

WORKING AGREEMENT

WHEREAS the City of Key West Police Department (KWPD) is charged, in part, with protecting and serving the citizens and general public;

WHEREAS the Citizens Police Review Board (CRB) is charged, in part, with providing the citizens of Key West and the general public a forum to address police professionalism issues;

WHEREAS the parties have mutual interests in increasing police professionalism & maximizing public and officer safety, reducing miscommunications between their respective departments and fostering the public's confidence in KWPD services;

WHEREAS the parties recognize that if one department falls short in their public mission the other also fails and if one department succeeds, the other also succeeds;

NOW THEREFORE, the parties enter this Working Agreement (Agreement) this 27th day of January, 2009 to take effect forthwith as follows:

1. The KWPD, by and through its Professional Standards Office (PSO), will forward or make available copies of all completed internal affairs investigations (whether internally generated or externally generated) to the CRB Executive Director within three (3) business days from the first available day for copying under F.S. 112.533(2) (Officers Bill of Rights) and Florida public records law. The CRB will direct the CRB Executive Director to assist in the clerical efforts of reproduction of these files so as to minimize the PSO's manpower disruption.
2. The files referenced in #1 above will contain the summary of available disciplinary history and commendations of the respondent officer(s) which are available under Florida public records laws. The CRB will be sufficiently advised from time to time that said disciplinary history and commendations are not relevant to any pending complaint against an officer in

absence of evidence that the officer has engaged in prior conduct similar to the alleged conduct at issue in the pending case.

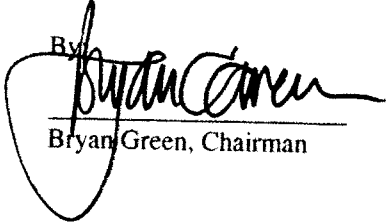
3. Paragraphs #1 & #2 above shall represent CRB's standing and ongoing request for public records under F.S. 119.07 and other applicable public records laws. Said records shall be redacted in accordance with Florida's public records laws and released in accordance with the Officer's Bill of Rights Florida Statute 112.532 et. seq. (Officer's Bill of Rights).
4. The CRB shall extend an invitation to each respondent officer, whose location is reasonably ascertainable, to attend its applicable public hearing addressing that respondent's file. The subject officer may attend and address the CRB directly, through the officer's designee, the officer's union representative and/or the officer's attorney. Said designee will not be the PSO designee mentioned in #8 below to avoid any appearance of conflict of interests or impropriety.
5. The KWPD, by and through PSO, will present each complaining party a CRB informational brochure at the time they formally file an administrative complaint (whether internally or externally generated) with the KWPD concerning any officer of the KWPD. A copy of the brochure jointly agreed to by the CRB and KWPD is attached hereto as Exhibit "A". The CRB Executive Director will provide sufficient copies of said informational brochure to the PSO.
6. The CRB members and its Executive Director, as their schedules permit, will participate in "ride-alongs" with the KWPD to help understand the daily working conditions facing the KWPD members. Said obligation shall not be mandatory upon the CRB members but the CRB Executive Director shall participate in such activities, as his schedule permits. The CRB Executive Director shall report on a yearly basis, commencing November 1, 2009, the names of the CRB members who attended a ride along during the preceding year.
7. The CRB Executive Director, as his schedule permits, attend KWPD training sessions in an effort to educate the CRB members in applicable KWPD training methods that relate to CRB reviews of files.

8. KWPD PSO, by and through a designee, will attend CRB meetings to help explain and educate the CRB in issues relative to the applicable file before the CRB and other standard operating procedures so that the CRB can reach an informed and equitable resolution of the subject matter before the CRB. PSO's designee shall be primarily available to the CRB to present KWPD's policies, regulations, PSO's investigations and findings on each file.
9. The CRB Executive Director and the KWPD designee will work closely to present a joint statistical summary report to the CRB, on an annual basis commencing for the year 2009, addressing a summary of the files completed by PSO for each applicable year and which fall within public records and not in violation the F.S. 112.532 et. seq (Officers Bill of Rights).
10. The CRB standard complaint form will be harmonized as much as practical with the KWPD PSO complaint form so as to avoid any types of conflicts.
11. The CRB and KWPD shall conduct themselves in a professional and respectful manner during all interactions.

This Agreement shall not be interpreted to conflict, replace, waive or violate Florida law (Public Records Laws, Officer's Bill of Rights and alike), the City of Key West's Charter, or the police union's collective bargaining agreement. If one provision violates any of the forgoing laws or agreements, then it shall be null and void and the remaining parts of this Agreement shall remain in full force and effect. Either party may terminate this Agreement by giving a thirty (30) day written notice to the other party.

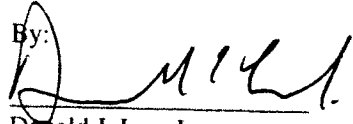
Citizens Review Board

By:


Bryan Green, Chairman

Key West Police Department

By:


Donald J. Lee, Jr.
Chief of Police

City of Key West Citizen Review Board

General Information

What is the Citizen Review Board?

The Citizen Review Board (CRB) created by Key West voters on November 5, 2002, has the authority to review and/or investigate citizen complaints involving Key West Police Department sworn staff (police officers) and forward findings and/or recommendations to City management, the chief of police, State Attorney, other state and federal law enforcement agencies and/or grand juries. It is completely independent of the Key West Police Department (KWPD). The seven (7) board members of the CRB all live in Key West.

The State of Florida's Sunshine Law governs the CRB. That means that any information provided to the CRB, all complaints received, all witness statements, is public record.

The CRB staff works to ensure that all complaints receive a fair and objective investigation and/or hearing. The CRB may retain the services of an attorney and professional investigators and may conduct investigations, inquiries

Initiating A Complaint

Any person who wants to make a complaint against a KWPD officer can file a complaint directly at the office of the Citizen Review Board; thereby initiating an investigation. Once a complaint is filed with the CRB, it is forwarded to the Department of Professional Standards/Internal Affairs of the KWPD. The CRB monitors the progress of the investigation. The closed investigation is forwarded to the CRB for final review. The investigation is examined by the entire CRB for thoroughness, objectivity, and assurance that the evidence supports the finding.

A citizen complaint is a separate process from a civil or criminal action.

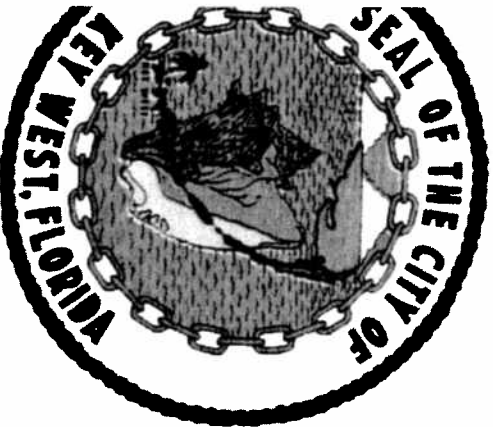
The CRB is not empowered to review complaints made against any law enforcement agency other than the Key West Police Department.

The CRB has an open and public process and all materials received by the CRB become public records viewable on the web or otherwise by anyone or any entity.

Who can file a complaint?

Promoting public confidence in the professionalism and accountability of the sworn staff of the Key West Police Department.

P. O. Box 1946
Key West, FL 33041-1946



How to file a complaint

All complaints will be reduced to writing in letter format or the approved CRB complaint form. Forms are available by calling the CRB or at the following location: City of Key West Police Department or downloaded from the CRB website: <http://www.keywestcity.com/departments/board.asp?fDD=28-153>

Complaints can be filed in a variety of ways:

- a. Mail to: P.O. Box 1946, Key West, FL 33041
- b. In person to the CRB office: #3 East Quay Road, Key West, FL 33040, (Please call to make an appointment to guarantee a representative will be available for personal intake of the complaint.)
- c. By fax: (305) 293-9827
- d. Email: crb@keywestcity.com

A complaint is forwarded directly to the KWPD Professional Standards Office/ Internal Affairs (IA) Bureau and the Chief of Police.

IA has 45 days to complete an investigation and forward findings to the Chief of Police, the CRB and the complainant.

The CRB will review the findings and present a copy to the complainant within 21 days of the findings. The CRB will determine if mediation is an appropriate option of if there is a need for further investigation, inquiry and finally, a hearing.

What you should know before you file a complaint

Providing the following information will make it helpful for the investigators to expedite your complaint.

- a) It is essential to have as much information as possible about the incident when filing a complaint. Important facts may include:
 - Time, date and location of the incident;
 - Names and ID numbers of officers;
 - If you do not have the names and ID numbers of the officers, then be able to give a physical description (e.g. approximate height, hair color, etc.);
 - Names and phone numbers of witnesses;
 - Any documents such as photographs, citations, hospital records, etc.
- (Remember that all documents received become public record viewable on the web or otherwise by any person or entity.)
- b) A complaint should be filed as soon as possible after you became aware of the incident or after resolution of any criminal charges. You should contact the Executive Director to address the timing of your complaint.

- c) **Notify the CRB Executive Director if you move or change your phone or message number.** Failure to provide the CRB current information or means for CRB to contact the complainant may result in dismissal of the case.

At the conclusion of each review or investigation, the CRB shall render one of the following findings based on the preponderance of the evidence:

- a. Unfounded - the act or acts were found to not have occurred;
- b. Exonerated - where the acts that provide the basis for the complaint occurred, but the review or investigation shows such acts were proper;
- c. Not Sustained - where the review or investigation fails to disclose sufficient facts to prove or disprove the allegation made in the complaint;
- d. Sustained - where the review or investigation discloses sufficient facts to support the allegations made in the complaint;
- e. No Finding - where the complainant failed to produce information to further the investigation, the review or investigation revealed that another agency was responsible and the complaint has been referred to that agency, the complainant withdrew the complaint, or the CRB did not reach a conclusion.

At the conclusion of the review or investigation, the CRB shall forward its written findings and conclusions to the Chief of Police and to affected officers and to the extent permitted by law, to the complainants. The Chief of Police shall respond within 30 days.