

Sean T. Brandenburg

Chief of Police



Key West

POLICE DEPARTMENT

August 11, 2020

Citizen Review Board

PO Box 1946

Key West, FL 33040

Citizen Review Board,

On July 9, 2020, the Key West Police Department received a complaint from Mr. Brad Curtis through the Citizen Review Board. Mr. Curtis' complaint is in reference to an incident that occurred on 2/15/20, in which Mr. Curtis and his wife (Cheryl Curtis) was involved in a single scooter traffic crash. Mr. Curtis was the passenger on the scooter and Mrs. Curtis was the driver. Mr. Curtis' complaint is that Officer Brett Dehanas illegally detained him and forced him to go to the hospital against his will. In doing so, Mr. Curtis has now incurred a \$4,586.00 medical bill.

As a result of this complaint, I conducted an inquiry into this incident. I reviewed all body worn camera (BWC) videos and all reports related to this incident. I also spoke with Officer Dehanas about this incident. Officer Dehanas said he initially detained Mr. Curtis in handcuffs after Mr. Curtis began to physically push his way through the rescue personnel to try to gain entry into the ambulance Mrs. Curtis was being transported in. Officer Dehanas said he did not feel Mr. Curtis was making rational decisions and he felt Mr. Curtis needed to be evaluated by the rescue personnel. Officer Dehanas said Mr. Curtis eventually calmed down and he removed the handcuffs so Mr. Curtis could be medically evaluated.

My review of Officer Dehanas' BWC videos showed rescue personnel asking Officer Dehanas to assist them with Mr. Curtis. Mr. Curtis was sitting on the ground next to Mrs. Curtis, while she was being placed onto the gurney. Mrs. Curtis had received serious injuries as a result of the crash and the rescue personnel were attempting provide her care and preparing her to be flown out to a Miami hospital. Mr. Curtis was demanding to ride in the ambulance with Mrs. Curtis. Several attempts were made to tell Mr. Curtis he was not authorized to ride in the same ambulance, but would be transported in a separate ambulance. Mr. Curtis advised he did not want medical attention for himself, he only wanted to go with Mrs. Curtis. Mr. Curtis attempted to get into Mrs. Curtis' ambulance and began physically pushing several rescue personnel and Officer Dehanas. At that time, Officer Dehanas detained Mr. Curtis in handcuffs and escorted him



RESPECT - INTEGRITY - FAIRNESS - SERVICE

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



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away from the area. Officer Dehanas and rescue personnel explained to Mr. Curtis that he also needed to be medically evaluated because he was bleeding from his head and had a contusion on his head. After approximately three minutes, Mr. Curtis calmed down and the handcuffs were removed. While Mr. Curtis was being further evaluated by rescue personnel, Officer Dehanas walked away to disinfect himself and attend to other responsibilities related to the crash scene. Several minutes later, rescue personnel approached Officer Dehanas and asked him to assist them in talking to Mr. Curtis because he was refusing to go to the hospital. It was their recommendation that Mr. Curtis go to the hospital to receive further medical evaluation, because he could possibly have a head injury. Officer Dehanas informed Mr. Curtis he was going to be taken into protective custody per the recommendation of rescue personnel. At that time, Mr. Curtis advised he would go with rescue personnel to the hospital and there was no further action taken by Officer Dehanas.

My review of this incident determined it was the recommendation of rescue personnel that Mr. Curtis go to the hospital. Officer Dehanas followed this recommendation because rescue personnel are trained to provide a higher level of medical care than Officer Dehanas can provide. Officer Dehanas also felt Mr. Curtis was not making rational decisions and was concerned Mr. Curtis had a possible head injury.

Although we sympathize with Mr. Curtis, and understand his desire to be with his wife, we still have an obligation and responsibility for the care of Mr. Curtis. Given the seriousness of the crash and injuries to Mrs. Curtis; and the visible injuries to Mr. Curtis, as well as a possible altered mental state, it was in the opinion of rescue personnel and Officer Dehanas that Mr. Curtis receive further medical attention. If we had let Mr. Curtis leave the scene on his own, with what was known and he later succumbed to his injuries, or further injured himself, we would be liable. All actions were only taken in the best interest of both Mr. and Mrs. Curtis. In conclusion, Officer Dehanas' actions were appropriate and within the policies and procedures of the Key West Police Department and in the best interest of Mr. Curtis given the information at hand.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jason Castillo", is written over the typed name.

Lieutenant Jason Castillo

Key West Police Department



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FLORIDA TRAFFIC CRASH REPORT

HIGHWAY SAFETY & MOTOR VEHICLES TRAFFIC CRASH RECORDS

LONG FORM ☒ SHORT FORM ☐ UPDATE ☐

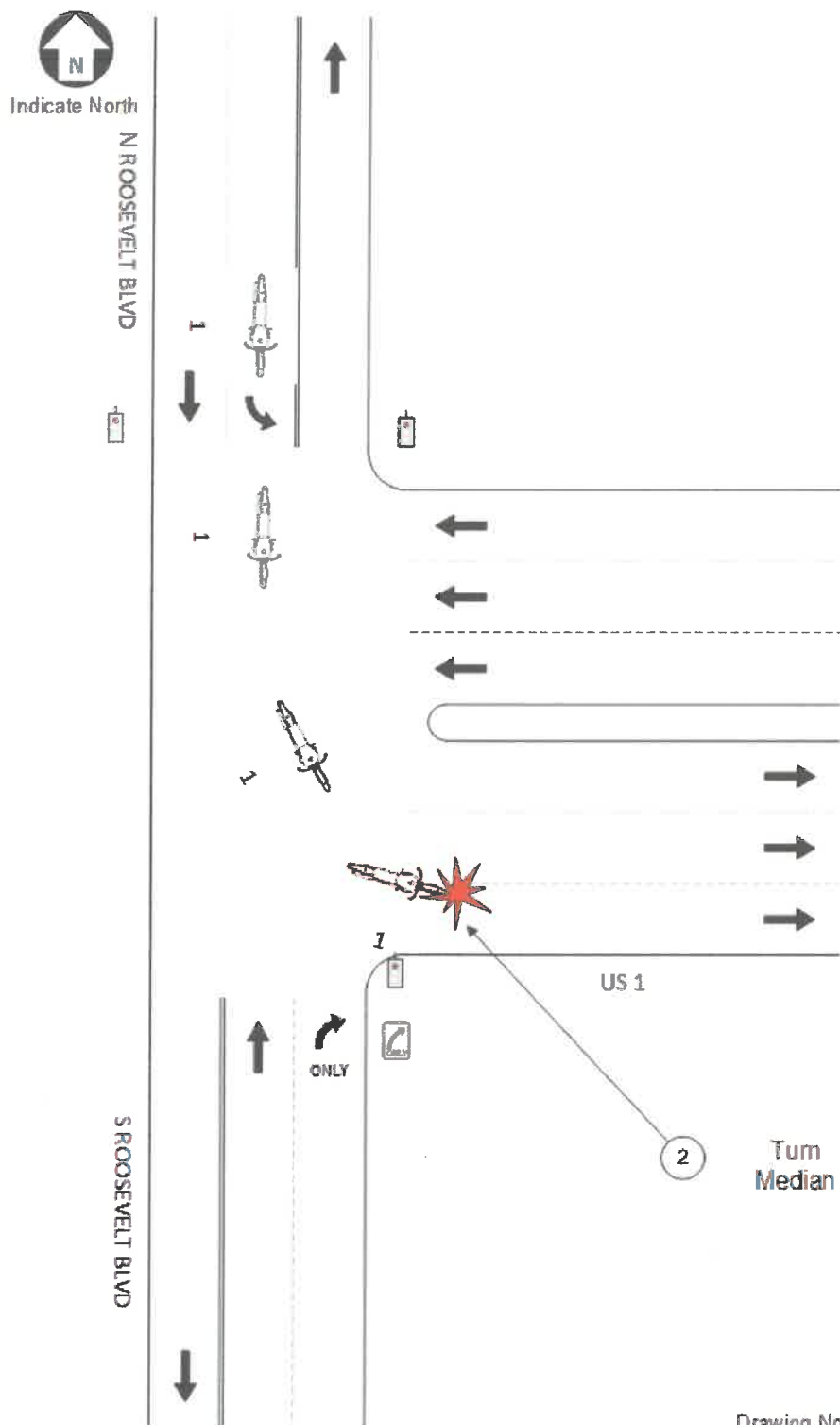
NEIL KIRKMAN BUILDING, TALLAHASSEE, FL 32399-0537

(Electronic Version)

Crash Date FEBRUARY 15, 2020		Time of Crash 05:45 PM		Date of Report FEBRUARY 15, 2020		Reporting Agency Case Number 20001007		HSMV Crash Report Number 89960515			
CRASH IDENTIFIERS											
County Code 38	City Code 42	County of Crash MONROE		Place or City of Crash KEY WEST		Within City Limits YES	Time Reported 05:45 PM	Time Dispatched 06:45 PM			
Time on Scene 05:45 PM	Time Cleared Scene 06:50 PM	Completed NO	Reason (If Investigation NOT Complete) CRITICAL CRASH				Notified By LAW ENFORCEMENT				
ROADWAY INFORMATION (CHOOSE ONLY 1 OF 4 OPTIONS)											
Crash Occurred On Street, Road, Highway US 1						1 At Street Address #	2 At Latitude	And Longitude			
At Feet 15	Miles	Direction E	3 At / From Intersection With Street, Road, Highway S ROOSEVELT BLVD				Or From Milepost #				
Road System Identifier 2 U.S.		Type of Shoulder 3 CURB		Type of Intersection 3 T-INTERSECTION							
CRASH INFORMATION (CHECK IF PICTURES TAKEN)											
Light Condition 1 DAYLIGHT		Weather Condition 1 CLEAR		Roadway Surface Condition 1 DRY		School Bus Related 1 NO		Manner of Collision 88 UNKNOWN			
First Harmful Event Type 3 COLLISION WITH FIXED OBJECT		First Harmful Event 24 CURB		First Harmful Event Location 1 ON ROADWAY		Within Interchange 2 YES		First Harmful Event Relation to Junction 2 INTERSECTION			
Contributing Circumstances: Road 1 NO DEFECTS			Contributing Circumstances: Road			Contributing Circumstances: Road					
Contributing Circumstances: Environment 1 NONE			Contributing Circumstances: Environment			Contributing Circumstances: Environment					
Work Zone Related 1 NO		Crash in Work Zone		Type of Work Zone		Workers in Work Zone		Law Enforcement in Work Zone			
VEHICLE Check if Commercial <input type="checkbox"/>											
Vehicle 01	Motor Vehicle Type 1 VEH IN TRANSPORT		Hit and Run 1 NO	Veh License Number Y51604		State FL	Reg. Expires JANUARY 31, 2020	Permanent Reg. 1 NO	VIN L5YTCKPV9K1116851		
Year 2019	Make ZHNG	Model MC	Style MC	Color BLU	Extent of Damage 1 DISABLING	Est. Damage \$1000	Towed Due To Damage 2 YES	Vehicle Removed By ARNOLDS	Rotation 1 TOW ROTATION LIST		
Insurance Company (Driver) EXEMPT						Insurance Policy Number EXEMPT					
Name of Vehicle Owner (Business) <input type="checkbox"/> BRADLEY T. CURTIS			Current Address 811 PALM AVE			City & State KEY WEST, FL		Zip Code 33045			
Trailer One:	License Number	State	Reg. Expires	Permanent Reg.	VIN		Year	Make	Length		
Trailer Two:	License Number	State	Reg. Expires	Permanent Reg.	VIN		Year	Make	Length		
Vehicle Traveling E	Direction US 1	On Street, Road, Highway					At Est. Speed 20	Posted Speed 30	Total Lanes 06		
CMV Configuration		Cargo Body Type		Area of Initial Impact			Most Damaged Area				
Comm GVWR/GCWR		Trailer Type (Trailer One)		Trailer Type (Trailer Two)							
Haz. Mat. Release	Haz. Mat. Placard	Number		Class							
Motor Carrier Name				US DOT Number							
Motor Carrier Address				City & State				Zip Code		Phone Number	
Comm./Non-Commercial		Vehicle Body Type 12 MOPED		Vehicle Defects (one) 1 NONE		Vehicle Defects (two)		Emergency Vehicle Use 1 NO	Special Function of MV 1 NO SPECIAL FUNCTION		
Vehicle Maneuver Action 3 TURNING LEFT		Trafficway 4 TWO-WAY, DIVIDED, POSITIVE MEDIAN BARRIER		Roadway Grade 1 LEVEL	Roadway Alignment 1 STRAIGHT	Most Harmful Event 3 COLLISION WITH FIXED OBJECT		Most Harmful Event Detail 24 CURB			
Traffic Control Device For This Vehicle 5 TRAFFIC CONTROL SIGNAL		First (1) Sequence of Events 24 CURB		Second (2) Sequence of Events 6 FELL/JUMPED FROM MOTOR VEHICLE		Third (3) Sequence of Events		Fourth (4) Sequence of Events			

Crash Date FEBRUARY 15, 2020		Time of Crash 06:45 PM		Date of Report FEBRUARY 15, 2020		Reporting Agency Case Number 20001007		HSMV Crash Report Number 89960515	
PERSON									
Person # 01	Description 1 DRIVER	Vehicle # 01	Name CHERYL A. CURTIS			Date of Birth AUGUST 9, 1957	Sex 2 FEMALE	Phone Number	Re-Exam 2 NO
Address 811 PALM AVE			City & State KEY WEST, FL			Zip Code 33040			
Driver License Number C632101577890		State FL	Expires AUGUST 9, 2024	DL Type 5 E / OPERATOR		Req. End. 3 NO ENDORSEMENT...		Injury Severity 4 INCAPACITATING	Ejection 2 EJECTED, TOTALLY
Restraint Systems 1 NOT APPLICABLE (NON-MOTORIST)		Air Bag Deployed 1 NOT APPLICABLE		Helmet Use 3 NO HELMET		Eye Protection 1 YES	Seating Location Seat 2 MIDDLE	Seating Location Row 1 FRONT	Seating Location Other 1 NOT APPLICABLE
Drivers Actions at Time of Crash (First) 2 CARELESS DRIVING (EXPLAIN IN NARRATIVE)			Drivers Actions at Time of Crash (Second)			Driver Distracted By 88 UNKNOWN		Vision Obstruction 1 VISION NOT OBSCURED	
Drivers Actions at Time of Crash (Third)			Drivers Actions at Time of Crash (Fourth)			Drivers Condition at Time of Crash 1 APPARENTLY NORMAL			
Suspected Alcohol Use 88 UNKNOWN		Alcohol Tested	Alcohol Test Type	Alcohol Test Result	BAC	Suspected Drug Use 88 UNKNOWN		Drug Tested	Drug Test Type
Source of Transport to Medical Facility 2 EMS		EMS Agency Name or ID KEY WEST RESCUE			EMS Run Number 20-0919		Medical Facility Transported To LOWER KEYS MEDICAL CENTER		
PERSON									
Person # 02	Description 3 PASSENGER	Vehicle # 01	Name BRADLEY T. CURTIS			Date of Birth MARCH 10, 1958	Sex 1 MALE	Injury Severity 3...	Ejection 2 EJECTED,...
Address 811 PALM AVE			City & State KEY WEST, FL			Zip Code 33045			
Restraint Systems 1 NOT APPLICABLE (NON-MOTORIST)		Air Bag Deployed 1 NOT APPLICABLE		Helmet Use 3 NO HELMET		Eye Protection 1 YES	Seating Location Seat 2 MIDDLE	Seating Location Row 2 SECOND	Seating Location Other 1 NOT APPLICABLE
Source of Transport to Medical Facility 1 NOT TRANSPORTED		EMS Agency Name or ID			EMS Run Number		Medical Facility Transported To		
WITNESSES									
Name CHERRYLL E. ZABLOCKI			Address 5615 CABIT ST APT 329			City & State PORTAGE, MI		Zip Code 49002	
WITNESSES									
Name DAVID M. MOORE			Address 3655 SEASIDE DR APT 329			City & State KW, FL		Zip Code 33040	
WITNESSES									
Name LINDSAY N. MOORE			Address 3655 SEASIDE DR APT 329			City & State KEY WEST, FL		Zip Code 33040	
NARRATIVE									
<p>V1 was traveling South on N Roosevelt Blvd and entered the left turn lane. V1 traveled into turn lane and continued East on US1. V1 struck the outside curb, drove onto the median and crashed. V1 final rest was in the South side of the outbound turn lane.</p> <p>D1 and P1 were ejected from V1.</p> <p>V1 sustained damage to the front tire area.</p> <p>D1 sustained a head injury and lost consciousness. D1 was transported to Lower Keys Medical Center and flown to Miami.</p> <p>P1 sustained a minor head injury but refused medical attention.</p> <p>The scooter was towed to Arnold's with a hold.</p> <p>Photograph were taken of the scene and placed into evidence.com.</p> <p>Nothing further at this time.</p>									
REPORTING OFFICER									
ID/Badge Number 3940	Rank and Name POLICE OFFICER HUDSON, ANDREW JOHN					Department KEY WEST POLICE DEPARTMENT		Type of Department 2 PD	

DIAGRAM



Sent: Friday, June 26, 2020 7:14:03 PM
To: Citizens Review Board <crb@cityofkeywest-fl.gov>
Subject: Unwarranted handcuffing

Hello Mr. Pakenas, I was talking with Todd Stoughton today about the following incident and he recommended that I reach out to you.

On February 15, 2020 I was involved in a single vehicle moped accident at the corner of Roosevelt and Overseas Highway at about 5:00 PM. I was a passenger riding behind my wife Cheryl Curtis. She was knocked out and I was slightly stunned but never lost consciousness. I was a rescuer for eight years and did a self assessment prior to moving.

My wife was cared for very well by all very professional EMTs and was loaded into a paramedic vehicle for air transport to Miami. The general consensus on scene was that she was a probable fatality and probably would have been had she hit the pavement instead of my sneaker.

A little background on myself is in order so you can understand my personality; I have been flying airplanes since 1984 and a certified scuba diving since 1972 and as such have exceptional self control. I can assure you I was never out of control or combative on the scene.

Now, onto my problem, one of the uniformed officers on scene demanded that I go to LKMC for a cat scan, I politely declined. He then asked me to get over to his car and I quietly complied. At that point the officer turned me to face the scene and handcuffed me with himself between me and his car.

I asked him if I was being arrested, he replied "no but your going to the hospital" I then said "if going to the hospital is the fastest way to Miami then I guess I have no choice. Please let me out of the cuffs and I will get into the ambulance and get a cat scan." So I went.

I incurred a \$4,500 bill for a negative CAT scan that I was forced to get against my will and while I was in a calm and lucid mental state.

Now I realize the police have a hard job and the officer was looking out for my best

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interest but according to Captain Smith he was also mitigating the cities liability in case I went dark.

I have a right to refuse medical treatment and I strongly feel that I was illegally detained. This has never happened to me so I'm not sure how to proceed. Can you please advise.

--
Sincerely,

Brad Curtis
bradleytcurtis@gmail.com