

Sean T. Brandenburg
Chief of Police



Key West **POLICE DEPARTMENT**

TO: Citizen's Review Board

FROM: Lieutenant Jeffrey Dean, Information Services Division Commander

DATE: February 7, 2024

RE: 23-005 Adam Complaint

On January 1, 2024, as is the standard when receiving a complaint, I looked into Sergeant Rodriguez's body worn camera videos. I was unable to locate any videos taken on the day the complainant reported his interaction with Sergeant Rodriguez occurred (December 27, 2023). I discovered Sergeant Rodriguez had not downloaded his BWC since November 21, 2023. I sent an email to Sergeant Rodriguez advising him to download his BWC (see documentary evidence). Sergeant Rodriguez did later download his BWC after being told to do so, however there was no record of his interaction with Adam.

I then checked CAD for any documentation of the incident being called out by Sergeant Rodriguez but was unable to locate any documentation for that address. I then listened to the all audio recordings from both Comm1 and Comm2 for the time and date the parking tickets were written (see documentary evidence) and could not locate any audio of Sergeant Rodriguez calling out a parking violation or any other incident.

At that time, I realized to fully investigate the matter, interviews would need to be conducted and a more detailed investigation would need to occur. I emailed Deputy Chief Randy Smith advising him of the situation and requesting direction on how to proceed.

On January 16, 2024, Chief Sean Brandenburg sent me an email officially requesting I open an Internal Affairs investigation into this complaint.

On January 19, 2024 (Sergeant Rodriguez's next workday) I served Sergeant Rodriguez with notification that he was the subject of an IA investigation. Sergeant Rodriguez signed the notification and was provided a copy.

At the order of Chief Brandenburg, Officer William Marengo was present during all interviews for training purposes.



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Witness Interview of Robert Adam

On January 24, 2024, I took a sworn digitally recorded statement from complainant Robert Adam. The following is a paraphrased summary of my interview with Adam.

I asked Adam to tell me about his interaction with Sergeant Rodriguez. Adam admitted to parking illegally in front of his home for a short time as he met with a pool repair man (later identified as Kevin Ball) in his backyard. Adam said that Sergeant Rodriguez came to his backyard and advised him to move his vehicle. Adam said Sergeant Rodriguez advised him that he had already received two parking tickets and needed to move his car or it would be towed. Adam said he told Sergeant Rodriguez that he would move the car but asked for leniency for the parking tickets. Adam said that Sergeant Rodriguez told him to move the car or he would be arrested and started to reach towards his handcuffs. Adam said he complied with Sergeant Rodriguez and moved the car.

I asked Adam during his interaction with Sergeant Rodriguez if he may have done anything that would make Sergeant Rodriguez feel threatened. Adam denied taking any actions that he believed would have made Sergeant Rodriguez feel threatened.

Adam was hesitant to provide the pool repairman's contact information but eventually did so after I explained the investigation process.

Witness Interview of Kevin Ball

On January 24, 2024, I took a sworn digitally recorded statement from witness Kevin Ball. The following is a paraphrased summary of my interview with Ball.

Ball confirmed he was present during the interaction with Sergeant Rodriguez and Adam. Ball confirmed that Adam was illegally parked. Ball advised that he did not believe Sergeant Rodriguez had made appropriate effort to locate the owner of the truck before ticketing it and said that Adam's demeanor towards Sergeant Rodriguez escalated the issue. Ball advised that Sergeant Rodriguez took control of the situation and that if he had not acted in the way he did then it would likely have escalated further. Ball did advise that Sergeant Rodriguez would have likely arrested Adam if he continued to escalate. I asked Ball if he thought Sergeant Rodriguez handled the situation appropriately. Ball said the situation was handled quickly and responded with "yes".



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Subject Interview of Sergeant Pablo Rodriguez

On January 24, 2024, I took a sworn digitally recorded statement from subject Sergeant Pablo Rodriguez. The following is a paraphrased summary of my interview with Rodriguez.

Sergeant Rodriguez provided me with photographs of Adam's vehicle, which was obviously illegally parked (see documentary evidence). Sergeant Rodriguez said was not sure where which house the owner of the vehicle was in at the time he wrote the parking tickets. Sergeant Rodriguez yelled out for the owner while on the street. After writing the tickets, Sergeant Rodriguez advised he heard voices coming from 1201 Pearl St and made contact with the speakers (Adam and Ball).

Sergeant Rodriguez said that upon confirming Adam was the owner of the illegally parked vehicle he advised Adam that he had ticketed the vehicle and he needed to move it or it would be towed as it was obstructing the flow of traffic. Sergeant Rodriguez advised Adam became hostile and started to move towards him in an aggressive manner. Sergeant said he did not threaten to arrest Adam for not moving his vehicle, but explained to him that he could be arrested for the aggressive manner in which he was approaching a police officer. Sergeant Rodriguez said Adam then calmed down and moved his vehicle.

Sergeant Rodriguez said he believed he had called out the parking violation, but admitted that due to the lack of radio traffic that he obviously had not.

Sergeant Rodriguez confirmed that he did not activate his BWC. Sergeant Rodriguez advised his BWC's battery had run out earlier that day. Sergeant Rodriguez insisted that he charged his BWC immediately after completing the call. At that time, I questioned Sergeant Rodriguez if he docked his BWC at the station or if he charged it with a wired charger because when I had looked at his BWC downloads at the start of this investigation, he had not downloaded his BWC since mid-November. Sergeant Rodriguez was adamant that he docked his BWC at the station directly after the incident and suggested that I view the audit trail for his BWC.

Upon completion of the interview, with Sergeant Rodriguez still present, I pulled up the audit trail for his BWC (see documentary evidence). The audit trail clearly showed that Sergeant Rodriguez's BWC's battery had died on December 18, 2023, and he did not dock the BWC again until January 2, 2024 (when I emailed him telling him to do so).

Due to the fact that Sergeant Rodriguez had been the one to suggest the BWC audit trail as documentary evidence, I re-interviewed him to afford him an opportunity to explain the discrepancy between his testimony and the audit log. Sergeant Rodriguez advised that he must have been mistaken and he must have charged his BWC at home.



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Investigative Note

- The audit log showed that Sergeant Rodriguez's camera had not been used or charged since December 18, 2023.

Upon completion of the Internal Affairs investigation, Chief Brandenburg name Captain Lariz as the finding officer for this incident. The above was the report I submitted to Captain Lariz. The below is Captain Lariz's Findings:

Unbecoming Conduct

Based on the information provided by the complainant, independent witness and Sergeant Rodriguez, I feel the unbecoming conduct was unfounded. Although Sergeant Rodriguez advised to the complainant that he could be arrested, based on the independent witness, the complainant's demeanor toward Sergeant Rodriguez escalated the situation. The witness explained that Sergeant Rodriguez had to take control of the issue or it would have escalated further. Based on this information, I find the violation to be unfounded.

Performance Standards

During this investigation it was also determined that Sergeant Rodriguez did not advise dispatch via the police radio of this parking violation. All incidents requiring police action are to be documented by the communications division, which was not done during this incident.

BWC Approved Uses

This policy has a mandatory requirement for officers to record any incident where there is a confrontational citizen. It indicates any citizen contact that becomes adversarial after the initial contact, which did not otherwise require recording, must be recorded. Sergeant Rodriguez did not record the incident when the issue escalated. Also, Sergeant Rodriguez was unable to record the incident because, according to him, the battery was dead. Sergeant Rodriguez said he pushed the record button and heard it beep, he looked down and it was red but said it was dead. This incident occurred at approximately 2:12pm, so if the BWC was properly charged it would not have been dead by 2:12pm.

This policy requires officers to ensure proper functioning of their BWC and to report any malfunctions in writing via an email to the officer's supervisor. I asked Lieutenant Wood if he has received any emails from Sergeant Rodriguez during this time frame and he has not.

Per policy it is required to dock the BWC for automatic upload periodically and no later than the end of their shift. Based on the audit conducted by Lieutenant Dean, Sergeant Rodriguez did not upload his BWC after this incident on December 27, 2023, until Lieutenant Dean told him to do so via email on January 2, 2024. An audit conducted by Lieutenant Dean showed that Sergeant Rodriguez had not used or downloaded his BWC between December 18, 2023 and January 2, 2024. According to the work schedule, Sergeant Rodriguez worked seven patrol shifts during this time and did not use or upload his BWC. The audit also showed his last use as



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December 18, 2023 at 10:25am and the battery was at 5%, which would indicate that he did not charge his BWC prior to his shift, which led to the battery dying during this incident.

Conclusion / Finding

Allegation of Unbecoming Conduct - 02.2104.18, I find the violation Unfounded.

Allegation of Performance Standards - 02.21.04.06, I find the violation Sustained.

Allegation of BWC Approved uses - 06.28.01.02, I find the violation Sustained.

This incident was investigated thoroughly, and it was determined that Sergeant Rodriguez violated several KWPD policies, however his actions in dealing with the complainant were justified. Sergeant Rodriguez received discipline in the form of a written reprimand.



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