

Donald J. Lee, Jr.

Chief of Police



Key West

POLICE DEPARTMENT

TO: Officer Todd Stevens
FROM: Captain Scott D. Smith
DATE: December 12, 2013
RE: Letter of Reprimand

Consider this a Letter of Reprimand for your actions (or lack of actions) on case # 13-5784. The case occurred on 11/27/13 (Thanksgiving Day) and started out as a simple traffic stop where a white male (later identified as Charles Eimers) fled from the KWPD in his vehicle. Eimers ultimately stopped his vehicle at South Beach in Key West and was secured in handcuffs by members of the KWPD. After handcuffing Eimers he stopped breathing. KWPD Officers immediately took the cuffs off and began CPR. Rescue transported Eimers to the hospital where he was put on life support. You were duty detective, you responded to the hospital, and spoke to the hospital staff.

You were advised that Eimers would expire in the near future and that he would not ever leave the hospital.

With this information, I contacted FDLE to handle the call as it would become and in custody death. FDLE immediately responded and met with KWPD. The following people met in reference to the case:

- FDLE Supervisor Carol Fredricks
- FDLE Special Agent Kathy Smith
- FDLE Special Agent Mid Quad
- KWPD Sergeant Pablo Rodriguez
- KWPD Detective Todd Stevens
- KWPD Captain Scott Smith

It was discussed in detail that when Eimers expired FDLE would take the lead as it would be considered and in custody death. We also discussed that you were the lead and that you would stay in contact with the hospital and that you would contact FDLE when Eimers expired. Additionally, Sgt. Rodriguez went through tasks with you and you were to contact next of kin.



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On Sunday (12/01/13), four days after the incident, I contacted you directly to make sure you had made next of kin notifications. You advised me you had not attempted yet, when I asked why, you said because he had not expired yet. I told you this was unacceptable because we knew he was going to pass and we needed to give the family a chance to come and see him. I immediately told you to make notifications. I explained to you that I was very disappointed in you as this is a very basic detective task on a case like this. You said you understood and that you were very sorry. Later in the same day, Sergeant Rodriguez called you to find out why you had not made notifications and you told him "it slipped your mind". At approximately 3:00 pm on Sunday I was advised you had contacted Eimers son and that he was coming to Key West.

On Wednesday (12/04/13) I spoke with you about the case. You told me you had spoken to the son and he had arrived in Key West. You said the son had a medical background, that he knew he was going to have to "pull the plug" on his father's life support but that he was having emotional issues about making the decision. At 2:50 pm on the same day, I received a text from Sergeant Barrios that said basically the same thing.

On Thursday (12/05/13) I came into the detectives and spoke to you in person about the case. I asked you if there was any update and you told me basically the same thing that the son was in town and trying to make a decision. You went on to say that the daughter may be coming in to town too. Based on this information the Chief went on the radio and stated that Eimers was still alive and on life support.

I did not talk to you again until Monday (12/9/13). On Monday I contacted you again for an update. Again you told me the same story.

On Tuesday (12/10/13) at approximately 12:30 pm, I was in the Chief's Office when an inquiry about the case and about Eimers condition came in from a local newspaper. I called you for an update and you told me "no change" so that is what I told the Chief, in turn he told that to the PIO, who in turn told it to the local media.

Approximately two hours later I drove back into the police station and you met me at the back door. You told me "he is dead". I asked you when he died and you said you were not sure but "maybe over the week-end or last week". Obviously I was upset and directed you to find out exactly when Eimers passed.

Approximately ten minutes later you came to my office and told me that Eimers son had taken him off of life support last Wednesday (12/4/13) 6 days ago at 6:52 pm (5 hours after you spoke to him).



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I immediately contacted FDLE so they could start their investigation. I also contact Chief Lee so he could retract his statement to the newspaper that Eimers was still alive.

I then brought Lt. Smith and Sergeant Barrios in to meet with us. In this meeting you continually said you were sorry but could give us no reasonable reason that you continued to mislead me about talking to the son. You only said that you were "confused about the days". You then admitted that you had not made any inquiries as to Eimers condition and had not spoken to the son since Wednesday 12/4/13. You could only offer that you relied on the hospital to call you when Eimers passed.

You were completely detached from this important case and had no empathy for either Eimers or his family. This type of Laissez-faire police work is an embarrassment to the Key West Police Department and will not be tolerated. It is also a violation of KWPD Policy 02.21.04.06 Performance Standards.

02.21. 04.06 PERFORMANCE STANDARDS

A. Members shall make a concerted effort to always perform their responsibilities in a correct, timely and effective manner, making efficient use of time and resources. The actions and work-product of members shall be, within reason, free of errors and performed to a standard that reflects a professional image. (Note: A member will be determined to be incompetent if he/she demonstrates a lack of ability, knowledge or skills necessary to perform assigned duties to expected reasonable standards. A member will be determined to be incompetent if he/she is unable or unwilling to respond to training or instruction to improve the degree of performance to a minimal expected standard. A member will be determined to be incompetent if he/she is unable to attain or maintain certifications or a level of proficiency that is necessary to perform a required job function.)



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**City of West
Recommendation for Personnel Action**

Employee Name: Todd Stevens Employee ID# 2609

Department / Division Police Budget To Acct 001-2101-521-1200

ACTION ITEM

1. Request for Appointment	<input type="checkbox"/>	8. Separation by Death	<input type="checkbox"/>
2. Promotion	<input type="checkbox"/>	9. Dismissal	<input type="checkbox"/>
3. Transfer	<input type="checkbox"/>	10. Leave of Absence	<input type="checkbox"/>
4. Demotion	<input type="checkbox"/>	11. Expiration of Temp Assign	<input type="checkbox"/>
5. Layoff	<input type="checkbox"/>	12. Reclass Request	<input type="checkbox"/>
6. Resignation	<input type="checkbox"/>	13. Change of name/address/phone	<input type="checkbox"/>
7. Retirement	<input type="checkbox"/>	14. Other: Written Reprimand	<input checked="" type="checkbox"/>

EFFECTIVE DATE: December 12, 2013

NEW/CURRENT TITLE: Detective CHANGE TO:

PAY GRADE / RATE

NEW HIRE PAY GRADE & RATE: _____

PROMOTION/TRANSFER/DEMOTION

CURRENT PAY GRADE & RATE: _____ CHANGE TO: _____

TYPE OF APPOINTMENT


- Temporary – Appointment ends on: Date _____
- Probationary – Was position posted? Yes No
- Other _____

REMARKS

Written Reprimand.

SEE ATTACHED PAPERWORK

APPROVALS

Dept Head or Manager  Date 12-20-13

Review _____ HR Date _____ Notes: _____

Review _____ Budget Date _____ Notes: _____

ASST CITY MGR / ADMIN Approved [] Disapproved [] Date _____

ASST CITY MGR / OPER. Approved [] Disapproved [] Date _____

CITY MANAGER Approved [] Disapproved [] Date _____

Complaint: Supervisors Assessment

Resolved – The matter was resolved to the complainant's satisfaction and therefore no further action appears needed.

The concern listed above has been resolved to the complainant's satisfaction and declines further review or action.

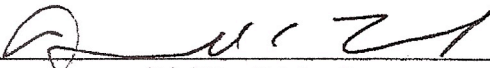
Printed Name

Signature

Date

Court Issue – The complaint pertains solely to the lawfulness or justification of enforcement action and such action appears not to constitute a violation of the law or departmental directive. The proper form for resolution is a court of law.

Complaint – The matter was not resolved to the complainant's satisfaction nor does it appear to be a "court issue".



Chief Donald J. Lee Jr.

12-13-13
Date

Proposed Final Action or Discipline: written reprimand

Notice of Intent to Discipline

It is the intent of the Key West Police Department to proceed with disciplinary action against you based upon violation(s) of department policy. You will find below the proposal of the action sought. This proposal may change after further review and/or consideration of any additional facts.

_____ Suspension (without pay)

_____ Demotion

_____ Termination

Employee Signature: _____ DATE: _____

Only in the case of a proposed suspension, demotion or termination, please complete the section below.

RECORD OF THE EMPLOYEE'S RIGHT TO RESPOND TO THE CHIEF OF POLICE OR OTHER DEPARTMENT OFFICIAL AUTHORIZED TO APPROVE FINAL DISCIPLINARY ACTION

I hereby wish to exercise my right to respond to the charges pending against me with the Police Chief or other official authorized to take the final disciplinary action. I understand that I have the right to have a labor organization or other representative of my choice present for this discussion. If you elected to have a predetermination hearing you must contact the office of the Chief of Police within three business days.

Employee Signature: _____ Date: _____

Representative (if any): _____

Representative's telephone number: _____

I do not wish to exercise my right to respond to the charges pending against me with the Chief of Police or other official authorized to take final disciplinary action.

Employee Signature: _____ Date: _____