

COMPLAINT FORM

Citizen Review Board

#3 East Quay Road, Key West, FL 33040

PO Box 1946, Key West, FL 33041

<http://www.keywestcity.com>

email: crb@keywestcity.com

(305) 809-3887 Fax (305) 293-9827

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: SHAH DAROBA RODD Date of Birth: 9-19-1946
Nombre Fecha de nacimiento

Address: PO Box 742 KW FL 33041
(Dirección) Street (Ciudad) City (Estado) State (Código Postal) Zip

Mailing Address: PO Box 742 KW FL 33041
Dirección postal PO Box or Street, City, State and Zip

Work Address: _____
(Dirección del trabajo)

Home Phone: (305) 600-6367 Work Phone: (____) _____ Cellular: (305) 600-6367
Teléfono Particular Teléfono del Trabajo Celular

B. NATURE OF COMPLAINT: CIRCLE ALL THAT APPLY. Naturaleza de la denuncia: Circular le todas las que apliquen.

Battery/Force Rudeness Deficient Svc Profanity Truthfulness Issue Driving False Arrest Excessive Force Searches
Other: HARASSMENT

C. INFORMATION ABOUT THE OFFICER(S) INVOLVED IN THE INCIDENT DATOS DEL (DE LOS) OFICIAL (ES) INVOLUCRADO(S) EN EL INCIDENTE

Name: NICOLAS GALBO Badge #: _____ Vehicle #: _____
Nombre Placa No: Patrulla No.

Please provide a physical description of officer:
Describa la apariencia física del oficial: _____

Name: ASHLEY DEAN Badge #: _____ Vehicle #: _____
Nombre Placa No: Patrulla No.

Please provide a physical description of officer:
Describa la apariencia física del oficial: _____

Name: _____ Badge #: _____ Vehicle #: _____
Nombre Placa No: Patrulla No.

Please provide a physical description of officer:
Describa la apariencia física del oficial: _____

SHAH DAROBA RODD

P.O. BOX 742 KEY WEST FL 33041 305-600-6367

email = kwhatman@hotmail.com

City Attorney Shawn Smith
City of Key West
525 Angela Street
Key West FL 33040

Tuesday, May 24, 2011

Dear Shawn,

In the last week I have been harassed three times by the KWPD under the guise of me being a camper as evidenced by the enclosed documents which I obtained from the police. As you can see from the first two papers, when the police arrived, I was awake. The third one may or may not show that as I do not have the document at the moment. During the third incident the police had me on the sidewalk, and they were taking photos of me from a straight-on view and a side view (much like a mug shot). They also took photos of my van.

When the cop at the first incident approached my van and looked in the passenger window, he said that he recognized me and that I knew the "ropes". He said I couldn't be there sleeping in my vehicle during the night, but it would be OK to do so during the daylight. How stupid is that!

Shawn, we've had discussions about this situation before in person, and I have written to you in the past about it. And for about 3 years now, the cops have left me alone at night and not disturbed me. Now, for whatever reason(s), I seem to be on their radar screens again; I'm a criminal camper again. I know you to be a reasonable and able person, but I really wish there was some way you could communicate to the police chief how illegal it is for his officers to be harassing people who at the very worst may be doing nothing more than sleeping in their vehicles. After all, the city ordinance that the cop quote as justification for rousting people is the part of city ordinance 62-4, (b), that I've underlined and bolded below.

Sec. 62-4. - No camping.

(a) Definitions.

(1) *Camp* or *camping* means to pitch or occupy a tent or other temporary shelter for sleeping or other habitation purposes.

(2) *Camp facilities* means tarpaulins, cots, beds, sleeping bags, boxes or cartons, hammocks, and portable stoves or other cooking paraphernalia.

(3) *Public place* means the definition provided in section 1-2 of the Code of Ordinances. For the purposes of this section, it also includes a beach under the jurisdiction of the city.

(4) *Safe zone* means a public shelter provided for habitation by the city.

(b) Prohibited. No person shall camp in a public place in Key West. Camping includes the use of camp facilities. **The mere act of a person sleeping in a public place is not alone sufficient to constitute a violation of this section, unless there is indicia of camping**

(c) Personal property. In the event a person is arrested under this section, the arresting officer shall use best efforts to identify and preserve the personal property of the person.

Please keep in mind that the officers never come across me cooking or doing anything -- like having clothes strung out on a clothes line, or outdoor furniture sitting about. And they always seem to think that if a person is sleeping at night then that person is violating the city ordinance, but the person is sleeping during the day, then the person is NOT violating the law. Weird, I think. When the officer approached the first of these three times, I was sitting up in the front seat, working the *Citizen's* crossword puzzle. Ditto the second time. The third time I was asleep, but still there were no indications of me camping. All that the officer saw was an ordinary vehicle correctly and legally parked on a city street, with the windows covered with an opaque material through which a person cannot see.

Please, Shawn, communicate to the police chief that this harassment of me, and others as well, is illegal and should be stopped. The tactics used by the KWPD remind me of tactics I've read about being used, and abused, by the Nazi during World War II and the Russian KGB during the Cold War. This should not be happening to me as I am not at war with anybody.

Shahdaroba Rodd

PS. The *Pottinger* case in Federal court in Miami from perhaps 15 years ago validated a person's right to conduct life-sustaining activities in public. Hence, sleeping in a vehicle should NOT be a crime in Key West.

P.P.S. The city law, in section (a)(1) says a person cannot occupy a temporary shelter for sleeping purposes; I've been living in my van for many years now. I rather doubt that qualifies my vehicle as a temporary shelter.

P.P.P.S. According to the State of Florida, my vehicle is my home as my driver's license shows my residential address to 148NAV, which is my vehicle's plate number.

5/19/11
11:00:20

HTE CAD
CAD CALL INFORMATION

PAGE 1
111320098

Call Number: 111320098 Call Type.: 109 S13V SUSPICIOUS VEHICLE Police
Entry Day/Tm: 5/12/11 5:32:09 109 S13V SUSPICIOUS VEHICLE Police

CmnN: CASA MARINA RESORT Agency.....: 001 KEY WEST
Location...: 1500 REYNOLDS ST Apt:
City.....: KEYWEST Block#: 1500 Loc ID: C Mapr: 1203XX5XO
Intersectn.: SEMINOLE FLAGLER

Caller Name: Last: First: ANON Mid: See Caller: N
Address...: NEIGHBOR Apt:
City/State: Phone#: Source: ADM

Call Taker.: 2836 BEATTIE MICHAEL QPADEV000C
Dispatcher.: 3288 SMITH NICHOLAS QPADEV000B

NARRATIVE

three vans occupied by campers on the reynolds street 5:32:09
side of casa marina near the corner to higgs beach. 5:32:31
check across the street from the tennis courts. 5:32:31

p22 adv spoken to all occupants and they are all awake 5:50:02

the PA tagged van does nopt return in f/ncic and has 5:51:08
similar history in CAD. 5:51:08

VEHICLE INFO

~~Vehicle Type:~~
~~License# 1518Z Year: Make: DODG Model: VN~~
~~State: PA VIN: Color: TAN/~~
~~Vehicle Type: SUSP Suspect~~
~~License# GHS351 Year: 97 Make: OLDS Model: 4DR~~
~~State: TX VIN: 1GHDT13WXV2724881 Color: /~~
Vehicle Type: SUSP Suspect
License# 148NAV Year: 99 Make: DODG Model: VAN
State: FL VIN: 2B5WB25Z5XK551419 Color: WHI/ ME
~~Vehicle Type: SUSP Suspect~~
~~License# 34123J Year: 05 Make: DAEL Model: MS~~
~~State: FL VIN: KMYSE4B495C004020 Color: BLK/~~
~~Vehicle Type: SUSP Suspect~~
~~License# 6613KY Year: 01 Make: HYOS Model: MS~~
~~State: FL VIN: KM4CA13A311301259 Color: SIL/~~

*NONE Unit Status History Information

5/12/11 5:32:50 18 ROUTE CALL TIME RT |

P104 Unit Status History Information

5/12/11 5:44:59 4 DISPATCHED D | 3009 VILLAREAL, GEO
5/12/11 5:44:59 6 AT SCENE 97 |

5/19/11
11:00:20

HTE CAD
CAD CALL INFORMATION

PAGE 2
111320098

5/12/11 5:50:04 20 AVAILABLE AV |

P22 Unit Status History Information

5/12/11	5:34:04	4	DISPATCHED	D		1745 GOMEZ, JUL
5/12/11	5:34:04	11	DESIGNATED PRIMARY U P	P		
5/12/11	5:35:38	6	AT SCENE	97		
5/12/11	5:50:04	20	AVAILABLE	AV		

D I S P O S I T I O N S

1 001 NO REPORT

Case# 1 - 00-000000 Unit: P22



FRI 5/20 11:15 PM City of Key West
Key West, Florida

J. FERNANDEZ

POLICE OFFICER

CAD# 11-140042B

(305) 809-1111

1604 N. Roosevelt Blvd.
Key West, Florida 33041

CARRIE

FRIDAY MAY 20, 2011

11:15 PM

OFF. FERNANDEZ ASKS FOR MY
DL. - SAYS I CAN'T BE
CAMPING HERE (WHILE I'M
PARKED ON REYNOLDS ST @
CASA MARINA CT.)

Date: 5/24/11
Time: 15:33:50

KEY WEST POLICE DEPARTMENT
Field Interview Report

Page: 1
Program: CMS303L

Case Number . . : 1-11-200369
FI Date . . . : FERNANDEZ, JOSE 5/20/11 23:19
Street Name . . : REYNOLDS ST / CASA MARINA CT
City : KEY WEST, FL 33040
County : MONROE
FI Reason . . . : OTHER
Beat Assignment: 4
Entry Date . . : 5/20/11 23:19

***** N A M E I N F O R M A T I O N # 1 *****

Case Number . . : 1-11-200369
Prompt valid in: RODD, SHAHDAROB
Street Name . . : P.O. BOX 742
City : KEY WEST, FL 33040
Birth Date . . . : 9/19/1946 64
Social Security: ██████████
Oper Lic No. . . : R300-780-46-339-0 FL UNITED STATES
Race : WHITE
Ethnic Origin . : NON-HISPANIC
Weight : 200
Juvenile : ADULT
Hair Length . . : LONG
Eye Color . . . : BROWN
Complexion . . . : MEDIUM
Teeth : VERY WHITE
Speech : NORMAL
Hand Use : RIGHT HANDED
Residency Sts . : FULL YEAR
Pants : GRAY SHORTS
Person Type . . : OTHER PERSON
Birth State . . : MI
Sex : MALE
Height : 600
Occupation . . . : UNK.
Hair Color . . . : GRAY/PARTIALLY GRAY
Hair Style . . . : UNCOMBED
Glasses : YES
Facial Hair . . : MUSTACHE AND GOTEE
Build : TALL/AVERAGE
Citizenship . . : UNITED STATES
Residency Type . : CITY
Marital Status . : SINGLE

EMPLOYER INFORMATION

Case Number . . : 1-11-200369

***** V E H I C L E I N F O R M A T I O N # 1 *****

Case Number . . : 1-11-200369
License Number : 148NAV FL UNITED STATES
State Veh Type : AUTO
Make : DODGE
Color - Top . . : WHITE
Features/Oddity: NOT USED AT THIS TIME
Permit Number . : 01881931
Disposition . . : NO ACTION TAKEN BY DEPARTMENT
Insured : YES
Lein Holder . . : NONE
Vehicle Year . . : 1999
Style : VAN
Color - Bottom : WHITE
VIN : 2B5WB25Z5XK551419
Insurance Agent: GEICO GENERAL INS. CO.

***** N A R R A T I V E # 1 *****

ORIGINAL
Reported By: FERNANDEZ, JOSE J. 5/22/11
Entered By.: FERNANDEZ, JOSE J. 5/22/11

On 05/20/11, at approximately 2319 hours, I (Officer J. Fernandez) was dispatched to the intersection of Reynolds Street and Casa Marina Court, in reference to suspicious white van. The caller advised, they believed the van was occupied and the occupants were camping inside the van.

Date: 5/24/11
Time: 15:33:50

KEY WEST POLICE DEPARTMENT
Field Interview Report

Page: 2
Program: CMS303L

1-11-200369 (Continued)

When I made contact with the white Dodge van, Florida tag #148NAV, I noticed that there was a curtain concealing the entire front window and both the front and passenger side windows. Some of the windows were partially opened. I knocked several times on the hood of the van and announced myself as Key West Police. After several loud verbal commands, I noticed that someone began to move within the vehicle. I asked the unknown person to please remove the curtain. I then noticed that the curtain began to come down from the front driver's side window. As the curtain began to lower, I noticed that a white male was sitting in the front driver's seat.

The white male identified himself as Shahdaroba Rodd. I confirmed his identity through a valid Florida driver's license which was in his possession. As Rodd exited the van, I noticed that there was a twin size bed inside of the van. I also noticed that on top of his bed was a pillow and a sleeping bag cover. There were clear signs that Rodd was sleeping inside of his vehicle and illegally camping on city property.

I pulled up the Key West City ordinance on camping and informed Rodd of the current camping laws, within Key West City limits. I took several photos of the location where his vehicle was parked. I asked Rodd to open the side doors, so I would be able to photograph the inside of his van. He complied with my request and I was able to photograph the inside of his van.

I gave Rodd a verbal warning and I informed him it was against the law to camp on city property.

* * * * * END OF REPORT * * * * *

Call Number: 111380086 Call Type.: 109 S13V SUSPICIOUS VEHICLE Police
Entry Day/Tm: 5/18/11 5:36:44 109 S13V SUSPICIOUS VEHICLE Police

CmnN: Agency.....: 001 KEY WEST
Location....: 900 CASA MARINA CT Apt: INTERSECTN
City.....: KEYWEST Block#: 900 Loc ID: I Mapr: 1213XX5XO
Intersectn.: REYNOLDS GRINNELL

Caller Name: Last: First: ANON Mid: See Caller:
Address....: Apt:
City/State: Phone#: Source:

Call Taker.: 3288 SMITH NICHOLAS QPADEV000D
Dispatcher.: 2836 BEATTIE MICHAEL QPADEV000C

NARRATIVE

rp adv mar van and yel van at this loc with sleepers 5:37:38
pa mh occupied sleeping 5:51:12
fl occ but not sleeping 5:51:12
apparently the pa mh has open door no occs 5:51:44
notes in cad 6:16:22
b58 adv male subj is yel mh with pa tag is 98 yoa and very 6:25:38
hard of hearing 6:25:38

VEHICLE INFO

~~Vehicle Type: SUSP Suspect
License# 1518Z Year: 77 Make: DODG Model: MH
State: PA VIN : B35BD7K106422 Color: YEL/~~

Vehicle Type: SUSP Suspect
License# 148NAV Year: 99 Make: DODG Model: SW
State: FL VIN : 2B5WB25Z5XK551419 Color: WHI/ **ME**

PERSON INFO

Person Type: SUSP SUSPECT User ID: NSMITH
Race.: W Sex: M Age: - Hgt: 600 - Wgt: - Person #: 1
Weapon: Build.: Hair...: Eyes:
Hat...: Jacket: Shirt...: Pants:
Shoes: Facial: Glasses: SSN: ~~██████████~~

Flight Dir: Mode: OL#: R300780463390 FL DL
Name: L: RODD F: SHAHDAROBA M: DOB: 9191946
Addr: 0 Apt: 5/18/11
City: Phone#: - () Last Changed: 5:54:26
Additional: CLEAR/VALID

~~Person Type: SUSP SUSPECT User ID: NSMITH
Race.: W Sex: M Age: - Hgt: 507 Wgt: - Person #: 2
Weapon: Build.: Hair...: Eyes: HAZ
Hat...: Jacket: Shirt...: Pants:
Shoes: Facial: Glasses: SSN: ~~██████████~~~~

5/19/11
10:58:56

HTE CAD
CAD CALL INFORMATION

PAGE 2
111380086

Flight Dir: Mode: OL#: 06438318 PA DL
Name: L: PELUSO F: MICHAEL M: A DOB: 7201921
Addr: 0 Apt: 5/18/11
City: Phone#: - () Last Changed: 6:08:22
Additional: CLEAR/VALID

*NONE Unit Status History Information

5/18/11 5:37:42 18 ROUTE CALL TIME RT |

B58 Unit Status History Information

5/18/11 5:39:51 4 DISPATCHED D | 3017 WANCIAK, KAT
5/18/11 5:39:51 11 DESIGNATED PRIMARY U P |
5/18/11 5:39:54 32 ENROUTE 51 |
5/18/11 5:40:06 9 STARTED SELF-INITIAT SI |
5/18/11 5:40:10 10 ENDED SELF-INITIATED AV |
5/18/11 5:49:15 6 AT SCENE 97 |
5/18/11 6:03:57 16 RESET UNIT TIME CHEC OK |
5/18/11 6:16:25 20 AVAILABLE AV |

D I S P O S I T I O N S

1 001 NO REPORT

Case# 1 - 00-000000 Unit: B58