

MINUTES
CITIZEN REVIEW BOARD
OLD CITY HALL, 510 GREENE STREET
WEDNESDAY, DECEMBER 17TH, 2014

A regular meeting of the City of Key West Citizen Review Board was held in the Commission Chambers, Old City Hall, on Wednesday, December 17th, 2014.

Chairman Michael Behrend called the meeting to order at 6:00 p.m.

Answering roll call were Board members Arthur Dennison, Kathleen Ford, Michael Behrend, Hayward Magby, Joe Pais, Rodney Gullatte and Tom Milone. Also present were Executive Director Larry Beaver, and Board Counsel Robert Cintron.

The pledge of allegiance to the flag of the United States of America was given by all present.

CHANGES TO THE AGENDA:

There are no changes to the agenda and it is approved.

MINUTES: October 27th, 2014

Mr. Tom Milone makes a motion to approve the October 27th, 2014, minutes, seconded by Mr. Joe Pais. Motion passes unanimously.

ACTION ITEMS:

1) Matthew Murphy Case (File #14-002)

Robert Cintron gave a detailed account of the current state of the Board investigation. The Jackson Memorial Hospital medical records were obtained and reviewed by both Robert Cintron and the attorney for Mr. Murphy. The result of that review is that Mr. Murphy had an acute blow to the head due to a fall and hitting his head. Mr. Cintron requested that the entire medical record not be released to the public and only this note

as stated be placed into the CRB record. Mr. Murphy had a right acute subdural hematoma and diffuse cerebral edema. There should be no doubt that Mr. Murphy's present condition is the result of the incident in Key West in 2011. The only missing information is where the taser probes struck the body of Mr. Murphy. Mr. Cintron stated that he did not believe that the Board will ever get any information from the only witness that he is still seeking, Mr. M. Dunbar. Mr. Milone stated that he does want to know where the taser probes struck Mr. Murphy's body and that he needs the Lower Keys Medical Center records to hopefully show where those probes were located. Several Board members and two members of the Public spoke about the case and whether excessive force was used.

Ms. Kathleen Ford made a motion that the case be closed as "Not Sustained" as no excessive force was used by the officer. Mr. Arthur Dennison seconded the motion and a roll call vote was taken. The motion was denied by a vote of five to two with the two Yes votes being Ms. Kathleen Ford and Mr. Arthur Dennison.

Mr. Tom Milone made a motion that the case be continued until the medical records can be obtained from Care Ambulance, Lower Keys Medical Center, and the air transport that took Mr. Murphy to Jackson Memorial Hospital. Further that CRB Counsel discontinue its efforts to depose Mr. M. Dunbar. Mr. Rodney Gullatte seconded the motion and the motion passed by unanimous vote.

2) Glenn Hanes Case

Mr. Tom Milone explains that he brought this case to the attention of the Board because of the strip search video and the location the strip search was conducted. Sgt. Tripp explained that all Key West Police Personnel were trained on the proper procedure of conducting a strip search. Mr. Milone then questions are persons of color being targeted for strip searches and if so he wants to put the police department on notice that he is watching them for this type of actions. Sgt. Tripp states that two officers were counselled or received discipline in regards to the Hanes case. After a discussion by Board members and with Public comment, Mr. Cintron agrees to gather educational material and opinions from local legal entities and present it to the Board so the Board will have a better understanding of where the legal community stands on the issue.

Mr. Tom Milone made a motion that the Glenn Hanes Case be shown as "Received and Filed" with no other action. Mr. Arthur Dennison seconded the motion and the motion passed by a six to one vote with Mr. Joe Pais being the sole no vote.

3) Bobby Mosby Case

Mr. Tom Milone states that this case is similar to the previous case and that he brought it to the Board to show a possible pattern of strip searches by the KWPD. There was a brief discussion by Board members about the training by KWPD on strip searches.

Mr. Tom Milone made a motion that the Bobby Mosby Case be shown as "Received and Filed" with no other action. Mr. Rodney Gullatte seconded the motion and the motion passed by a six to one vote with Mr. Joe Pais being the sole no vote.

4) Charles Eimers Case

Mr. Joe Pais stated that the newly released video evidence is enough for the Board to open a case on Mr. Eimers death. Mr. Milone states his motions that he intends on bring before the Board. Mr. Milone does not believe that the CRB has the man-power or funds to conduct its own case and therefore he wants an external impartial investigation by the Department of Justice. There was a brief discussion by Board members and with Public comments.

Mr. Tom Milone made a motion to open a Board initiated investigation into the Charles Eimers Case and the motion was seconded by Mr. Hayward Magby. The motion passed by unanimous vote.

Mr. Tom Milone made a motion to request the United States Department of Justice (DOJ) to open an investigation into the Charles Eimers case specifically with regards to the Florida Department of Law Enforcement investigation, the Monroe County Medical Examiner's report, the Monroe County State Attorneys investigation and the Key West Police Departments Internal Affairs investigation. The motion was seconded by Ms. Kathleen Ford and the motion passed by unanimous vote.

Mr. Robert Cintron volunteers to contact the DOJ and determine what information is needed to make the formal request for the DOJ to conduct an investigation. Also that the Eimers attorney has agreed to provide to the CRB all KWPD Officer video depositions. The Board discussed viewing the letter to the DOJ before it is signed and forwarded to the DOJ. A draft letter will be sent to all Board members for review before being mailed to the DOJ.

Mr. Tom Milone made a motion to have the Board legal counsel request all available documentation to include all videos and recorded depositions from the Charles Eimers civil case attorneys and the City of Key West city attorneys. The motion was seconded by Mr. Joe Pais and the motion passed by unanimous vote.

5) Martinez Case

Mr. Tom Milone discussed why he brought this case before the Board. After reviewing the Response to Resistance Incident (RRI) reports. The subject was tased as a result of bicycle traffic infractions. There were several comments by the Board and from the Public about the subject of this case and the fact that he was in violation of a law and decided to run from the KWPD. Mr. Milone believes that excessive force was used by the officer in this case by using his taser and believes the Board should open a Board initiated investigation.

Mr. Tom Milone made a motion that the CRB open a Board initiated investigation into the Martinez Case and the motion was seconded by Mr. Joe Pais. The motion was denied by a vote of five to two with Mr. Tom Milone and Mr. Joe Pais being the only Yes votes.

6) Cartwright Case

Mr. Tom Milone discussed that again an officer used a taser after stopping the subject for bicycle traffic infractions. Sgt. Tripp gave an explanation about the officer's insight into stopping the subject in the first place, also that statistics show that the taser is safer for the officer and for the subject than the officer placing their hands on the subject. Mr. Milone comments about the race of the persons being stopped by the police. Sgt. Tripp states that arrests vary by race by officer because of where the officer is assigned and to what type of detail the officer is assigned, such as K-9 or DUI enforcement. Mr. Magby states that Bahama Village has changed from a primarily African American community to a Caucasian community over the past few years. A discussion was completed among Board members and then Public comment.

Mr. Tom Milone made a motion that the CRB open a Board initiated investigation into the Cartwright Case and the motion was seconded by Mr. Joe Pais. The motion was denied by a vote of five to two with Mr. Tom Milone and Mr. Joe Pais being the only Yes votes.

DISCUSSION ITEMS:

Response to Resistance Incident Reports

All Board members received copies of the RRI reports for October and November and will be getting them on a regular basis by the tenth of the following month.

REPORTS:

Tracking Chart

All Board members reviewed the current tracking chart. Matthew Murphy case is the only case on the Chart. Now we have two cases, Murphy and Eimers, after tonight's meeting.

Legal Counsel

Mr. Robert Cintron stated that he was pleased with the way the Board handled itself tonight. Further that he will obtain information on "Strip Searches" for the Board from local sources.

Executive Director

Mr. Larry Beaver stated that he had a meeting two weeks ago with Police Chief Lee and that Chief Lee stated that he was still on track to obtain body cameras for officers and that he wanted to remind the Board that there will still be problems even with the cameras such as the cameras being knocked off during an altercation or not being turned on.

PUBLIC COMMENT:

Mr. Sloan Bashinsky, of the public in attendance, signed up to speak at during this closing item. Ms. Naja Girard and Mr. Sloan Bashinsky did speak several times during the regular meeting on specific agenda items.

BOARD COMMENT:

Several Board members wish Happy Holiday Greetings to all Board members. Mr. Milone spoke about the CRB and KWPD Working Agreement and the CRB Budget process. Mr. Magby comments on the timeliness of receiving information and Mr. Cintron states that we now have the process in place with the RRI reports. Maybe there is some way to get more citizen complaints without the Board having to be the watch dog over reviewing reports looking for complaints. Mr. Milone reminds the Board that it is their responsibility to look over the RRI reports and bring it to the attention of the Board if they believe there are any issues with any report. Sgt. Tripp thanked the Board

for their attendance tonight and that it is important to have the full board at every meeting.

ADJOURNMENT:

There being no further business the Chairman adjourned the meeting at 9:27 p.m. after a motion to adjourn was made by Mr. Joe Pais and seconded by Mr. Tom Milone.

Larry T. Beaver, Executive Director