

Sean T. Brandenburg
Chief of Police



Key West

POLICE DEPARTMENT

TO: Citizens Review Board

FROM: Sergeant Joseph A. Stockton, Professional Standards

DATE: 9/29/2022

RE: 22-002 Croft Response

In reference to your request for video(s) involving Ms. Croft's complaint, a link has been sent to the Citizen's Review Board Email (CRB@Cityofkeywest-fl.gov).

Based on my research into this incident, I do not believe there to be any violation of KWPD policy or Florida state statute by Officer Andrade, Officer Adorno and Officer Ham. I also do not find any deficient service provided by the officers involved for the following reasons:

1. Officer Andrade refused to provide an explanation for forcefully removing Mr. Jacobs from the golf cart and handcuffing him, other than "because I said so." Despite growing up and visiting Key West regularly, conducting our business in Key West, and going to Key West for every celebration (this one in particular was for Mr. Jacob's 33rd birthday) – we were unaware that Key West was a police state.

KWPD – In speaking with Officer Andrade regarding this incident, he stated that prior to audio being captured in the BWC, he had told Mr. Jacobs why the golf cart was being towed and that had to step out of the golf cart and failure to do so will result in being physically removed. Also, Officer Andrade said the Tow company employee provided Mr. Jacobs the reason the golf cart was being towed. Officer Andrade gave warning stating he was going to place his hands on Mr. Jacobs to remove him. As seen in the video Mr. Jacobs was not compliant to Officer Andrade's requests and orders. Also note that signage is posted indicating that is a taxi stand only and other vehicles will be towed.

2. The wildly aggressive use of force while handcuffing and detaining Mr. Jacobs was unacceptable. A citizen should not be subject to brutality for asking a perfectly reasonable question – especially one in which the answer contains pertinent information regarding your



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circumstance. I will repeat, had the officer said, “you’re parked illegally” Mr. Jacobs, a rational and law-abiding citizen, would have most likely responded, “Oh! I’m sorry.”

KWPD – Officer Andrade used proper techniques while escorting and handcuffing Mr. Jacobs away from the golf cart. This is typical for officers to say, “get away from me or back away” when attempting to control an unknown situation. After people are detained, Officers then speak with other involved parties to an incident. This is for safety of all persons involved to include: innocent bystanders, victims, suspects, others involved and officers.

3. Officer Andrade was very clearly trying to falsely claim that Mr. Jacob’s was resisting arrest. You can see it clear as day in the minutes of the body cam footage that Andrade actually submitted. Your Officer seems unhinged and does not appear to be fit to interact with other humans, let alone to be in a position of power. I am genuinely concerned for the citizens of Key West if this is how your officers handle parking infractions

KWPD – Definitions of resisting can be described in many ways. The video shows Mr. Jacobs continually turning his body towards Officers while trying to speak with them. When handcuffs are placed on anyone, officers are to always keep control of subjects to prevent injury.

4. Neither Mr. Jacobs nor myself were informed to the reason for detainment. I was repeatedly asking Officer Adorno why he was being detained, He told me, as the interaction was nearly over, that he was being detained for “resisting arrest” – which is laughable. Mr. Jacobs was informed that he had been detained for “resisting arrest only upon being released and after being painfully handcuffed for 40 minutes without explanation.

KWPD – Officer Adorno did provide a reason to Ms. Croft for Mr. Jacobs’ detention. No where are officers required to tell reason for detention to other parties and/or when it is required, as common practice officers will tell detainees to calm them down.

5. Your officers seem wholly unprepared and untrained to be interacting with citizens. Citizens asking your officers BASIC questions about why their civil rights are being violated should not be triggering to them – nor should it piss them off. Andrade put Mr. Jacobs in handcuffs and was absolutely enraged because Mr. Jacobs didn’t accept “because I said so.” As a valid explanation for our transportation being commandeered. After explaining to Officer Adorno that I know my rights, and if he’s being detained it has to be for a reason, the officer laughed at



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me, said, "I'm done" and walked away. Asking basic questions regarding what's happening seemed to have made the situation worse. The officers expected us to allow our civil rights to be violated, without question, until they deemed the timing right to return our rights to us. IT was truly surreal and utterly traumatizing.

KWPD – The golf cart was lawfully being towed. Signs were posted and the roadway was marked. In speaking with Officer Andrade, explanation was given to Mr. Jacobs prior to the audio being captured on the BWC.

6. Mr. Jacobs also received conflicting instructions by Officer Ham and Andrade that resulted in injury. While handcuffed and standing against the wall, Mr. Jacobs asked to sit down. Officer Ham said yes, so Mr. Jacobs began to sit – and Officer Andrade, hearing the affirmative response by Officer Ham – instead jerked his shoulder up to keep him standing. The mistake of listening to the wrong officer resulted in additional injury to Mr. Jacobs. That is absolutely unacceptable.

KWPD – The officer who is consider the "case agent" should be the officer giving instructions to the detainee. In this instance, I can see how the conflicting instructions confused Mr. Jacobs, however this is also a form of "cop shopping" where Mr. Jacobs did not like the answer from Officer Andrade, so he asked another officer in an attempt to get his desired result. If Mr. Jacobs was injured as a result of Officer Andrade's handcuffing and restraint. Mr. Jacobs could have reported it to the on duty supervisor that night or the following day. KWPD has policies in place to document any complaint of injury to ensure it is taken care of.

7. When attempting to obtain the body cam footage, the public information officer was unhelpful. We knew the "detaining" officers name was Andrade, and could remember Officer Ham's name. When trying to figure out the third officer's name, Mr. Jacob's described hearing, "Dorno," which he explained to the public information officer. Yet she somehow wasn't able to find the other officers on scene. The body cam footage that was initially shared was a fraction of the interaction. I had to take it upon myself to search the internet and was able to easily identify the other two officers from the KWPD twitter page. Why did I have to be the one to identify the other officers on scene? She couldn't think to simply ask Officer Andrade who else was on scene that night? Why was it my job to identify the officers who's body cam footage included pertinent information to this incident?

KWPD – I apologize that the public information officer was not helpful to you, unfortunately she is not a sworn officer rather a civilian employee to the City of Key West.



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8. After identifying the other officers and requesting their body cam footage, the amount of footage missing is DISTURBING. The interaction lasted about 40 minutes – with officers Ham and Adorno arriving within minutes. In total, there should be at least 110 minutes of footage between the three officers. However, a total of (approximately) 50 minutes has been shared. That means a full hour – almost half – is missing, with even more audio missing in the footage that was actually shared. I would like a very good explanation for this. Especially considering the fact that I was reassured all officers had their cams on for the entire time of the interaction by Officer Ham. I had “nothing to worry about – all the cams are on.” Yet half of this footage is gone? *and this is factoring in the two other officers arriving 5 minutes later, which is forgiving.

KWPD – During ongoing investigations officers may turn off their BWC for the purposes of private discussions between fellow officers, supervisors, or dispatchers. This explains the reasoning for the BWC video not to total 110 minutes of footage.

-Officer Andrade’s Body Worn Camera (BWC) video which is 1:28 seconds, shows the golf cart illegally parked in the taxi stand with no occupants. *please note there signs are posted Officer Andrade stood around for a few seconds while calling into dispatch. Officer Andrade is then seen, walking, and getting into his marked patrol vehicle to write a parking ticket and have a tow truck respond to remove the vehicle.

-Officer Andrade’s BWC video which is 8:16, now shows Mr. Jacobs sitting in the driver’s seat of the golf cart speaking with towing company employee. Officer Andrade gives loud verbal commands to Mr. Jacob’s to exit the vehicle and tells him that he was going to physically removed Mr. Jacobs from the golf cart. As Officer Andrade is escorting Mr. Jacobs away from the vehicle, Mr. Jacobs says he has bad shoulders. As Officer Andrade attempts to place Mr. Jacobs in handcuffs, Ms. Croft approaches and Officer Andrade says, “get away from me.” This is typical for officers to say when attempting to control an unknown situation. After people are detained, Officers then speak with other involved parties to an incident. This is for safety of all persons involved to include: innocent bystanders, victims, suspects, others involved and officers.



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