

Sean T. Brandenburg

Chief of Police



Key West

POLICE DEPARTMENT

January 16, 2020

Citizen Review Board
PO Box 1946
Key West, FL 33040

Citizen Review Board,

On December 9, 2019, the Key West Police Department received a complaint from Mr. Steve Legnaioli through the Citizen Review Board. Mr. Legnaioli stated in his complaint, he met with Officer Kevin O'Connell in regards to threatening phone calls he received. Mr. Legnaioli stated, Officer O'Connell failed to turn over the investigation to detectives or attempt to investigate the incident himself.

As a result of the complaint, I conducted an inquiry into this incident. I spoke with Officer O'Connell and State Attorney Chief Investigator, Christopher Weber. I also reviewed the body worn camera footage related to this incident, along with the incident report completed by Officer O'Connell. The following was learned during this inquiry.

On March 19, 2019, Officer O'Connell was dispatched to Mr. Legnaioli's home in reference to Mr. Legnaioli receiving threatening/harassing phone calls from a telemarketer. During the one of the calls, Mr. Legnaioli advised he said something to upset the telemarketer and the telemarketer ended the call. Mr. Legnaioli said the telemarketer called him back from a different number, which Mr. Legnaioli believed to be the telemarketer's personal cell phone number. Mr. Legnaioli said the telemarketer threatened him by stating, "I'm gonna hurt you, bro. I got your address. This is my job." Mr. Legnaioli advised he receives two to three calls daily from the same numbers.

Officer O'Connell gathered all the pertinent information and advised Mr. Legnaioli he was going complete a report and use law enforcement resources to attempt to identify who the phone number belonged to. Officer O'Connell called the number provided by Mr. Legnaioli, and a male answered. Officer O'Connell identified himself and advised the male he was investigating a harassing phone call complaint. Officer O'Connell said the male would not provide his name and disconnected the call.

On March 22, 2019, Officer O'Connell was dispatched back to Mr. Legnaioli's residence in reference to Mr. Legnaioli receiving a voicemail from the same caller. The caller was threatening to kill Mr. Legnaioli's children and rape his wife. (NOTE: According to Officer O'Connell's report, Mr. Legnaioli does not have children.) Mr. Legnaioli stated he called the number back and the caller identified himself as, Chris Watkin, and also provided an address.



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Officer O'Connell conducted a routine check through the Florida Driver and Vehicle Information Database (DAVID system), using the name and address provided by Mr. Legnaioli. The check yielded negative results for that name and address. After exhausting all other resources to attempt to identify the caller, Officer O'Connell asked Mr. Legnaioli to provide him with two months of his phone bill, showing the calls from the telemarketer. Officer O'Connell explained to Mr. Legnaioli he was going to attempt to obtain a subpoena for the phone numbers calling him. Officer O'Connell said, a few days later, Mr. Legnaioli provided him a copy of his phone bill, which was mostly redacted and provided limited information. Officer O'Connell said he provided all the pertinent information to State Attorney Investigator, Christopher Weber, to determine if there was enough information to obtain a subpoena. (NOTE: All subpoena requests go through the State Attorney's Office).

On December 10, 2019, I spoke with Investigator Weber regarding this incident. Investigator Weber said, he recalled discussing the incident with Officer O'Connell, and based on the limited information provided about the caller and the numbers that called Mr. Legnaioli, a subpoena was not approved. Investigator Weber also advised, robo-calls and phone phishing is a part of daily life for all of us and we unfortunately have to deal with this new norm.

As a result of my inquiry into this complaint, I determined Officer O'Connell exhausted all law enforcement resources in his attempt to identify the caller or callers that contacted Mr. Legnaioli.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jason Castillo", is written over a light blue background.

Sergeant Jason Castillo

Professional Standards Division Commander



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