

CRB COMPLAINT EVALUATION FORM

Case Number: 12-002

Complainant Name: Tony Webb

CASE SUMMARY

Date of Incident: 11/08/11
Date of Complaint filed with CRB: 01/26/12
Date of Complaint filed with IA: 01/27/12

Officers: Lieutenant David Smith

Allegation: Threat

The Complainant, Tony Webb, first mentioned this incident at the CRB meeting on January 9, 2012. During every meeting and phone conversation prior to this Mr. Webb stated that Lt. Smith had been professional. On January 26, 2012 I received a notarized letter from Mr. Webb alleging that Lt. Smith, prior to turning on the recorder for his interview, stated to him that "there could be repercussions from this". Mr. Webb stated that he did not question Lt. Smith as to what he meant but took it as a threat.

This file consists of the following written/visual materials:

1. Complaint and transfer to IA cover memo;
2. Audio interview with Lt. Smith
3. Audio interview with Tony Webb
4. IA Investigation and findings
5. Numerous e-mails from Tony Webb
6. E-mail to Lt. Smith from Susan Srch

THE FACTUAL ALLEGATIONS OF THIS/THESE COMPLAINT(S) HAS/HAVE NOT BEEN INVESTIGATED BY EITHER THE INTERNAL AFFAIRS DIVISION OF THE KEY WEST POLICE DEPARTMENTMENT, NOR THE CITIZENS REVIEW BOARD (CRB). THIS/THESE COMPLAINT(S) IS/ARE BEFORE THE BOARD FOR ADMINISTRATIVE PROCESSING ONLY UNTIL SUCH TIME AS EITHER INTERNAL AFFAIRS OR THE CRB INVESTIGATES THE ALLEGATIONS OF THE COMPLAINT. ANY READER OF THIS/THESE COMPLAINT(S) SHOULD NOT PRESUME THAT THE OFFICER COMPLAINED AGAINST HAS ENGAGED IN ANY WRONGDOING.

Donald J. Lee, Jr.
Chief of Police



Key West
POLICE DEPARTMENT

TO: File
FROM: Donald J. Lee Jr., Chief of Police
DATE: February 7, 2012
RE: PS 12-002 Finding of Fact

Handwritten initials "DLJ" in a circular scribble.

I have reviewed the internal affairs investigation completed by Capt. Scott Smith. Based on the investigation, I find that the allegation that Lt. David Smith threatened Mr. Webb is **not sustained**. I consider this matter closed.

CC: Lt. David Smith
CRB



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

TO: Chief Donald Lee Jr.
FROM: Captain Scott D. Smith
DATE: February 6, 2012
RE: Complaint on Lt. David Smith

On January 31, 2012 I met with you and you assigned me a complaint that you had received via the Citizens Review Board (CRB) with the subject member being Lt. David Smith.

The complaint was generated by Mr. Tony Webb. In his complaint Mr. Webb claimed Lt. Smith had threatened him just prior to turning on his tape recorder in his office, just prior to interviewing Mr. Webb on an excessive force and rudeness complaint.

I received numerous items to review on this case. They are as follows:

- A hand written notarized note from Tony Webb stating Lt. David Smith told him "There could be repercussions from this".
- An email dated November 9, 2011 from Susan Srch to Lt. David Smith. In the email Sue states she had received a voice message from Tony Webb on November 8, 2011 (after Mr. Webb's interview with Lt. Smith). Sue stated Mr. Webb stated Lt. Smith was very professional and Mr. Webb felt the meeting between he and Lt. Smith went very well.
- An email dated January 20, 2012 from Tony Webb to Attorney Robert Citron and the CRB. In the email Mr. Webb again states that Lt. Smith said to him "There could be repercussions from this" he then goes on to say he felt this was a direct threat to him.

On January 31, 2012, I contacted Sue Srch (CRB) as a possible witness to the complaint. Sue stated she was surprised when she received the complaint from Mr. Webb especially because he had already left her a message about how professional Lt. Smith had been with him. Sue stated she asked Mr. Webb why if he was threatened by Lt. Smith he waited so long to report it. She stated Mr. Webb did not have a reply to this.

On January 31, 2012, at 3:20 pm I tried to contact Mr. Webb at 321-266-4321. This is the number at the bottom of his email. There was no answer and I left a voice mail for him to call me with my number on it.



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Donald J. Lee, Jr.
Chief of Police



Key West POLICE DEPARTMENT

On February 1, 2012 at 10:05 am I tried to contact Mr. Webb at 321-266-4321. Again there was no answer and I again left a voice mail for him to call me.

On February 1, 2012 at approximately 1:00 pm I tried to contact Mr. Webb at 321-266-4321. Again there was no answer I did not leave a message.

On February 1, 2012 at 4:05 pm I tried to contact Mr. Webb at 321-266-4321. Again there was no answer and I again left a voice mail for him to call me.

On February 2, 2012 at approximately 10:30 am Mr. Webb called and I spoke to him about the incident.

Mr. Webb stated he was in Key Largo working on his Aerospace Company and therefore we had to speak on the telephone instead of in person.

The interview was approximately 20 minutes long and for exactly what was said the reader should listen to the audio tape. The following is a basic outline of the interview.

Mr. Webb was sworn in and stated that he didn't feel intimidated or threaten by Lt. David Smith. He stated that Lt. Smith was very professional in his internal affairs interview and remembers calling the CRB the day of his interview and leaving a message that the meeting went well and that Lt. Smith was professional.

Mr. Webb stated numerous times that Lt. Smith did state to him "there could be repercussions from this" before turning on the tape but Mr. Webb thought Lt. Smith was just giving him a warning . When I asked what kind of warning, Mr. Webb stated he felt like Lt. Smith was telling him to "be careful Tony". Mr. Webb stated he was not intimidated nor did he feel threatened in anyway.

I asked Mr. Webb if he said anything either during the interview or to the CRB after about the warning Mr. Webb said absolutely not and that he was just "stunned".

In reference to how long it took for him to make the complaint, Mr. Webb said he did so only because Attorney Robert Citron advised him to get it down on the record and that if Mr. Citron would not have told him to make the complaint he would not have.

On February 2, 2012, I interviewed Lt. Smith. Lt. Smith stated at no time did he say prior to turning on the tape that "there could be repercussions from this".



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Citizen Review Board
City of Key West Florida
Executive Director's Memo

TO: Chief Donie Lee/Lt. David Smith
FROM: Susan C. Srch
DATE: January 27, 2012
RE: CRB Complaint 12-002/Transfer to IA

Attached please find a complaint filed by Mr. Tony Webb against Lt. David Smith for what Mr. Webb believes was a threat of repercussions based on his filing of his initial complaint 11-007. This incident occurred in the Office of Professional Standards prior to a recorded interview of the complainant.

**PLEASE ALSO NOTE THAT THIS COMMUNICATION SHALL SERVE AS THE
CRB'S PUBLIC RECORDS REQUEST UNDER FLORIDA PUBLIC RECORDS LAW
CHAPTER 119 FOR:**

Please acknowledge below receipt of this request and letter/enclosures and report back to the CRB with your findings within the 45 day time frame. Should an investigation under the Florida Officer's Bill of Rights commence, then you may delay the delivery of the aforementioned public records until the conclusion of this formal investigation. If an investigation under the Florida Officer's Bill of Rights is NOT commenced, then please timely tender the above items as soon as possible. Thanks.

Receipt

Scott Smith

From: Citizens Review Board
Sent: Tuesday, January 31, 2012 12:08 PM
To: Scott Smith
Subject: Fwd: Documents

----- Forwarded message -----
From: Tony Webb <tony@espacetickets.com>
Date: Wed, Jan 25, 2012 at 9:30 PM
Subject: Documents
To: Citizens Review Board <crb@keywestcity.com>
Cc: kwlawyer@bellsouth.net

Hello CRB,

There comes a time when police injustice goes against our forefather's dreams. Many have died for this and I actually now fear for my own life, but I have the true courage to do as what our forefathers would have desired. I have submitted in writing to the Key West City Attorney's Office all documents, evidence, statements and video to be submitted to the CRB. Plus, I have obtained a sworn statement notarized at a Key West local law firm to the statement of Lt. David Smith of the IA of the KWPD.

I will hand deliver this written notarized document to the Citizen's Review Board office today 01-26-12.

Sincerely,

Tony Webb

Founder

<http://www.eSpaceTickets.com>

<http://www.CecilFieldSpaceport.com>

8501-5 Astronaut Blvd. # 146

Cape Canaveral, Florida 32920 USA

Phone: 321-266-4321

tony@eSpaceTickets.com

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Susan C. Srch, Executive Director
City of Key West
Citizen's Review Board
P.O. Box 1946
Key West, Florida 33041
tel. (305) 809-3887
cel. (305) 509-2847



David Smith <dtsmith@keywestcity.com>

11-007

4 messages

Citizens Review Board <crb@keywestcity.com>

Wed, Nov 9, 2011 at 9:54 AM

To: David Smith <dtsmith@keywestcity.com>

Good morning David,

I received a voice mail from Mr. Webb last night. First let me say that he stated you were very professional and he felt that the meeting with you went very well. That being said, attached is the e-mail he left for me as a follow up and requested that I forward it to you as well. Also attached are the photos he took of his arm after the incident.

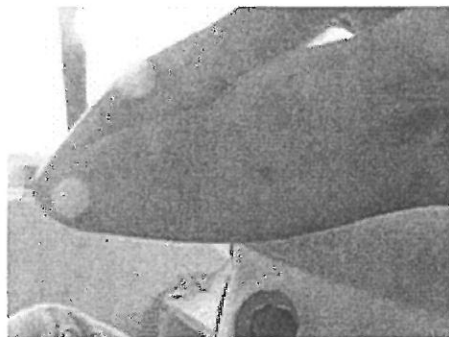
Have a tip top day! Call if you need anything.

Sue

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Susan C. Srch, Executive Director
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Citizen's Review Board
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www.keywestcity.com

3 attachments



solo 006.JPG
36K

solo 007.JPG
43K



Citizens Review Board <crb@keywestcity.com>

CRB 01-23-12 - The Tony Webb Case

1 message

Tony Webb <tony@espacetickets.com>

Fri, Jan 20, 2012 at 9:32 PM

To: kwlawyer@bellsouth.net, Citizens Review Board <crb@keywestcity.com>

Hello Robert and the Key West Citizen Review Board,

My computer was sent to the factory and all of my data was sent to my logistics person. I received the computer on Wed. I did not submit in writing to the Key West Attorney's Office for a view of the video at the Key West Blight dinghy dock area and the road leading into the dinghy dock. I was informed by the Key West harbor master, employed by the city, the video is only archived for 30 days. Then erased. Back in 1991, I was the National Sales Manager for the world's first search engines that automatically captured the spectrum of information. Making video fully searchable to the spoken word or the time stamp. We even were incubating our search engine in the U.S. Senate for three years. Then the Founder of the search engine, my best friend, mentor and spiritual advisor was killed in a car in 2000.

Seems to me, the evidence in the police rudeness and excessive force cases are purposely being destroyed and there are a few more issues that are disturbing me. I sent in writing to Lt. David Allen the cameras to immediately obtain the video. Where is that video and why was it not shown to prove my words are truth and the proof the Key West Police Department are hiding the truth?

Here are my concerns:

SIG-20 x 2 DELUXE
- FABRICATION -

First and foremost was the comment made by Lt. David Allen, before he turned on his tape recorder in his office with the door open, "there could be repercussions from this." That to me sir, was a direct threat and a very possibly of a first level statement from the Chief of Police, "that we are here to protect our Key West Police Department." Do not care if our fine outstanding officers create a crime... we will protect our own. BTW The deal is, Protect the City, The Citizens, The Guests and The Constitution and govern yourself accordingly. ©

Second issue: The Citizens Review Board, from my one meeting perspective has been shocking of the KWPD. I will speak about this at the meeting if you desire to hear my thoughts. After all, I was the last person seated that included the stun gun reports with all the excuses of the false data and the proud comment about "acceptance from the Chief of Police". That to me sounded like there is a battle going on - all because the KWPD morals and values are going astray and have been on this course for quite a while - this resulting in the Key West, Florida Citizens Review Board. The leadership at the top needs to be completely washed-out and replaced by officers that have been proven to serve the community and have morals and values and leadership/wisdom. They should not be led by "got your back" law. The Mayor is now involved... dang... I just reported my dinghy was stolen at the KW dinghy dock and the very polite and very kind police officers then two very bad cops appeared. Now all of this. Just as the KWPD has proven... we will protect our

I am going to call for a State level investigation into this "fox guarding the hen house internal affairs department". As for the comment of repercussions, "sailed 2,000 miles back" "revenge" "thought was my new home". I cried tears that first morning of my land-based return and the early morning restaurant staff will state the truth about how scared, shocked and frighten I was. On my entire 2,000 mile journey I never cried, I even fought HURRICANE IRENE. I have fought many single battles at sea but to return back to what I wanted as my new home. I must leave now and justice will be served. Retribution is the method of police business in Key West. This fact has been established.

Just like Rambo... the town cop messed with him and I am no Rambo, but just a very kind, loving aerospace founder who has a great contribution for the nation and the world.

I will affirm that every Key West Police Department Officer I have every come in contact with has exemplified themselves as honor and law officers that the City of Key West would be proud to have to protect this wonderful paradise community. Now I am forced to leave.

Tony Webb

Founder

<http://www.eSpaceTickets.com>

<http://www.CecilFieldSpaceport.com>

8501-5 Astronaut Blvd. # 146

Cape Canaveral, Florida 32920 USA

Phone: [321-266-4321](tel:321-266-4321)

tony@eSpaceTickets.com

I Tony Webb do hereby AFFIRM that Lt. DAVID Smith of the Key West Police Department made the following statement. The statement WAS MADE in his Internal Affairs Office prior to Activating the tape recorder for a sworn deposition His statement was as followed, "There could be repercussions from this"

I AFFIRM the above statement is the absolute truth.

Tony Webb

State of Florida:

County of Monroe

Sworn to and subscribed before me this 26th day of January @ 12:52 pm by Michael Anthony Webb who produced a Florida Drivers License #W100-541-53-261-0.



Cindy Sawyer