

Donald J. Lee, Jr.
Chief of Police



Key West **POLICE DEPARTMENT**

2/23/2016

Mr. Binns,

I have reviewed your complaint written to the Citizen's Review Board. This letter is to address the additional complaints you have brought forward since my original letter dated December 22, 2016.

As to the writing of the supplemental report by Ofc. Rodriguez, and that it was the same officer who you were complaining against. The report was written on December 20, 2016, as a result of your conversation with Lt. Tripp, prior to speaking with me. This was not done after our conversation. I do understand your concerns with continuing to deal with Ofc. Rodriguez, which is why I personally have offered to write any additional supplemental reports for you.

As to your date of birth, that was corrected in our system as you rightfully requested; and I do apologize for the error. I will attach a copy of the corrected information for your review.

As to Ofc. Rodriguez's assessment of the facts of this case and making a, "self-serving comment." Ofc. Rodriguez made his assessment of the facts presented to him. This was concurred with by the Supervisors working that night, one of whom was one scene as well. After you spoke with Lt. Tripp, Ofc. Rodriguez was directed by Lt. Tripp, to clarify his findings. As well, he was directed to change the classification to a battery. It is my understanding, the change in classification was at your request. I do not find Ofc. Rodriguez used any bias in coming to his conclusion. Subsequently, after conducting my own independent review, I find no evidence to rise to the level of probable cause for the arrest of Mr. Wirkner.

As to what remains uncorrected; the only way it will be changed is through a supplemental report. The original report cannot be changed. My offer to write a supplemental report detailing any facts you would like documented, is still available. I will be happy to meet with you and complete a supplemental report at your convenience. Ofc. Rodriguez will in no way be involved in this process.

I have met with Chief Lee on this matter and he advised no further action will be taken.

If I can be of further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sgt. Randy Smith".

Sgt. Randy Smith
Professional Standards Commander
305-809-1035



RESPECT - INTEGRITY - FAIRNESS - SERVICE

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



Name: BINNS, JOHN HAROLD

Name: JOHN HAROLD BINNS

Home Phone:

Work:

Cell #:

Alias:

Attach Photo Here

DOB: 12/10/1960

Age: 56

Race: W

Sex: Male

Height: '

Wgt: 185

Hair:

Eye:

POB:

SSN #:

Name #: 16526

DL/ State: B520468604500, FL

Eth: N

Skin:

Local #:

DOC #:

State Id:

FBI #:

NCIC:

Cautions:

Henry 1:

Henry 2:

Address History:

5031 5TH AV 42 KEY WEST FL 33040

Employment History:

SMT:

Physical Char:

Comments: