



CITY OF KEY WEST
Citizen Review Board
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January 26, 2015

Federal Bureau of Investigation
George L. Piro
Special Agent in Charge
2030 SW 144th Ave.
Miramar, Florida 33027

RE: Charles Eimers and City of Key West Police Department

Dear Special Agent Piro:

I am writing on behalf of the City of Key West Citizen Review Board, for which I am the chairperson. The Citizen Review Board (CRB) is an independent board established by the City of Key West Charter. The primary responsibility of the CRB is to review complaints of alleged misconduct by sworn officers of the City of Key West Police Department.

The matter of Charles Eimers, deceased, is currently before the CRB for review. Mr. Eimers, age 61, passed away on December 4, 2013, following an incident on November 28, 2013, between him and several City of Key West police officers at South Beach at the south end of Simonton Street in Key West. The interaction between Mr. Eimers and the Key West police was the culmination of a "slow speed chase" of Mr. Eimers' vehicle through the streets of Key West.

The Florida Department of Law Enforcement investigated the incident and rendered its report on June 1, 2014. The report concluded that there was no criminal wrongdoing by the involved police officers. The FDLE report is a matter of public record.

A grand jury was convened by the Monroe County State Attorney. The Grand Jury issued its report on August 27, 2014. No indictments were issued by the Grand Jury; however, it did find that there were some irregularities with respect to the matter. The Grand Jury report is a matter of public record.

Mr. Eimers' adult son, Treavor Eimers, filed a civil action for damages in federal court against the City of Key West and several Key West Police officers. On or about November 17, 2014 (nearly two months after the Grand Jury report was issued), the attorneys for Mr. Eimers' son obtained a second video of the November 28, 2013-incident (the "second video"). The second video appears to contradict testimony of some of the police officers at the scene, on one critical issue, that is, whether Charles Eimers face was forced into the beach sand while he was in police custody. The second video is filed in the court file. Neither the City of Key West Police Department, nor FDLE was aware of the second video. Consequently, the second video was not presented to the Grand Jury. Treavor Eimers' attorneys contend that the City of Key West Police Department and FDLE easily could have obtained the second video had either or both agencies been more vigilant in their investigations.

On December 12, 2014, Treavor Eimers' attorneys in the civil action filed a comprehensive motion for sanctions against several of the defendant police officers. That motion is supported by excerpts from deposition testimony and other evidence, including the second video that was not considered by FDLE in its investigation, nor considered by the Grand Jury. The defendants City of Key West and police officers filed their responses to the motion for sanctions on December 23, 2014. Treavor Eimers' filed his reply to the defendants' responses on December 30, 2014. A hearing on the motion for sanctions was conducted on January 12, 2015 by federal Magistrate Judge Jonathan Goodman. Judge Goodman issued a post-hearing order on January 15, 2015, requesting that the parties provide the court with additional information with respect to Treavor Eimers' motion for sanctions. All of the court papers referenced above are available to you for your review. As of the date of this letter, Judge Goodman has not ruled on the motion for sanctions.

The CRB has concerns whether FDLE's investigation was thorough, complete and fair, especially in light of its not having obtained the second video of the event. It appears to the CRB that the second video was readily available to the FDLE. The CRB believes that an investigation by federal law enforcement is necessary to determine whether Charles Eimers' federal civil rights were violated on November 28, 2013. While the Grand Jury may have been justified in not finding probable cause that state criminal laws were violated by the police officers, the Grand Jury was not tasked with determining whether there were any federal civil rights violations. The CRB is concerned whether the Grand Jury might have had a different view of the matter had the second video been presented to the Grand Jury.

As the official watch dog for the citizens of Key West with respect to allegations of police misconduct, the CRB is of the opinion that an investigation of the Eimers' matter by federal law enforcement is needed. There have been several high-profile incidents in the United States in the last few months involving civilians and police departments that have resulted in civilian deaths. In each instance, the grand juries that were asked to review those incidents have not issued indictments. The Eimers case appears to be another of those unfortunate situations that has caused many in the public to question the use of force by law enforcement.

The CRB does not have the resources to investigate the Eimers matter to the degree necessary to give the citizens of Key West the level of comfort reasonably required to assure the public that there has been a thorough, complete and fair investigation of the matter. The CRB strongly urges the Federal Bureau of Investigation to investigate whether federal law was violated by officers of the Key West Police Department on November 28, 2013 when Charles Eimers was detained, hospitalized and died.

Should you need any of the reports, court papers or video recordings discussed in this letter, the CRB would be pleased to provide that information to you.

Sincerely yours,

Michael Behrend
Chairperson

cc:

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