



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

TO: Chief Donie Lee/Lt. David Smith  
FROM: Susan c. Srch  
DATE: August 2, 2011  
RE: CRB Complaint 11-005/Transfer to IA

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Attached please find a complaint filed by Mr. William J. Oehling against Officer Jesse Young and Officer Frank Betz.

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

**1) COPIES OF ANY EXISTING I-COP VIDEO ON OCTOBER 23, 2009 INVOLVING OR RELATED TO THE ALLEGATIONS CONTAINED IN MR. OEHLINGS' COMPLAINT OR DOCUMENTING INTERACTIONS BETWEEN MR. OEHLING AND THESE OFFICERS. (IF SAID ITEMS EXIST).**

**2) COPIES/RECORDINGS OF ANY EXISTING CAD DISPATCH LOGS AND/OR THIS OFFICERS COMMUNICATIONS ON THE AFTERNOON OF OCTOBER 23, 2009, SPECIFICALLY THESE OFFICER'S COMMUNICATIONS, INVOLVING OR RELATED TO THE ALLEGATIONS CONTAINED IN MR. OEHLINGS' COMPLAINT (IF SAID ITEMS EXIST).**

**3) COPIES OF ANY FIELD INTERVIEW REPORTS/INCIDENT REPORTS AND/OR POLICE REPORTS RELATING TO THESE OFFICER'S INTERACTIONS WITH MR. OEHLING, INCLUDING PICTURES TAKEN OF MR. OEHLING ON THE AFTERNOON OF OCTOBER 23, 2009. (IF SAID ITEMS EXIST).**

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

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# CRB COMPLAINT EVALUATION FORM

Case Number: 11-005

Complainant Name: William Oehling

## CASE SUMMARY

Date of Incident: 10/23/2009  
Date of Complaint filed with CRB: 08/02/2011  
Date of Complaint filed with IA: 08/02/2011

Officer(s): Officer Jesse Young  
Officer Frank Betz

Allegation(s): False Arrest  
Untruthfulness

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The Complainant, William Oehling, filed a complaint with the CRB by US Mail alleging False Arrest by Officer Jesse Young and Officer Frank Betz. Mr. Oehling further alleges that Officer Betz claimed Oehling was in possession of a xanax pill which was not in the chain of evidence. This criminal case is under appeal at this time and the complainant is incarcerated. The KWPD declined to investigate or proceed in this matter due to this open appeal. The CRB now should address if it wishes to defer this matter and have the complaint re-file after the completion of the appeal, or otherwise.

This file consists of the following written/visual materials:

1. Complaint and transfer to IA cover memo;
2. Motion to suppress statements and ID;
3. Arrest form;
4. Notice Letters to involved parties;

**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.**

EXHIBIT A

ARREST FORM

MONROE COUNTY  
ARREST #

OBTS #

Filing Agency Key West Police Dept		Offense Report 0109005367		SUF		Alias/Street Name		Citizenship	
Defendant's Last Name OEHLING			First WILLIAM		Middle J.		Birthplace		Scars, marks, TT
Race W	Sex M	Hgt	Eyes BROWN	Hair BROWN	Wgt	Comp MEDIUM	Age 41	DOB	
Permanent Address 1300 15TH CT 46 KEY WEST, FL 33040-						Local Address:		Length	
Residence Type: (1) City (2) County (3) Florida (4) Out of State						Place of Employment		Length	
How long defendant in Monroe County:		Breathalyzer by/CCN		Reading		Place of arrest 1400 20TH KEY WEST, F L 33040-		Date/time arrested 10-23-09 03:22	
Officer Injured		Unit	Zone	Beat	Shift	Trans Unit	PMD	Transporting officer /CCN BETZ, F/3020	
								Pick-up time: Time arrived at MSO:	
								Arresting officer(s) CCN BETZ, FRANK 3020	
								Drug Type: S	

COUNT NO.	OFFENSES CHARGED	CITATION #, IF APPLICABLE	F.S. # OR CAPIAS/WARRANT #
1 / FSS	BURG STRUCTURE OCCUPIED WHILE ARMED		777.04(1)
1 / FSS	POSS XANAX		893.13(6)(a)
1 / FSS	WEAP POSS BY VIOL CAREER CRIMINAL		790.235
1 / FSS	EVIDENCE TAMPER/FABRICATE		918.13
1 / FSS	TRESP PROP NOT STRUCT/CONVEY		810.09(a)
1 / FSS	RESIST OFFICER WITHOUT VIOLENCE		843.02
1 / FSS	CRIM MISCH =<\$200		806.13(1)b(1)
1 / FSS	Attempt. Robbery w/fire-arm	- Later added -	777.04(1)

Before me this date personally appeared **BETZ, FRANK 3020** who being first duly sworn deposes and says that on the **23rd day of October, 2009** at **3731 Duck KEY WEST, FL 33040-** the above named defendant committed the above offenses charged and the facts showing probable cause to believe the same are as follows:

Since Oehling did enter into the curtilage of Cheraitia's yard, with a handgun, and did attempt to make entry into the residence, with the intention of taking money from Cheraitia by force, Oehling is charged in violation of FS 777.04(1), attempted armed burglary of an occupied dwelling.

Since Oehling is a habitual violent convicted felon and was in possession of a Smith and Wesson 9mm firearm, Oehling is charged in violation of FS 790.235.

Since Oehling did attempt to conceal the handgun from police during an active investigation, Oehling is charged in violation of FS 918.13, tampering with evidence.


Since Oehling was in possession of Xanax, a controlled substance, without a prescription, Oehling was charged in violation of FS 893.13(6)(a)

Since Oehling did slash the tire of Cheraitia's vehicle, Oehling is charged with criminal mischief, FS 806.13.

Since Oehling did enter into the fenced yard at 1400 20th Street without permission of the homeowner, Oehling is charged in violation of FS 810.09, trespassing, other than a structure.

Since Oehling did attempt to resist my efforts in making a lawful arrest, by attempting to pull away from me, Oehling is charged in violation of FS 843.02, resisting arrest.

I swear the above statement is correct and true to the best of my knowledge and belief.

  
OFFICER/AFFIANT'S SIGNATURE

**BETZ, FRANK 3020**  
OFFICER'S NAME/CCN

KEY WEST POLICE DEPARTMENT  
OFFICER'S DIVISION

STATE OF FLORIDA COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 23 day of OCT (year) 09, who is personally known to me or who has produced (ID Type) Police as identification and who DID take an oath. (SEAL OR STAMP IF APPLICABLE)

  
DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY

TITLE OR RANK/CCN

Review Board,

I am writing this in response to what I feel is an injustice resulting in a prison sentence of 15 years, because officer's of the Key West Police acted on instinct rather than the law. This instinct resulting in the following charges:

Burglary of occup. dwelling w/armed

Attempted robbery w/fire-arm

Resisting arrest

Tampering w/evidence

Criminal mischief

Trespassing

EXHIBIT A + ~~1~~ 1 page

All of which I as well as my co-defendant were cleared of, no-action, and Nolle Prossed

The result being a granted motion to suppress due to irreparable misidentification resulting from impermissible suggestive identification procedures used by both officers:

Jessie Young

Frank Betz

EXHIBIT B 5 page

These officers responded to a 911 call concerning a suspect given AS black 20 year old w/gun

Officer Young drove past the given address at the very time the crime was happening, and being recorded between dispatch and the victim. This stated on deposition, as the black man was slashing the victims tires he yells into the phone, "Police are here, Police are here" Officer Young driving right by the hooker banging on the window, the suspect slashing the tires, and the victim who is on the phone with dispatch. (recorded + CAD. report)

Arriving a block away, and instantly pulling a gun and arresting Mark Impero who is sitting in his van. (Recorded on ICOP) Impero is questioned immediately, "where is Oehling" A perimeter search begins using a K-9 for over 1 hour, the K-9 is given a break, and water. Then scented from the passenger seat of Imperos van. The dog goes directly to Oehling who is less than 100 FT from the van, and who has been surrounded by 9 officers in a high risk take down situation guns drawn, all lights going, for over

One hour. He is immediately arrested by officer Frank Betz, and placed in his patrol vehicle. Later a gun is found and both are questioned, charged, and transported to jail.

Week's later Impero's van along with all his belongings is sold by Arnolds Towing, because only he can sign the release. Just days later all charges are Nolle Pro on Impero, and he is released.

At this same time Oehling was found to have not resisted, tampered, slashed anyones tires, or trespassed of which were Nolle Prossed

Oehling has continued to fight from the county jail using the public defenders office. Going pro-se in October 2010 resulting in the charge of

burglary of occup. dwelling w/armed attempt robbery w/fire-arm being dismissed, no-action, Nolle Prossed

Now 21 months after Oehling is cleared of being the suspect, "A black 20 year old w/gun..."

All charges leading up to his arrest, and being placed in officer Betz patrol vehicle are gone. The state goes after Oehling for what they allege was found after the arrest:

Possession of a fire-arm by a felon  
Possession of a schedule II substance

This fire-arm discovered outside of a 6ft. fence near the owner who since arrest, in written statement, deposition, and trial has said, EXHIBIT C 1 PAGE (MAPS)

The gun was mine, I put it in the bush along the fence on the other side of my van because I knew the police would take it due to it only being licensed in N.Y. and my permit being filed in Florida. Oehling did not even know I had it with me. Oehling having just days before being violently assaulted, and robbed by a black 20 year old with a gun I was in fear he would return

so kept his equipment on, or near him.

I was found in actual possession of this fire-arm because similar DNA. was found in the mixture obtained from the fire-arm  
(Not my DNA. match, but similar...)

See attached EXHIBIT D

There was no-one to witness I had, ever had, or give reason to believe I touched that fire-arm.

The weapon was not found inside the yard, or within my reach or control. Rather... outside exactly where Impero described in detail that he placed it.

[ Yet, Oehling was found in actual possession of a fire arm by a convicted felon by a jury, and sentenced to 15 years. ]

The other aspect raised over the past 21 months in officer Frank Bete statement

Oehling had on his possession 1 zanax pill, yet could not describe where this pill was

found. This alleged pill being questioned of its existence in 3 motions to dismiss, 1 evidentiary hearing, and prior to trial with a Demand for Discovery of which a power of attorney, with given notice, went to K.W.P.D. Property room for proof it did, or did not exist by way of requesting a photo. They were denied. Yet on 5-11-2011 just 5 days before trial a photograph is produced, "without a chain of evidence" and this same day it is sent to the lab for testing in Ft. Myres the results being filed on the day of trial.

I did not have this pill, or this gun. This is all to insure no civil action, or charges will be filed. I have since made a continued effort to bring forth this injustice. My battle lies in the appellate court of which I am assured a reversal, in under 9 months. I Pray

3 years after Officer Jessie Young,  
and Frank Betz arrested Mark  
Impero, and William Oehling

I am currently awaiting the  
US. Marshals investigation into  
the missing chain of evidence  
on this one Zannex for it must  
be signed out for photographing,  
sending to lab, and for trial...  
Yet no-one can produce. This  
will establish all was created  
by these officers and alleviate  
my remaining charges.

I also have a civil suit against  
officer Young in the US District Court  
of Southern Florida

Sorry my life is so complicated,  
but if your attention helps to  
establish the evident errors of  
this ordeal, I will have made a  
wise decision. This is just one  
step I am, and have made over  
the past 22 (Now) months...  
And will continue

I Am also enclosing a letter sent to each juror, and one to the Judge. Any, and all documentation including 911 call, and I Cop video from Youngs patrol vehicle are available upon request.

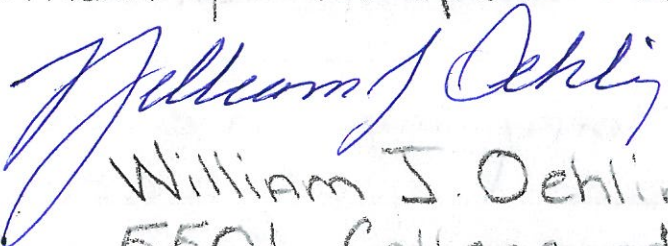
Visit the place of my arrest

"Please Assist!"

IF no longer  
at M.C.D.C.

• Respond •  
Harry G. Oehling  
9770 Lake Dr  
Weeki Wachee, Fla.  
34613

Sincerely + Respectfully,

  
William J. Oehling  
5501 College rd.  
Key West, Fla.  
33040



CITY OF KEY WEST

Citizen Review Board

P.O. Box 1946

Key West, FL 33041

Ph: (305) 809-3887

Fax: (305) 293-9827

August 2, 2011

VIA REGULAR US MAIL

Mr. William Oehling  
C/O Mr. Harry Oehling  
9770 Lake Drive  
WeekiWachee, FL 34613

Complaint File: **CRB No. 11-005**  
**KWPD-IA File Number: (to be assigned)**

Dear Mr. Oehling:

This letter shall confirm receipt by the Citizen Review Board (CRB) of your filed complaint relative to an incident that occurred on October 23, 2009.

As per the Board's standard operating procedures, your complaint has been forwarded to the Key West Police Internal Affairs Department (IA) for investigation. At this time, the CRB will await IA's findings and conclusions. You will be forwarded these findings and conclusions for review and comment also. The CRB will then consider the matter thereafter. The CRB reserves its rights to investigate the matter at any time if appropriate under the circumstances and in accordance with the City's Charter and Florida law.

Please note that all documents and communications received by this office are considered public records. Please make sure that this office is updated at all times of any change to your contact information or mailing address. Please inform your listed witnesses to fully cooperate with all requests by all involved investigators. **Please also note that it is the standard operating procedure of both IA and the CRB to not proceed with an investigation until such time as your pending court case is resolved and closed.** However, such a policy is on a case-by-case basis.

In your letter you stated your conviction is under appeal and are requesting the Boards' assistance in a successful appeal. Please note that the CRB investigates and reviews complaints of police misconduct and can only recommend discipline should allegations be sustained. We are not a legal entity.

The Board appreciates the time you have taken to lodge this complaint. If you change your mailing address, please send in written notice to this office so our files can reflect the same. You are welcome to call or write us with any questions you may have.

Respectfully,

A handwritten signature in cursive script, appearing to read "Susan C. Srch".

Susan C. Srch  
Executive Director  
cc: File



CITY OF KEY WEST  
Citizen Review Board  
P.O. Box 1946  
Key West, FL 33041  
Ph: (305) 809-3887  
Fax: (305) 293-9827

August 19, 2011

VIA REGULAR US MAIL

Mr. William Oehling  
C/O Mr. Harry Oehling  
9770 Lake Drive  
WeekiWachee, FL 34613

Complaint File: **CRB No. 11-005**  
**KWPD-IA File Number: Deferred**

Dear Mr. Oehling:

This letter is to advise you that the CRB will review your complaint at its next meeting on August 29, 2011 at 6:00 p.m. at Old City Hall at 510 Greene Street, Key West Florida 33040. The Key West Police Internal Affairs department has chosen not to investigate your complaint until your pending court case/appeal is resolved and closed. This CRB review will be to determine whether the CRB will also defer investigation until the close of your criminal case/appeal. It is evident that since you are currently incarcerated, you will not be able to attend. However, if you would like to send a representative to speak on your behalf, you are welcome to do so. The CRB will inform you of its decision reached at this meeting by mail.

Please make sure that this office is updated at all times of any change to your contact information or mailing address.

The Board appreciates the time you have taken to lodge this complaint. You are welcome to call or write us with any questions you may have.

Respectfully,

A handwritten signature in cursive script that reads "Susan C. Srch".

Susan C. Srch  
Executive Director

Cc: File



## CITY OF KEY WEST

Citizen Review Board  
P.O. Box 1946  
Key West, FL 33041  
Ph: (305) 809-3887  
Fax: (305) 293-9827

September 2, 2011

VIA REGULAR US MAIL

Mr. William Oehling  
C/O Mr. Harry Oehling  
9770 Lake Drive  
WeekiWachee, FL 34613

Complaint File: **CRB No. 11-005**  
**KWPD-IA File Number: Deferred**

Dear Mr. Oehling:

On Monday, August 29, the Citizen Review Board (CRB) met to discuss your complaint. As you know, the police department has chosen not to investigate your complaint until your appeal process is complete. Many of the Board members shared the same concern as the police department Internal Affairs unit; that being, an investigation into this incident may reveal information that could potentially violate your 5<sup>th</sup> amendment rights. Also, your appeals process may take a bit of time before completion. The Florida Officers Bill of Rights allows 180 days for an investigation from time of filing. If your appeals process goes longer than that your complaint will be canceled leaving you with no recourse. The Board tabled your issue and urges you to consider withdrawing your complaint at this time and refiling when your appeals process is complete. Please know that if you wish to continue with your complaint, any information revealed can and will be turned over to the courts as it will be public record. Also know that the CRB is a civilian Board and not a legal entity. The Board is limited to making disciplinary recommendations of officers, not overturning legal decisions. Please let me know what you choose.

... Please make sure that this office is updated at all times of any change to your contact information or mailing address.

The Board appreciates the time you have taken to lodge this complaint. You are welcome to call or write us with any questions you may have.

Respectfully,

A handwritten signature in cursive script, appearing to read "Susan C. Srch".

Susan C. Srch  
Executive Director

Cc: File



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

TO: Chief Donie Lee/Lt. David Smith  
FROM: Susan C. Srch  
DATE: October 31, 2011  
RE: CRB Complaint 11-005/Transfer to IA

---

Attached please find a complaint filed by Mr. William J. Oehling against Officer Jesse Young and Officer Frank Betz.

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

- 1) COPIES OF ANY EXISTING I-COP VIDEO ON OCTOBER 23, 2009 INVOLVING OR RELATED TO THE ALLEGATIONS CONTAINED IN MR. OEHLINGS' COMPLAINT OR DOCUMENTING INTERACTIONS BETWEEN MR. OEHLING AND THESE OFFICERS. (IF SAID ITEMS EXIST).**
- 2) COPIES/RECORDINGS OF ANY EXISTING CAD DISPATCH LOGS AND/OR THIS OFFICERS COMMUNICATIONS ON THE AFTERNOON OF OCTOBER 23, 2009, SPECIFICALLY THESE OFFICER'S COMMUNICATIONS, INVOLVING OR RELATED TO THE ALLEGATIONS CONTAINED IN MR. OEHLINGS' COMPLAINT (IF SAID ITEMS EXIST).**
- 3) COPIES OF ANY FIELD INTERVIEW REPORTS/INCIDENT REPORTS AND/OR POLICE REPORTS RELATING TO THESE OFFICER'S INTERACTIONS WITH MR. OEHLING, INCLUDING PICTURES TAKEN OF MR. OEHLING ON THE AFTERNOON OF OCTOBER 23, 2009. (IF SAID ITEMS EXIST).**

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

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Executive Director,

Thank you for your response dated September 2<sup>nd</sup> 2011. Having just recieved this due to a change of address I would like to reply. Seeing that this is your first response since response of recieving my complaint on August 2<sup>nd</sup> 2011 I was unaware of the Interns Affairs Dept. response, that they have chosen to "NOT" respond until after the appeal process. This leaves question as to just who regulates the Citizen's Review Board. In all of my years in Key West I was under the belief the (C.R.B.) was, and is there to oversee proper procedur conduct, and ethics are upheld to insure a non-corrupt agency within the Key West Police Dept.

This IA. response is tilted towards avoidance and seems to circumvent an already existent mistake of which reprecusion has already been delt. This is an expectant response to my ongoing attempt to bring to surface a serious injustice. I am currently in contact and have dealings with the following agencies:

US Marshal - Key West Fla.  
 Attorney General - Florida (Tall.)  
 US District Court - Miami Fla.  
 F.D.L.E. - Marathon Fla.

And currently awaiting response from the FBI. in Tampa Fla.

Of all the paperwork I originally sent you the obvious conclusion without question... I was not guilty of the original (b) six charges of which I was arrested, hand-cuffed, and placed in officer Betty patrol vehicle for, 1 1/2 hours after 911 call.

- Armed Burglary
- Armed Robbery
- Jampering with Evidence
- Resisting Arrest
- Criminal Mischief
- Trespassing

Charges dismissed

This because I was not the suspect the alleged victim alerted 911, and the police upon arrival

"A blk. 20 yr old with a hand-gun"  
 All of these charges have been declared invalid by the Monroe County State Attorney, and the lower tribunal authority. (Judge Jones)

These alleged crimes being incorrectly charged due to the wrong information being obtained/given, as well as an illegal arrest and irreparable misidentification. The true and correct suspect being a black 20 year old who confronted the alleged victim face to face, (3m.) with a hand gun. I am a white 43 year old who had just 72 hours before been released from Plover Keys Medical with severe lacerations, stitches, swelling, and bruises on and about my face. None of which the alleged victim made mention of, or written statement of until after my arrest 1 1/2 hours later and seeing me in the patrol vehicle.

This is why I am contacting you for, not the possession of a fire-arm which I was charged with after my arrest. In "NO" way could your information obtained, uncovered, or discovered change, persuade, overturn my current sentence or judgment because I have been cleared of "All" charges of which I am raising for investigation.

The crime I am currently incarcerated for is a totally different criminal episode, and time period from that which I was arrested for, and cleared of.

Yes, I would like to continue your investigation and have no concern with this being public, or court record. Officer Jessie Young and Frank Bety were wrong and should be held accountable. Both as stated by Jones were very familiar with, and informed the alleged victim of my criminal past prior to arrest.

Respectfully,

William J. Oehling

Oehling, William J. 804252  
Moore Haven Correctional  
P.O. Box 718501

Moore Haven, Fla. 33471

Oct 11<sup>th</sup>, 2011

2<sup>nd</sup> Response / Contact

(4 pg.)



CITY OF KEY WEST

Citizen Review Board

P.O. Box 1946

Key West, FL 33041

Ph: (305) 809-3887

Fax: (305) 293-9827

October 31, 2011

VIA REGULAR US MAIL

Mr. William Oehling #804252  
MooreHaven Correctional  
PO Box 718501  
MooreHaven, FL 33471

Complaint File: **CRB No. 11-005**  
**KWPD-IA File Number: (to be assigned)**

Dear Mr. Oehling:

I have received your letter indicating that you would like the Board to proceed with the investigation of your complaint. Your original letter was a bit confusing and appeared to lump all the charges, including the one for which you've been incarcerated, into one incident and THAT is why Internal Affairs as well as the CRB hesitated to continue with the investigation.

I'm presuming, based on your recent letter that you are filing *false arrest* allegations against Officers Jesse Young and Frank Betz for the charges that were dismissed by the Court; and I will give the Board this information at the next meeting.

For the record, this will be the fourth letter I have sent to you. The first, sent on 08/03/2011, was to acknowledge the receipt of your complaint in which it's specifically stated that: **Please also note that it is the standard operating procedure of both IA and the CRB to not proceed with an investigation until such time as your pending court case is resolved and closed.** This is to ensure your fifth Amendment Rights. The second letter was sent on 08/19/2011 to advise you that your complaint was to be discussed at the meeting on 08/29/2011 and that Internal Affairs had decided to defer your complaint until the appeal process was complete. The third letter was sent on 09/02/2011 to inform you of the Board's decision to defer your complaint as well. Once again, this was done to ensure your fifth Amendment Rights.

In conclusion, you can rest assured that the citizens of Key West as well as the Citizen Review Board are the people regulating the Board and its actions. It is their continued goal to ensure proper procedures are followed and all are treated fairly.

Respectfully,

A handwritten signature in cursive script that reads "Susan C. Srch".

Susan C. Srch  
Executive Director  
cc: File

Donald J. Lee, Jr.


Chief of Police



Key West

**POLICE DEPARTMENT**

TO: Sue Srch, CRB Executive Director

FROM: Donald J. Lee, Jr., Chief of Police 

DATE: November 22, 2011

RE: CRB 11-005 Oehling

I have conducted a review into Mr. Oehling's complaint and find there is no basis to his allegation of false arrest. I have consulted with Manny Madruga, Chief Assistant State Attorney who provided the disposition of Mr. Oehling's criminal charges. Mr. Oehling was found guilty by a jury for Possession of Firearm by a Convicted Felon and Possession of Schedule IV Substance and was sentenced to prison. Mr. Madruga stated that the other charges of Burglary of an Occupied Structure While Armed, Evidence Tampering, Trespassing, Criminal Mischief and Resisting Arrest were nolle prossed because they were having some problems with the victim and the other charges were independently strong. According to the arrest affidavits, Mr. Oehling was not charged for Armed Robbery as he wrote in his letter to the Executive Director.

As you are aware, after a person is arrested the State Attorneys Office makes the final decision on which official charges will be filed against the defendant. It is not uncommon for the State Attorneys Office to upgrade, downgrade or nolle pros charges for many reasons. Even if the State Attorneys Office feels that the officer hasn't established sufficient probable cause that doesn't constitute false arrest.

In my review of the police reports and arrest affidavits, I believe that the arresting officers had probable to arrest Mr. Oehling. I believe this matter has been vetted and resolved by the criminal justice system and no further investigation necessary.

Cc: Lt. David Smith



**RESPECT - INTEGRITY - FAIRNESS**

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





OFFICE OF THE STATE ATTORNEY  
SIXTEENTH JUDICIAL CIRCUIT

DISPOSITION OF CASE AND EVIDENCE MEMORANDUM

Dennis W. Ward  
State Attorney

To: Key West Police Department,  
Property Room

Date: June 23, 2011

Defendant: William Joseph Oehling  
(02/24/1968)

Date of Arrest: 10/23/2009

Agency Report Number: 09-5367

Case Number: 2009-CF-00982-A-K

Arresting Officer: Ofc. Frank Betz

Prosecutor: Joseph Spataro

The charges in the above case were disposed on 06/21/2011 as follows:

Possession of Firearm by a Convicted Felon, Jury Trial, Guilty as Charged, Adjudicated Guilty  
Possession of Schedule IV Substance, Jury Trial, Guilty as Charged, Adjudicated Guilty

The defendant was sentenced to:

Count 1:

15 Years Florida State Prison (3 years min. man. for actual possession), followed by 5 Years Probation.  
Defendant designated a Habitual Felony Offender

Costs imposed: \$398 court costs, \$100 cost of prosecution, \$40 cost of investigation to KWPD,

Count 2:

92.10 Months Florida State Prison concurrent to count 1.

2 Years Driver's License Revocation.

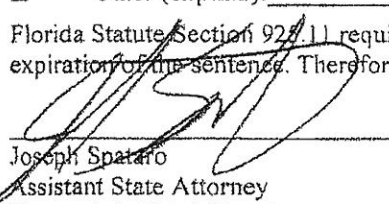
Sentence Guideline Score: 92.10 months FSP

Explanation of any Sentence Guideline Departure or Case Resolution: \_\_\_\_\_

Disposition of evidence is as follows:

- After 60 days, the Property Division may return evidence to its legal owner or destroy evidence.
- Property Division should retain evidence pending appeal.
- Other (explain): \_\_\_\_\_

Florida Statute Section 92A.11 requires that you retain all evidence that may contain DNA until the expiration of the sentence. Therefore do not destroy any DNA evidence until after: 6/21/2031.

  
Joseph Spataro  
Assistant State Attorney  
Sixteenth Judicial Circuit

cc: Manuel E. Madruga  
Ofc. Frank Betz



CITY OF KEY WEST  
Citizen Review Board  
P.O. Box 1946  
Key West, FL 33041  
(305) 809-3887 Telephone  
(305) 293-9827 Facsimile

December 5, 2011

VIA REGULAR US MAIL

Mr. William Oehling #804252  
MooreHaven Correctional  
PO Box 718501  
MooreHaven, FL 33471

Complaint File: **CRB No. 11-005**

Dear Mr. Oehling:

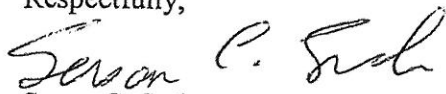
The KWPD has declined to investigate your complaint. Chief Lee advised that after reviewing the complaint and conferring with Assistant State Attorney Manny Madruga he believes the matter has been resolved by the criminal justice system and not further investigation is necessary.

The CRB will review your complaint file and this letter at its next meeting on January 9, 2012 at 6 p.m., at Old City Hall 510 Greene Street, Key West Florida 33040. It is evident that since you are currently incarcerated, you will not be able to attend. However, if you would like to send a representative to speak on your behalf or compose a letter to read for the record, you are welcome to do so. You will be advised of the Boards decision at that meeting by mail.

Please make sure that this office is updated at all times of any change to your contact information or mailing address.

The Board appreciates the time you have taken to lodge this complaint. You are welcome to call or write with any questions you may have.

Respectfully,

  
Susan C. Srch  
Executive Director