

Citizen Review Board

100 Grinnell Street, Key West, FL 33040
PO Box 1946, Key West, FL 33041
(305) 809-3887
e-mail: crb@cityofkeywest-fl.gov

- What you need to know before completing the attached complaint form:
- This complaint and any attachment become public record. If you have already filed a report with Key West Police Department Internal Affairs, and you want that complaint to remain confidential until the investigation is complete, you may want to refrain from filing at this time.
- Complaints should be filed as soon as possible of the time you became aware of the incident or after resolution of any criminal charges.
- Anyone who has criminal charges pending related to this complaint should consult an attorney before filing the complaint with the CRB and such pending charges may delay the progress of the investigation of your complaint with the CRB. Further, any statements made to the CRB are public record and can be used by anyone to incriminate the complainant. All statements will be uploaded to the internet.
- Complainants must advise the CRB of any changes of address or phone number; failure to provide the CRB current information or means for CRB to contact the complainant may result in dismissal of the case.
- All documents received by this office, including medical records, photo IDs, communications and alike become public records and will be disclosed on the Internet and viewable by anyone or any person. You should consider this fact before sending any matters or materials to this office.
- The CRB and its employees and agents are not your legal representatives. You should seek independent legal representations to understand your legal rights regarding the matters referenced in your complaint.
- The CRB jurisdiction is limited to City of Key West Police Officers and NOT Monroe county sheriffs, correction officers, Florida Fish and Wildlife Officers, FDLE representatives, Florida Highway Patrol Officers, Federal Agents, Military personal and alike.

I have read and understand the information provided to me on this page.

Susan C. Wilberich

Name/Nombre

5/4/21

Date/Fecha

1. CRB Control #
21-002

COMPLAINT FORM

Citizen Review Board

2. Day, Date, Time
Complaint Received
5/10/2021
3. KRPD Control System #

PO Box 1946, Key West, FL 33041
<http://www.cityofkeywest-fl.gov>
email: crb@cityofkeywest-fl.gov
(305) 809-3887

Please provide as much information as you can about the incident(s). Use additional pages if necessary.
Suministre la mayor cantidad de información posible acerca del (de los) incidente(s). Utilice páginas adicionales si fuese necesario

A. COMPLAINANT INFORMATION

DATOS DEL DENUNCIANTE

Name: SUSAN E. WILDRICK Date of Birth: 9-20-70
Nombre Fecha de nacimiento

Address: 1525 JOHNSON ST KEY WEST FL 33040
(Dirección) Street (Ciudad) City (Estado) State (Código Postal) Zip

Mailing Address: SAME
Dirección postal PO Box or Street, City, State and Zip

E-Mail Address: M3QUEST@YAHOO.COM
(Dirección e-mail)

Home Phone: (302) 242-3134 Work Phone: (305) 292-1435 Cellular: (302) 242-5687
Teléfono Particular Teléfono del Trabajo Celular

B. NATURE OF COMPLAINT: Naturaleza de la denuncia:

Battery Rudeness Deficient Service Truthfulness Driving False Arrest Excessive Force Searches Other

C. INFORMATION ABOUT THE OFFICER(S) INVOLVED IN THE INCIDENT

DATOS DEL (DE LOS) OFICIAL (ES) INVOLUCRADO(S) EN EL INCIDENTE

Name: P.D. RODRIGUEZ Badge #: WOULD NOT PROVIDE Vehicle #: _____
Nombre Placa No: Patrulla No.

Please provide a physical description of officer:
Describa la apariencia física del oficial: _____

Name: S.J. STANDERWICK Badge #: _____ Vehicle #: _____
Nombre Placa No: Patrulla No.

Please provide a physical description of officer:
Describa la apariencia física del oficial: _____

Name: ALIOHT VALDES-MARRERO Badge #: _____ Vehicle #: 5255
Nombre Placa No: Patrulla No.

Please provide a physical description of officer:
Describa la apariencia física del oficial: _____

D. VICTIM/WITNESS INFORMATION
DATOS DE LA VICTIMA/TESTIGO

Did you witness the incident? Yes No
¿Fue usted testigo del incidente denunciado? Si No

If you are filing a complaint on behalf of someone else, what is your relationship, if any, to the person(s):
Si usted está presentando una denuncia en nombre de otra(s) persona(s), indique cuál es su relación, si la hay, con esa(s) persona(s):

Parent Spouse Relative Guardian Child Friend Other
Padre/Madre Conyuge Familiar Tutor Hijo/a Amigo/a Otra

Please provide as much of the following information as you can about the person(s) on whose behalf the complaint is filed and any witness(es) to the incident:
Suministre la mayor cantidad posible de la información que se solicita a continuación, sobre la (las) persona(s) en nombre de la(s) cual(es) presenta la denuncia, y sobre el (los) testigo(s) del incidente:

Victim/Witness #1

Victima/Testigo No. 1

Is this person a: victim witness
Esta persona es: víctima testigo

Name: JOHN WILDRECK

Nombre _____
Address: 1525 JOHNSON ST. City KEY WEST State FL
Dirección: _____ Ciudad: _____ Estado: _____
Zip Code 33040 Contact numbers: Telephone _____ Cell 302-242-3134
Código Postal _____ Teléfono _____

Victim/Witness #2

Victima/Testigo No. 2

Is this person a: victim witness
Esta persona es: víctima testigo

Name: MICHAEL GRISWOLD

Nombre _____
Address: 627 EATON ST. City KEY WEST State FL
Dirección: _____ Ciudad: _____ Estado: _____
Zip Code 33040 Contact numbers: Telephone _____ Cell 585-615-0302
Código Postal _____ Teléfono _____

Victim/Witness #3

Victima/Testigo No. 3

Is this person a: victim witness
Esta persona es: víctima testigo

Name: _____
Nombre _____
Address: _____ City _____ State _____
Dirección: _____ Ciudad: _____ Estado: _____
Zip Code _____ Contact numbers: Telephone _____ Cell _____
Código Postal _____ Teléfono _____

E. INFORMATION ABOUT THE INCIDENT
INFORMACION ACERCA DEL INCIDENTE

Please provide as much information as possible, using additional pages if necessary.
Suministre la mayor cantidad de informacion posible, utilizando páginas adicionales si fuese necesario.

Date: 3-4-21 Time: 14:15 Location: 500 BLOCK FLEMING Case # if applicable: 21-001205
Fecha: 3-4-21 Hora: 14:15 Lugar: 500 BLOCK FLEMING No. de Caso, si corresponde: _____

"SEE ATTACHED"

- PLEASE REVIEW BODY CAMS

Attach additional pages if necessary. Page number ____ of 2 pages of narrative

Are you being prosecuted for this incident or do you have a pending criminal case? Yes No

Have you ever been convicted of a felony? Yes No

"I hereby certify that, to the best of my knowledge, and under the penalty of perjury, the statements made herein are true." I hereby acknowledge and understand that any documents, materials, medical records, e-mail and other communication delivered to the CRB office becomes public record and shall be viewable on the internet by anyone or any entity. You have been advised that any statement made to the CRB can be used by other governmental entities.

Susan E. Wilder

Signature of Complainant

5-4-21

Date signed

Complaint Received by:

Complaint Reviewed by:

Action Taken:

Date complaint forwarded to Chief of Police: _____

On Thursday March 4, 2021, I would commence with my normal work routine at 500 Duval St. as any other day for the past year since the beginning of the Covid-19 pandemic. My job consistently requires me to transport products on the sidewalk from our retail location to around the corner of the same building on Fleming and Duval where I enter to access our warehouse. This corner is often where Key West PD park their vehicles and set up their mask patrol, so I frequently pass them and on this particular day I passed by Sgt. Rodriguez and Ofc. Standerwick at least 4 times.

Staying with my routine, at approximately 2PM I leave my store for a brief smoke break and cross to the other side of Duval St. while lighting my cigarette. I then place a call to my Husband as I proceed to walk to just around the corner of the 500 block of Fleming on the side of Banana Republic where I frequently stand to smoke. As I am walking I hear someone yell put your mask on, with my phone in one hand I raise my other hand with the lit cigarette to indicate I'm smoking, not "shooing" Sgt. Rodriguez as stated in the police report. I am then startled by being aggressively approached from across the street by Sgt. Rodriguez.

Within 45 seconds of the beginning of the encounter, the time recorded on the body cams of both Sgt. Rodriguez and Ofc. Standerwick, Sgt. Rodriguez demands I apply my mask, threatens to put me in Jail and forcibly grabs my wrist. Still startled, I continue to indicate I am smoking and honestly am bewildered by his actions as I am simply having a smoke break that I take every day. As he grabs my wrist with his uncovered hands he also handles my mask that I normally apply once I complete smoking. Clearly I am not trying to avoid wearing a mask as it is at the ready on my wrist. As he repeatedly grabs my wrist insisting I apply the contaminated mask I then become very agitated and refuse to apply the contaminated mask. I was then provided a sanitary mask from Ofc. Standerwick that I then apply and begin walking toward my place of work to secure the identification Sgt. Rodriguez had demanded. He then walks for the next 100+ feet right behind me towards my place of work (still insisting I put on my mask, that I show him is clearly on my face) and then only feet before the entrance of my place of employment Sgt. Rodriguez jumps in front of me, states again (at 2:08 min) "we're gonna go be in the jail first" and begins to handcuff me even though I had already complied and put on the clean mask and was following his command to provide identification. Furthermore, there was no indication I was being taken into custody or being arrested, though this appears to be a foregone conclusion.

I am then walked back across the street where he begins gathering my personal information. While doing so he continuously implies I might lie to him and threatens additional charges. During this time period of approximately 11 minutes my mask has slid below my nose, he then again repeatedly reaches for my face with his contaminated hands in an attempt to adjust my mask. For a person taking action under the guise of Covid protection he does not appear to have any concern for my safety or proper CDC contact protocols.

At approximately 15 minutes a third officer, Valdes, arrives and immediately recognizes me and advises the other officers that he had worked for me and states that I'm a good person. He asks Sgt. Rodriguez "just a resisting charge?". Sgt. Rodriguez replies "Yeah, I really would rather not but I don't see this getting any better so I might as well." The two walk away and have an approximately 1 min conversation (inaudible). Upon returning, Sgt. Rodriguez states it's against his better judgement, doesn't

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know what's going on in my life and says I'm the one that writes or interprets the rules and then proceeds to call me a liar and accuses me of making untrue statements. When I ask him what I'm lying about he is unable to respond with any clarity. He then asks me "ok, so what do we do?" I respond "I don't know, I've never been like this"(implying this situation). He responds "that makes no difference, there is always a first, right?" He then asks "is there anyway I can get you to comply instead of being the way you're acting?" I then state yes, I always comply and repeatedly state at least 6 times "I will comply" and point out that I pass by him repeatedly on a daily basis and I'm always complying with the face mask ordinance. Sgt. Rodriguez then says "ok forget it, I don't think it's getting any better". At this point I have complied with their demands, provided the information requested and now Sgt. Rodriguez wants to know what do we do? By now I am extremely confused due to never having experienced a previous conflict while having a smoke break. I don't know what the two officers have discussed and he keeps suggesting things aren't going to get better. What's suppose to get better, because I have already complied with their request, otherwise how could I put my mask on handcuffed?

I consider myself a law abiding citizen who has complied with the masking ordinance from the beginning. On the video, my General Manager Mike Griswald, expresses his puzzlement by the actions taken against me because I have this routine smoke break every day and it's never been a problem. Sgt. Rodriguez insists there was a change to the ordinance(21-07) two days earlier to include wearing a mask if you are eating, drinking, or smoking. This does not appear in the ordinance and goes on to state an arrest can occur for a knowing and intentional violation. It is apparent that this interaction has occurred due to ambiguity, inconsistent enforcement and numerous interpretations of the ordinance. As reflected in the video Sgt. Rodriguez chose to be inflammatory rather than trying to deescalate a situation that had occurred only because of confusion and not intent. Law enforcement officers have an abundance of discretionary authority and should use it appropriately. Sgt. Rodriguez did not use discretion in this situation but rather proceeded with a foregone conclusion.

Even though Mayor Teri Johnston had stated at a public town hall meeting we are not trying to arrest people unless they had been warned and then refuse to sign a citation. At no time am I asked to or refuse to sign a citation. On the video you hear Ofc. Valdes ask if I have signed the citation and Sgt. Rodriguez presumptively responds "she is not going to sign it. Upon being transported to county jail, just before entering, Valdez informs me he stopped all recording devices and says he tried to help and I should fight this. I am then humiliated while being processed and held over 24hrs over an ambiguous masking rule to prevent covid while ironically subjecting me to a much greater chance of contraction. The police report written by Ofc. Valdes, who was not present until 15 minutes into the interaction, is inconsistent and contextually inaccurate. The body cam depicts a more accurate portrayal of how a citizen can unknowingly and mistakenly be arrested.