

Chief of Police



POLICE DEPARTMENT

Citizen Complaint Sworn Affidavit

Complainant Name STEVE LEGNAIOLI Date of Birth 12 14 69 Race W Sex M

Address 2429 Fagnery Phone 305 407 0608 Email _____

Person Affected by Incident (if different from complainant) _____

Address _____ Phone _____ Email _____

Witness Name _____ Date of Birth _____ Race _____ Sex _____

Address _____ Phone _____ Email _____

Incident Date 2013-2018 Time _____ Location _____ Case Number _____

Employee Name(s) or Description(s) OFFICER BOUVIER

Describe the Incident, Specific Complaint and Desired Remedy

SEE ATTACHED



RESPECT - INTEGRITY - FAIRNESS - SERVICE

Key West Police Department 1604 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111
www.keywestcity.com



Donald J. Lee, Jr.

Chief of Police



Key West

POLICE DEPARTMENT

PLEASE READ CAREFULLY BEFORE SIGNING. You must complete the remainder of this affidavit in the presence of a notary public. Upon witnessing your signing of this affidavit, a notary public shall complete the notary block by entering the same date the affidavit is signed.

ANY FALSE STATEMENTS MADE MAY BE SUBJECT TO CRIMINAL PROSECUTION UNDER PERJURY, FALSE REPORT OR CIVIL STATUTES. UNDER PENALTY OF PERJURY THE UNDERSIGNED SWEARS THAT THE FACTS CONTAINED ON EVERY PAGE IN THIS DOCUMENT ARE WITHIN THEIR PERSONAL KNOWLEDGE AND ARE TRUE AND CORRECT.

Print Name _____ Signature _____ Date _____

STATE OF FLORIDA, COUNTY OF _____, the forgoing instrument was acknowledged before me this _____ day of _____ (month) _____ (year) by _____ who is personally known to me or who has produced _____ (type of identification) as identification and who DID take the oath listed above.

Notary's Name _____ Notary's Signature _____

Notary's Title or Rank _____ Notary's Identification Number _____

Notary's Stamp:

Employee Receiving Complaint _____ ID Number _____

Date _____ Time _____

F.S. 837.012- Perjury when not in an official proceeding provides that:

1. Whoever makes a false statement which he does not believe to be true, under oath, not in an official proceeding, in regard to any material matter shall be guilty of a misdemeanor of the first degree, punishable as provided in F.S. 775.083 or F.S. 775.085.

2. Knowledge of the materiality of the statement is not an element of this crime, and the defendant's mistaken belief that this statement was not material is not a defense.

F.S. 112.533(4) Any person who is a participant in an internal investigation, INCLUDING THE COMPLAINANT, the subject of the investigation, the investigator conducting the investigation, and ANY WITNESS to the investigation, WHO WILLFULLY DISCLOSES ANY INFORMATION obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document action or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in F.S. 775.082 or F.S. 775.083.

F.S. 122.432(3) - Officers have the right to bring a civil suit against any individual who files a false or malicious complaint.



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2099

By meeting with officer Bouvier I was expecting to bring a conclusion to this case , but what happened was unexpected. After repeated calls to Bouvier that went unanswered , I contacted Sargent Boutrious who forced the meeting to happen.

Officer Bouvier started the meeting by re-reading the report he made so we could discuss it , and started our discussion by telling me a lie , that the case status was 'other' because it was determined a crime had not been committed.

"Because there was no crime status , there was no crime being investigated , whats the crime you were reporting?" -Bouvier

"What was the threat , cause based on the statute I got nothing" -Bouvier

"How were they threatening you" -Bouvier

Bouvier had just finished reading his report where I outlined the crimes ... repeated calls where the callers threatened and harassed my wife and I , stating that we were in danger and threatening to 'take us down' ...but still doesn't see a crime that has been committed, and continues to act confused and asks ..

"Whos in danger?" -Bouvier

"It's in the report you took , she told me I was in danger , she was threatening me on the phone" -Legnaioli

"Your saying it's in the report I took? ..cause I don't see it" -Bouvier

"Began to curse and threaten..." -Legnaioli

"Thats not her it's you" -Bouvier

"Mr Legnaioli said the staffer called and began to curse and threaten" .."Lets just start on the first sentence, maybe you need to read the report again" -Legnaioli

"Right , maybe I do " -Bouvier

Bouvier has now established that he doesn't have a basic understanding of the complaint I was making. In fact he thinks that the threats made TO me ...were made BY me. He goes on to state that .."I don't remember what I told you 5 years ago"... but for someone who doesn't remember what was said 5 years ago he now takes a giant leap and states that .. "I made contact with the staffer and Capitol Hill Police , they completely and totally deny what you are saying and in fact said that you were the one that was being aggressive" -Bouvier

5 years later he is now making statements in defense of the perpetrators ...statements that are missing from his report. Statements that cannot be backed up today , and statements meant to excuse his unprofessional behavior while investigating this case ...or it should be said lack of investigating"

Bouvier is claiming both of the callers told him they "completely and totally deny" the accusations ...but for some reason failed to put these denials that are essential to the case in his report. In fact Bouvier never spoke to the CHP agent , but is now making statements for the agent on her behalf. I believe this is criminal behavior.

Bouvier kept repeating his defense that the callers told him they were innocent , and I kept asking where it said that in the report. He couldn't back up his statements.

The fact is that when we met 5 years ago Bouvier told me that he couldn't investigate the case because it fell outside their jurisdiction , I turned to the Chief of Police for help and asked him to look into the matter and when he got back to me he stated that the case didn't

After meeting with officer Bouvier it was clear that he was confused about the law (365.16) and the specifics of the report he submitted on my case ().

The original excuse for not investigating the complaint was that since the threatening phone call my wife and I recieved was placed from outside their jurisdiction , it then fell outside their jurisdiction to investigate , that I should contact the city from where the call was placed , as it falls under their jurisdiction.

During our recent meeting officer Bouvier stated he did not remember telling me that excuse , and that the real reason he didn't investigate was because no crime was committed because the staffer "denied it happened when I spoke to her" ...and in fact "said the opposite of what you said" ..I repeatedly asked where in his report it says that ...he repeatedly stated that "she told him that when they talked": ..5 years ago. And after many failed attempts to have him point that out in his report he gave up and the sargent started answering questions. The original excuse about "jurisdictional issues" was abandoned and forgotten by Officer Bouvier but not forgotten by the Chief of Police and Detective Dean who continues to back up officer Bouvier's original excuse to this day , as documented in attached incident report. Officer Bouvier displayed his confusion about the report when he attributed my claims of being threatened to her claims of threatened , as shown in attached video and transcript. Also Officer Bouvier repeatedly made claims the staffer denied the accusations I made against her ...but for some reason he failed to put that in his report. Officer Bouvier also refers to a voicemail that he never bothered to listen to....ytet inserted into his report. At the time the complaint was made I also told officer Bouvier that the caller from Capitol Hill Police had also been calling and harassing my wife on her personal cell phone , and also contacting my wifes place of work and repeatedly harassing the secretary and the doctor she works for. I explained to Officer Bouvier that that they could back up the evidence I gave him and that when he interviews them they would like to file a complaint as well. Officer Boiuvier never contacted any of the witnesses , he also never contacted the caller from Capitol Hill Police about the threatening phone calls made to Me , my wife , the secretary and the doctor , and when confronted about the staffers calls he said to me he believed the denial from the staffer and ended his investigation ...a denial he never reported anywhere , in a report , not on bodycam , nowhere ...and only mentioned 5 years later when Sargent Boutrios ?? made officer Bouvier meet with me after he failed to return my phone calls. At one point officer Bouvier stated that he can't be expected to remember what happened 5 years ago , in the next breath he then states he remembered she "denied" everything" , and in fact "said the opposite" of what I said.

Meeting with Bouvier

"Why does the status say 'other'"

"Because there was no crime status, there was no crime being investigated , whats the crime you were reporting?"

"What was the threat? ..cause based on the statute , Ive got nothing"

"How were they threatening you ?"

"You didn't tell me that when we talked"

"When I discuss the issue whith both the agent and the staffer"

"Whos in danger?"

Its in the report you took , she told me I was in danger < she weas threatening me on the phone"

"Yopur saying its in this report I just took? ..cause I don't see it"

"Began to curse and threaten"

"Thats you not her"

"Mr. Legnaioli said the staffer called and began to curse and threaten" .."lets just start on the first sentence , maybe you need to read the report again"

"Right , maybe I do"

So , you made accusations , right"

I made contact with the staffer, as well as CHP , they completly totally deny what your saying and in fact said that you were the one that was being aggressive"

"What is it you want me to do?"

"Thats what you saidf , and she said the exact opposite when I spoke to her"

"Where does it say that , that she said the exact opposite?"

"Those weren't her words"

"Where is it in the report?"

"You said you felt the case didn't fall under your jurisdiction because the call was placed outside your jurisdiction is what you told me"

I don't recall that"

"What do you want"

"I was harrassed and threatened , where does she deny it"

"She didn't neccassarly deny that "

I made an accusation , and you said she denied it"

When I spoke to her , what she told me was"

"If she told you that it should be in the report , please"

"I don't remember what I told you 5 years ago"

"What in this statute are you saying was violated"

"Where does it say that she denied what I said?"

I N C I D E N T	Case #	Date Report Prepared	Occurred From	Occurred To	Report Type
	01-13-002756	05/29/2013 16:32	04/25/2013 21:45	04/26/2013 23:00	Original
	Dept. Classification	Case Status		Case Status Date	Cleared
	CAD MISCELLANEOUS INCIDENT	OTHER		05/30/2013	05/29/2013 16:45
	Common Name				
HASKINS PLUMBING - 2023 FLAGLER AV Apt. .2 KEYWEST, FL 33040 (MONROE County)					
Day of Week : THURSDAY					
Dispatched : 05/29/2013 15:52			Beat Assignment : 5		
Responded : 05/29/2013 15:52			Alcohol Related : NO		
Arrived : 05/29/2013 15:58			Drug Related : NO		
Map Reference : 2291XX4BN			Total Damaged Property Value : \$0.00		
Location Type : RESIDENCE-SINGLE FAMILY			Total Stolen Property Value : \$0.00		
			Total Recovered Property Value : \$0.00		

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	PERSON REPORTING	STEVEN THOMAS LEGNAIOLI			
	Home Phone	Person Address			
	(305) 407-0668	Use Address from Incident Location Information			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	DL Number
	WHITE	Male		12/14/2018	L254798694540
	Birth Date	Birth Place			
	12/14/1969	UNITED STATES			
	Age : 43 DL State : FL DL Country : UNITED STATES Ethnic Origin : NON-HISPANIC Min. Height : 5'9" Min. Weight : 160 lbs Adult or Juvenile : ADULT Coat : NONE Hat : NONE Shirt : WHITE T Pants : TAN SHORTS Shoes : UNKNOWN Hair Color : BROWN Hair Length : MEDIUM Facial Hair : STUBBLE Eye Color : BROWN Build : MEDIUM/AVERAGE Complexion : MEDIUM Glasses : NO Hand Use : UNKNOWN Caution : UNKNOWN Religion : UNKNOWN Marital Status : MARRIED Speech : NORMAL Residency Type : CITY Residency Status : FULL YEAR Citizenship : UNITED STATES				
End of Person: 1					

N A R R A T I V E 1	Topic	ORIGINAL
	On Tuesday May 29, 2013 I, Ofc. K. Bouvier responded to 2023 Flagler Ave. apartment 2 (Haskins Plumbing). The Reporting Person stated he was receiving threatening phone calls.	
	Upon my arrival, I met with the Reporting Pearson and identified him by his Florida driver license as Steven Thomas Legnaioli (DOB 12/14/1969). Mr. Legnaioli told me that on April 25, 2013 at about 9:40pm he received a phone call from a staffer associated with Kentucky Senator Randal Paul.	
	Mr. Legnaioli said the staffer called his phone and through the course of the conversation, the staffer began to curse and threaten him. Mr. Legnaioli said the staffer called his mother a whore and told him that he was in danger.	
	Mr. Legnaioli also said that an agent from the Capital Police had been calling and harassing his wife at	

Reporting Officer	Department	Report Status:
KRISTOPHER BOUVIER (3356)	KEY WEST POLICE DEPARTMENT	Approved
Officer Name		Date/Time
Verifying Officer	Department	Date / Time
SGT FRANCISCO ZAMORA (1402)	KEY WEST POLICE DEPARTMENT	06/04/2013 12:53

The Basics of my original complaint.

I received a threatening call from Rand Pauls Communication director on her private phone 9:00 pm, this was in response to me leaving a message at one of his offices.

The next morning I called Capitol Hill Police Threat Assessment Division and told the Agent who answered what had happened the night before , she told me that she got a call from that lady , she told me she never called you and that you repeatedly called and harassed her , I suggested that I pull my phone records and send them to her so she can see who is telling the truth and hold the liar accountable , she said "I don't care what the fuck you records show , she won't be held accountable" .. I hung up

My wife then started to receive repeated phone calls on her cell phone at work from the CHP agent , then the secretary at the dentist office where my wife was working started to receive calls from this agent , then the doctor got on the phone and was threatened with arrest for knowing my wife. He was shaken and called his Congressman and CHP to tell them what was happening.

The "staffer" from Rand Pauls office who made a bunch of false claims in my original complaint , confessed to the CHP Agent Zimmeman (mentioned in the complaint) that she DID call me, and Agent Zimmerman said my phone records were no longer needed.

KWPD was called and my original complaint was made, I wanted to press charges for the threatening and harassing calls , as did my wife and her employer. KWPD told me that they couldn't investigate or make an arrest because the call came from outside their jurisdiction , and I should call the police from where the call was made.

This was told to me by Officer Bouvier , with Zamora verifying 2013

13-2-19