

# Citizen Review Board

100 Grinnell Street, Key West, FL 33040  
PO Box 1946, Key West, FL 33041  
(305) 809-3887 Fax (305) 293-9827  
e-mail: [crb@cityofkeywest-fl.gov](mailto: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 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.



\_\_\_\_\_  
Name/Nombre

2-3-2017

\_\_\_\_\_  
Date/Fecha

1. CRB Control #  
17-001

# COMPLAINT FORM

## Citizen Review Board

PO Box 1946, Key West, FL 33041  
<http://www.cityofkeywest-fl.gov>  
email: [crb@cityofkeywest-fl.gov](mailto:crb@cityofkeywest-fl.gov)  
(305) 809-3887 Fax (305) 293-9827

2. Day, Date, Time  
Complaint Received  
2-6-17 1:11pm  
3. KWPD Control System #

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: John H. Binns Date of Birth: 12-10-1960  
Nombre Fecha de nacimiento

Address: 1517 SW 15<sup>th</sup> St. Cape Coral FL 33990  
(Dirección) Street (Ciudad) City (Estado) State (Código Postal) Zip

Mailing Address: 5031 5<sup>th</sup> Ave Lot 42 Key West, FL 33040  
Dirección postal PO Box or Street, City, State and Zip

E-Mail Address: jjohnbinns@yahoo.com  
(Dirección e-mail)

Home Phone: ( ) Work Phone: ( ) Cellular: 239-994  
Teléfono Particular Teléfono del Trabajo Celular (239) 910-7845

### 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: Alex Rodriguez, Jr. Badge #: 3465 Vehicle #: \_\_\_\_\_  
Nombre Placa No: Patrulla No.

Please provide a physical description of officer:  
Describe la apariencia física del oficial: \_\_\_\_\_

Name: \_\_\_\_\_ Badge #: \_\_\_\_\_ Vehicle #: \_\_\_\_\_  
Nombre Placa No: Patrulla No.

Please provide a physical description of officer:  
Describe la apariencia física del oficial: \_\_\_\_\_

Name: \_\_\_\_\_ Badge #: \_\_\_\_\_ Vehicle #: \_\_\_\_\_  
Nombre Placa No: Patrulla No.

Please provide a physical description of officer:  
Describe 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: \_\_\_\_\_  
Nombre \_\_\_\_\_  
Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Dirección: \_\_\_\_\_ Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_  
Zip Code \_\_\_\_\_ Contact numbers: Telephone \_\_\_\_\_ Cell \_\_\_\_\_  
Código Postal \_\_\_\_\_ Teléfono \_\_\_\_\_

**Victim/Witness #2**  
**Victima/Testigo No. 2**

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 \_\_\_\_\_

**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: 12/5/16 Time: \_\_\_\_\_ Location: \_\_\_\_\_ Case # if applicable: 16-4996  
Fecha: 12/5/16 Hora: \_\_\_\_\_ Lugar: \_\_\_\_\_ No. de Caso, si corresponde: \_\_\_\_\_


See attached typed narrative  
plus 5 photos

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.

  
\_\_\_\_\_  
Signature of Complainant

2/6/17  
\_\_\_\_\_  
Date signed

Complaint Received by: _____	Complaint Reviewed by: _____	Action Taken: _____
Date complaint forwarded to Chief of Police: _____		

On December 5, 2016, I called 911 because I was a victim of a reckless driver which escalated to a Battery.

Ofc. A. Rodriguez responded to the call and was biased against me from the moment he arrived. He even created a report that was a false narrative and contained many factual errors – including my date of birth.

I attempted to resolve the situation by going through the several chains of command at KWPD, which culminated in my correspondence to Chief Lee, who forwarded the matter to internal affairs, however; all errors were not corrected, in fact, most were not even addressed.

To begin with, I NEVER stated that I had to lay down my scooter when I was cut off, as Ofc. Rodriguez wrote in his false narrative. He also states that he saw no damage to my vehicle that would be consistent with a crash – which he used to bolster his biased position. Of course there was no crash damage – THERE WAS NO CRASH.

Ofc. Rodriguez did recognize that one of my hand breaks had been 'banana peeled' back, (see body cam), which IS consistent with my description of events. Yet this does not appear in his written report – despite the fact that the body cam shows him inspecting my scooter and commenting on the damaged hand break.

Ofc. Rodriguez never examined me personally to check for injuries, despite me telling him that I was struck about my head & face several times, and being knocked to the ground off of my scooter and they were present, visible and I pointed them out, (see body cam). If Ofc. Rodriguez had seen my injuries he would have had further support for my position that I was the victim, versus his biased position that I was not. It was Sg.t Barrios who observed the injury to my knees – he gave me hand towel – but even he didn't put 2 & 2 together or ask about other injuries. Ofc. Rodriguez went so far as to encourage my attacker to press charges against me rather than pursuing my desire to press charges against my attacker. The body cam shows that Ofc. Rodriguez was a friend of or a friend of a friend of my attacker – which is the basis for his bias and unwillingness to assist me in pressing charges against the true aggressor – Michael Wirkner.

I sought medical attention the next morning – including a CAT & facial scan. The diagnosis was concussion due to several blows to my head and face.

The event concluded with Ofc. Rodriguez running my license, which came back as suspended (which turned out to be an administrative error at the state level and was resolved before noon the next day). Ofc. Rodriguez took GREAT pleasure in taking my drivers' license and license plate and the costs that would be incurred! He displayed his pleasure openly in the presence of my attacker and his household (see body cam), and stated that I wouldn't be driving soon. Had he looked at the empirical facts – that I had very recently registered my scooter (see body cam), he would have recognized that the pieces of information did not match up and he should have simply said that based upon the information he received, he had to take certain steps. He could have been very professional about it, but he was not – it became personal for him.

Ofc. Rodriguez accused me of being intoxicated. While I had a couple of beers while I was in town, I was not intoxicated. Nothing could be further from the truth. My confusion and wooziness was due to the concussion I received from the blows to my head & face, at the hands of Michael Wirkner. If Ofc. Rodriguez did believe I was intoxicated, he did not perform a field sobriety test, as it was clear that I had been driving. I did not recognize my concussive symptoms when I was speaking with Sgt. Barrios and Ofc. Rodriguez, but seeing myself on the body cam video, the symptoms are evident.

My efforts to address these issues with KWPD & Internal Affairs merely resulted in supplemental report(s) which:

1. Purportedly corrected my date of birth;
2. Re-categorized the event as a batter;
3. Ofc. Rodriguez adding a self-serving comment that he determined I was the aggressor therefore having no basis or probable cause to press charges on my behalf against friends' friend.

What remains uncorrected is:

- a. That I did not lay down my scooter; that my hand break incurred damage consistent with my description of events & the physical injuries I received.

This is not an accurate report; therefore, it cannot have an accurate result. Sgt. Smith did, in his letter to me, state that if I wanted, I could come in and meet with him to make any changes to the report, I could do so. I declined and chose to bring my complaint to CRB due to the lack of taking responsibility and having what corrections that were made, being made by the very same officer I am complaining about.

