written report. One witness reported that he did not see anything and the other witness that works at the Lazy Gecko did not keep his appointments with either IA or the CRB. Board member Lee asked the complainant what he would like to see happen. Millette said he wanted the board to find out exactly what happened by talking to the witness at the Lazy Gecko. Counsel reminded the board that they can subpoena a witness. Options explored are to try again for an interview or to subpoena. Board member Charles Lee moved to postpone a decision until Grant has time to see if the witness, Keith from the Lazy Gecko, will voluntarily come forward and if not the board will ask the attorney to issue a subpoena at the next meeting. Adare Fritz seconded. Chairman Lou Hernandez called the vote.

Yeas: Adare Fritz, Rev. Thornton, Larry Maas, Charles Lee and Lou Hernandez

Nays: None

Motion carried.

b. Board member Adare Fritz led the discussion concerning the complaint filed by Marilyn Wild. Fritz noted that there are no witnesses to the incident. He also noted that both diagrams of the incident, one provided by the Officer and another provided by Wild, indicate to him that Wild is at fault in the accident. Fritz points out that the investigation is incomplete since no witnesses were interviewed. Hernandez pointed out that Mr. Wild is a potential witness to the rudeness part of the complaint. Lee expressed that based on the report and Mrs. Wild's complaint, it appears that if the Officer had spoken to her, asking her what happened from her perspective before serving her a ticket she probably would not have filed a complaint. Rev. Thornton agreed based on his recent accident where he states that the first thing the Officer did was ask him what happened before proceeding with the rest of the investigation. In this situation Mrs. Wild was not considered and only the two Officers, the one involved in the accident and the one responding to the accident exchanged any dialogue. Counsel pointed out that from her perspective there appeared to be demonstrated favoritism. Fritz moved that because the investigation is not complete that the board return the complaint to IA for statements by Mrs. Wild's husband, Officer Sunderman and Officer Weber. Rev. Thornton seconded. Discussion: Lee asked Benkoczy the significance of the estimate provided by the Officer. Benkoczy

informed the board that if the estimate is over \$500 then the accident has to be reported to the State. If under \$500 then the victims settle between themselves. Chairman Lou Hernandez called the vote.

Yeas: Adare Fritz, Rev. Thornton, Charles Lee, Larry Maas and Lou Hernandez

Nays: None

Motion carried.

Fritz moved that the board conduct a hearing with Mrs. Wild to better understand her complaint of rudeness against Officer Sunderman. The motion failed for lack of a second.

Continued Business

The board discussed the letter received by Chief Mauldin addressing the board's concerns of anonymous tips. The board agreed that the Chief issued an excellent response indicating that the department is on top of the issue.

Fritz responded to the board's direction to research and make recommendation to the board a proposal on how to deal with the nudity law during Fantasy Fest. Initially the board felt that this could be handled through the booth selection process. Fritz found that vendors make application through a private enterprise. The application does not require the vendor to sign any document that indicates that the vendor understands the laws and will not operate in violation of the law. The board agreed that this issue is between private enterprise and the City Manager and that it is out of the CRB's jurisdiction.

Board member Charles Lee moved to cancel the April 27, 2006 meeting. Larry Maas seconded. Chairman Lou Hernandez called the vote.

Yeas: Adare Fritz, Rev. Thornton, Charles Lee, Larry Maas and Lou Hernandez

Nays: None

Motion carried.

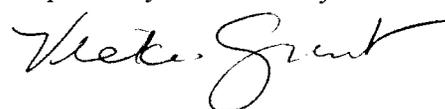
Counsel brought to the attention to the board the report of complaints issued directly through IA that was distributed to the board. The board should review the complaints to determine if there is anything they think requires further attention. The board briefly reviewed the complaints with the assistance of Lt. Jim Benkoczy.

Media and Press

Adjournment

There being no further business, the Chairman adjourned the meeting at 7:20 p.m.

Respectfully submitted by



MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL
Thursday, March 9, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on Greene Street, Thursday, March 9, 2006.

Vice Chairman Charles Lee called the meeting to order at 6:00 p.m.

Answering roll call were Vice Chairman Charles Lee and Board Members Tony Estenoz, Adare Fritz, Charles Lee, Larry Maas and Susan White. Chairman Lou Hernandez arrived at 6:15.

Also present was Attorney Robert Cintron, Executive Director Vicki Grant and Lt. Kathleen Ream

Absent: Rev. Jim Thornton

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

Approval of Minutes

Vice Chairman Charles Lee presented the minutes of February 9, 2006. Board member Susan White pointed out that there is a wandering apostrophe that has to be corrected. Adare Fritz moved to approve the minutes with corrections. Larry Maas seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Vice Chairman Charles Lee presented the agenda. Hearing no objections the amended agenda was approved.

Counsel's Report

Counselor Robert Cintron informed the board that he has no report but is available for questions.

Executive Director's Report

Grant informed the board that she has nothing new to report to the board.

Chairman's Report

Vice Chairman Charles Lee began the review process.

Chairman Lou Hernandez arrived at 6:15 and relieved the Vice Chairman.

Complaint Reviews

a. Board member Adare Fritz led the discussion concerning the Knowles arrest. Board member Adare Fritz moved to close the case. Larry Maas seconded. Discussion: Board members discussed the value of closing the file but addressing the actions of one officer, Pablo Rodriguez, and the number of complaints of excessive force he has on record. Options discussed are to pull Det. Rodriguez' records, request the complaint log against Rodriguez or write a letter to the Chief addressing the number of complaints of excessive force against Rodriguez received by the CRB. Chairman Lou Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, Charles Lee and Lou Hernandez

Nays: Susan White, Larry Maas

Motion carried.

Charles Lee moved to write a letter to the Chief addressing the actions of Pablo Rodriguez in the Knowles case and other cases for his review. Susan White seconded. The board agreed to table further discussion and vote until the next meeting.

b. Board member Susan White led the discussion concerning the anonymous complaint. White moved that the board accept and agree with IA's finding of exonerated and to close the file. Larry Maas seconded. Discussion: Charles Lee pointed out that Lt. Alan Newby conducted an excellent inquiry into the complaint. The board concurred. Chairman Lou Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, Charles Lee, Larry Maas and Lou Hernandez

Nays: None

Motion carried.

c. Board member Susan White led the discussion concerning the complaints filed by David Millette. The complaints were identified as complaint #1 involving Officer Sunderman alleging battery and deficient service, complaint #2 alleging harassment and deficient service by KWPD and complaint #3 involving Officer Caruso and Officer Gray alleging use of force, threats and harassment. White moved that the board accept and agree with IA's finding of exonerated regarding complaints #2 and #3 and close the file. Larry Maas seconded. Discussion: The board directed Grant to follow-up with the complainant to find out if there are any witnesses to complaint #1. Chairman Lou Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, Charles Lee, Larry Maas and Lou Hernandez

Nays: None

Motion carried.

d. Board member Adare Fritz led the discussion concerning the complaint filed by Alan Smith. Fritz moved that the board accept IA's finding of exonerated and close the file. Tony Estenoz seconded. Fritz amended his motion to change the finding to not sustained. Tony Estenoz seconded. Chairman Lou Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, Charles Lee, Larry Maas and Lou Hernandez

Nays: None

Motion carried.

Continued Business

Board member Susan White submitted a letter addressed to Chief Mauldin recommending policy on responses to anonymous tips for board approval. Grant was directed to send the letter with a copy of the Supreme Court opinion attached.

New Business

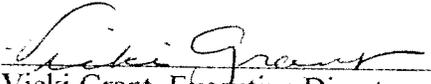
Board member Charles Lee and Executive Director Vicki Grant gave the board a brief report about their recent ride-along experience.

Media and Press

Adjournment

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

Respectfully submitted by


Vicki Grant, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL
Thursday, January 12, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on Greene Street, Thursday, January 12, 2006.

Chairman Lou Hernandez called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Lou Hernandez and Board Members Tony Estenoz, Adare Fritz, Charles Lee, Jim Thornton and Susan White

Also present was Attorney Robert Cintron, Executive Director Vicki Grant, and Lt. Benkoczy.

Absent: Larry Maas

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

Approval of Minutes

Chairman Lou Hernandez presented the minutes of December 19, 2005. Adare Fritz moved to approve. Charles Lee seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Lou Hernandez presented the agenda. Chairman Hernandez recommended moving Public Input before Complaint Reviews. Hearing no objections the agenda was approved.

Counsel's Report

Counselor Robert Cintron deferred his report until the board discusses the complaint reviews.

Executive Director's Report

Grant informed the board that three board members' terms expire in June. Solicitation for new board members will begin in February.

Grant informed the board that IA has not returned six files that are past due. IA reported to Grant that they are waiting on a finding by the Bureau Commander. Lt. Benkoczy reported that policy requires that the bureau commander is the only one who can determine the finding. Benkoczy has initiated the implementation of distributing the file to Division Commanders to determine the findings that are then reviewed by the Bureau Commanders. This will alleviate that work load of the Bureau Commander and hopefully expedite the process.

Lt. Benkoczy informed the board that Sgt. Smith is leaving IA. Officer Lisa ^{Casado} Casado will replace Smith. Casado will attend IA training in Jacksonville. Board member Charles Lee moved to send a letter to Chief Mauldin thanking Smith for his service to the board. Tony Estenoz

seconded. Discussion: Counsel requested the opportunity to review the letter before it is dispatched. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, James Thornton, Susan White, Charles Lee and Lou Hernandez

Nays: None

Motion carried.

Due to the lack of cases to review the January 26 meeting is now canceled.

Public Input

Mike Bernhardt Key West

Complaint Reviews

a. Grant reviewed the summary of the complaint filed by Alfred Hall. Adare Fritz led the discussion. Fritz surmised that at face value it appeared that the force used to restrain the complainant was in order. Lee and White pointed out that the officers involved have been named in similar complaints with the same allegations. Lee suggested that the board look at the deposition in the court documents from the criminal trial, the color photos of the incident and for the board to consider sending the file to the independent investigator. He also pointed out that a previous incident the board reviewed involving complainant Robinson revealed that the officers were acting within the use of force matrix necessary to restrain the complainant. Lee moved to postpone the review until the board looks at all evidence before drawing a conclusion. James Thornton seconded. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, James Thornton, Susan White, Charles Lee and Lou Hernandez

Nays: None

Motion carried.

Chairman Hernandez paused the complaint reviews to welcome Mayor McPherson and introduce him to the board.

b. Chairman Hernandez invited complainant Mike Bernhardt to present his position regarding his complaint to the board. Counsel informed the Chairman that the complainant must provide the photo's he is presenting to the board on his laptop in hard copy for the record. Following the complainant's presentation the board discussed the case. Counsel informed the board that he discussed the complaint with Mr. Bernhardt and that the information Mr. Bernhardt shared with the board this evening is the same information he told Counsel. Counsel pointed out that State Statute is very clear about public nudity laws yet the officers are required to tip toe through a mind field. The issues the board needs to determine are, 1) did the officer act too aggressively toward the people, 2) was the show of force necessary and 3) can something be

done to prevent this from happening in the future by giving the officers more guidance. Counsel also pointed out that a complaint of selective enforcement would never hold up in court. Lee moved to accept the recommendations provided by the independent investigator and to submit the recommendations to the City Manager and the powers that be. Susan White seconded. Discussion: The board discussed the inconsistencies of enforcement of the nudity laws over the years and the discretion that is left up to the officers on what is acceptable according to the current climate of administration. Lee amended his motion to exclude items 8, 9 and 10 from the recommendations. White seconded the amendment. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, James Thornton, Susan White, Charles Lee and Lou Hernandez

Nays: None

Motion carried.

Lee pointed out that the complainant did not allege battery in his complaint. Charles Lee moved to delete item one in the investigators recommendation. Tony Estenoz seconded. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, James Thornton, Susan White, Charles Lee and Lou Hernandez

Nays: None

Motion carried.

Adare Fritz moved to prepare a memo addressed to the Chief, City Manager and all appropriate officials to establish new guidelines to prevent a recurrence of this case. Tony Estenoz seconded. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, James Thornton, Susan White, Charles Lee and Lou Hernandez

Nays: None

Motion carried.

c. Adare Fritz led the discussion concerning the complaint filed by Michele Neuman. The board determined that the complainant was satisfied with the results of mediation conducted by Sgt. David Smith with one exception. Ms. Neuman wanted assurance that fingertip kits are in fact carried in patrol cars. Sgt. David Smith responded to her inquiry stating that new recruits are in fact issued basic fingerprint kits. He has also advised that the department is taking steps to train a select group of officers as Field Evidence Technicians in order to assist the Crime Scene Investigator. Adare Fritz moved that the board concur with the actions the police department took to satisfy the complainant and that the board takes the action to close the case. Tony Estenoz seconded.

The Citizen Review Board concurs with the actions the police department took to satisfy the complainant and voted to take no further action. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, James Thornton, Susan White, Charles Lee and Lou Hernandez

Nays: None

Motion carried.

Continued Business

The board received and reviewed a copy of the arrest report of the person that was subjected to a taser to enable the officers to gain control of him during his arrest. One of the concerns of the board is that the officer that used the taser was from another district.

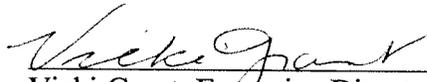
Susan White distributed a draft letter to Chief Mauldin addressing anonymous tips for the board's consideration. The board directed the Executive Director to request the written procedures used by the KWPD to be reviewed by Counsel and board member Susan White.

Media and Press

Adjournment

There being no further business, the Chairman adjourned the meeting at 8:40 p.m.

Respectfully submitted by


Vicki Grant, Executive Director