

Donald J. Lee, Jr.

Chief of Police



Key West

POLICE DEPARTMENT

TO: Christopher Schlichter, Executive Director, Citizen's Review Board

FROM: Sgt. Randy Smith, Professional Standards Commander

DATE: 4/09/2018

RE: Aydent Complaint

On March, 1, 2018, the Key West Police Department received a complaint from Mr. John Aydent Jr. through the Citizen Review Board. Mr. Aydent explained his son Nicholas Aydent, who has a history of Epilepsy, had a seizure on the night of February 22, 2018, while riding his bicycle. The seizure caused Nicholas to crash and subsequently 911 was called. Mr. Aydent stated in his complaint that only the police arrived and transported his son to the hospital. Further, he felt his son was, "photographed as a criminal". Mr. Aydent arrived at the hospital after being called about Nicholas' accident and subsequently photographed his injuries. Mr. Aydent also felt that excessive force was used on his son based on his sons appearance.

As a result of this complaint, Chief Lee assigned an inquiry to Detective Sergeant M. Haley due to my (Sgt. R. Smith) being on vacation. Det. Sgt. Haley interviewed the 911 caller, reviewed the 911 tapes, all police and EMS reports, CAD calls, and all in-car and Body Worn Camera (BWC) videos. Upon my return, the inquiry was turned over to me and I reviewed the same. After review of this evidence, the following was learned.

Nicholas Aydent was riding his bike and appeared to have had a seizure, causing him to crash. Due to his crash he sustained obvious injuries to his face and potentially other areas of his body. In the interview with, Johnny McMackin, the 911 caller, he stated Nicholas was riding his bike on Northside Drive and then fell off and, "Hit the ground with his face." Mr. McMackin explained, Nicholas started going into convulsions and was shaking on the ground and then started, "growling". Mr. McMackin stated he rushed over to Nicholas and called 911. Mr. McMackin went on to say Nicholas was bleeding from his face in a few places and he was tangled in his bicycle. Mr. McMackin stated he thought Nicholas had, "Too much alcohol or too much drugs in him, because he wasn't even acting right." Mr. McMackin was still present when the paramedics arrived. Mr. McMackin stated the Paramedics were trying to treat him when Nicholas got up and tried to walk away. Mr. McMackin stated the Paramedics had to restrain Nicholas and hold him down. Mr. McMackin said the Paramedics called for backup and then the Police arrived and also assisted in holding Nicholas down. Mr. McMackin was directly asked if he watched the interaction with between the Paramedics, Police and Nicholas, he stated he did. He was asked if he saw Police or Paramedics acting inappropriately toward Nicholas and said they did not. And stated, "They did their job." Mr. McMackin was



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directly asked if the Police used any types of strikes or kicks, and he stated they did not, they were just, "holding him and trying to help him." He went on to say, "The dude (Nicholas) was flipping out and all they did was hold him down and get him under control so they could give him help."

The information provided by Mr. McMackin was consistent with videos and reports from the incident. As part of this case a report was written by Ofc. K. Hansell, which is standard procedure for an injury on city property. As part of this report and standard practice, photos of Nicholas' injuries were taken. This was the reason photographs of Nicholas were taken. In addition, I had Ofc. K. Hansell complete a supplemental report to clarify a statement about a "take-down" which was stated in the initial report. Ofc. K. Hansell completed a supplemental explaining there was not a "take-down" by our policy, and they had actually fallen down.

Chief Lee informed me that on March 14, 2018, he and Det. Sgt. Haley met with Mr. Aydent Jr. to discuss what had already been discovered and answer any questions he had. During this conversation Mr. Aydent Jr., also advised Nicholas had no recollection of the event.

While reviewing all the evidence, I was unable to locate BWC videos for all Officers. After further investigation, it was learned that two Officers' BWC had broken in the prior weeks and there was documentation showing this. There was one Officer who arrived on scene and simply did not have his, he was counseled on the policy and BWC use. The other Officers all had their cameras and they were used appropriately.

After reviewing all reports and videos, it is also clear that Fire/Rescue personnel were the first on scene and had to call for additional officers due to Nicholas' combative nature. Officers and Paramedics did hold Nicholas down, which was necessary to prevent him from further hurting himself or others, and well within policy. Nicholas was subsequently transported to the hospital by Rescue, not the Key West Police Department. Ofc. K. Hansell did travel to the ER to meet with Nicholas and take necessary photographs and obtain information for the report.

Although, Nicholas most likely had a seizure, caused by his Epilepsy which caused this event to take place. Officers and Paramedics both know that there can be other causes, such as illicit narcotics which can induce seizures as well. Since Officers and Paramedics couldn't know at the time what caused Nicholas' seizure, and Police were called because of a combative patient, they acted in a manner consistent with what is expected. Paramedics, were trying to care for Nicholas, as he clearly had head trauma and could have had significant injuries which were not visible, such as internal neck or back injuries. Nicholas was acting irrationally, and if allowed to simply walk away, he may have walked into traffic, simply fallen and injured himself worse or become combative with a random citizen. Given the circumstances, both the Officers and Fire/Rescue personnel were able to control Nicholas without causing further injury and get him the help he needed. Therefore, there was no excessive force used and the Officers were not deficient in their services.



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