

Key West Police Department Personnel Action Form

PAF #: _____ Investigated by: Sgt Jeff Williamson Date: February 28, 2017

Member: Michael Chaustit Position: Patrol Officer Division: Patrol Date of Incident: 02/04/2017

Complainant Name: Chief D. Lee Status (citizen, agency, rank, etc.): Chief of Police

Address: 1604 N. Roosevelt Blvd. Phone Number: 305-809-1000

City: Key West State: FL Zip: 33040 E Mail: _____

FILL IN APPROPRIATE VIOLATION AND TITLE BELOW

Contrary to: Key West Police Department General Order 02.22, Disciplinary Procedures and Code of Conduct

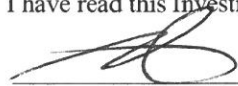
	Subsection	Paragraph # (s)	Title(s)
1.	02.21.04.03	B(4)	Conduct Toward the Public
2.	06.28.01.02	A(5)	BWC-Approved Uses-Use of Force
3.			
4.			
5.			

Allegation -WRITE BRIEF DESCRIPTION OF INCIDENT HERE (If more space is needed please attach in memo form):

See attached Memo

Member Response (If more space is needed please attach in writing):

I have read this Investigation and understand its contents. I understand my signature on this form does not constitute guilt or innocence.


Patrol Officer
03 / 03 / 2017
 Member's signature (REQUIRED) Assignment/Position Date

DETERMINATION (TO BE SIGNED BY SUPERVISORS IN MEMBER'S CHAIN OF COMMAND)

Sign Off #1	1.	2.	3.	4.	5.	Sign Off #2	1.	2.	3.	4.	5.	Sign Off #3	1.	2.	3.	4.	5.
Exonerated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exonerated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exonerated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unfounded	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Unfounded	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Unfounded	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Sustained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not Sustained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not Sustained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sustained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sustained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please check one of the following:
Non-Discipline Action Recommended

Counseling: _____
 Retraining: _____

Discipline Recommended

Written Reprimand: _____
 Suspension: _____
 Other: _____

Please check one of the following:
Non-Discipline Action Recommended

Counseling: _____
 Retraining: _____

Discipline Recommended


Written Reprimand: _____
 Suspension: _____
 Other: _____

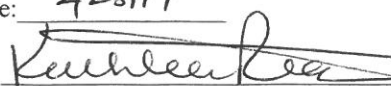
Please check one of the following:
Non-Discipline Action Recommended

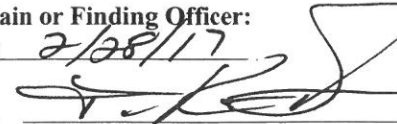
Counseling: _____
 Retraining: _____

Discipline Recommended

Written Reprimand: _____
 Suspension: _____
 Other: _____

Sergeant:
Date: 
Signature

Lieutenant:
Date: 2/28/17

Signature

Captain or Finding Officer:
Date: 2/28/17

Signature

COMMANDERS: PLEASE ATTACH DISCIPLINE OR CORRECTIVE ACTION

Donald J. Lee, Jr.

Chief of Police



Key West

POLICE DEPARTMENT

TO: Officer M. Chaustit
FROM: Sergeant Jeff Williamson/Lt. Kathleen Ream
DATE: February 28, 2017
RE: Written Reprimand

On February 4, 2017, you (Officer M. Chaustit), violated Key West Police Department General Order 02.21.04.03(B) Decorum when you arrested Kristopher Knight for Trespassing at Key Plaza. After reviewing the report and the video, it was determined that Knight was in the process of walking away when you made the arrest giving the appearance that Knight was only being arrested for cursing at the police.

Additionally you (Officer M. Chaustit), violated Key West Police Department General Order 06.28.01.02 (A)(5) Approved Uses of the Body Worn Camera (BWC). The incident appeared to be over when you initially turned off your BWC, but when Knight attempts to injure himself and/or attempts to damage the City vehicle, you properly decided that a RIPP Restraint needed to be applied. However you failed to turn your BWC back on when you removed Knight from the car to apply the RIPP Restraint device. You did not turn it back on until you were placing Knight back in the patrol car after the RIPP Restraint was applied. It is very important that members remember that the policy mandates recording during use of force. Applying a RIPP Restraints would fall under that category.

You are being reminded that this type of conduct/actions are in direct violation of departmental directives and will not be tolerated. Further violations of this nature will result in progressive disciplinary action.



RESPECT - INTEGRITY - FAIRNESS - SERVICE

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www.keywestcity.com



Donald J. Lee, Jr.
Chief of Police



Key West
POLICE DEPARTMENT

TO: J.R. Torres, Captain, Patrol Division
FROM: Sergeant Jeff Williamson/Lt. Kathleen Ream
DATE: February 28, 2017
RE: Complaint-Officer Michael Chaustit 02/28/2017

On February 4, 2017, Ofc. Michael Chaustit, Ofc. Michael Malgrat, and Ofc. Julio Gomez responded to Publix Supermarket, at 2900 North Roosevelt Blvd. for a report of a person sleeping on the sidewalk, in front of the store. This was called in by the manager of Publix, who was on scene when they arrived.

Officers made contact with the subject, who they recognized from numerous other law enforcement interactions, as Kristopher Knight. When officers arrived Knight was sleeping soundly. It took several attempts for Ofc. Gomez to wake him up. Knight was told he was being given a warning for trespassing and he had to leave. During several minutes officers told Knight several times he needed to gather his belongings and leave the Publix/Key Plaza property. Knight finally collected his personal items and started walking towards N. Roosevelt Blvd as instructed. As he began to leave he said to the officers, "You'll see me again" then moments later he turned and yelled profanities in front of several witnesses, including at least one child.

At that point Ofc. Chaustit made the decision to arrest Knight. As he went toward him, Knight tried to walk away quickly. He was told to stop but he continued to walk. Ofc. Chaustit caught up with him and during the arrest, took him to the ground. While the officers were attempting to handcuff him he started screaming, in what appeared to be an attempt to draw attention to himself. Once he was secured, he was placed in the rear of the patrol car. Then Knight began to bang his head against the window. He also starts spitting on the window/door several times and then attempts to kick the window several times. He was taken from the car in order to place a RIPP restraint around his legs. During this time Ofc. Chaustit used a bent wrist transporter in order to keep control of Knight. Knight screams which draws more attention from bystanders. He was secured, placed back in the car, and transported to the Jail. Ofc. Chaustit charged him with FSS 810.09 Trespassing on Property, and FSS 843.02 Resisting an Officer without Violence.



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Donald J. Lee, Jr.
Chief of Police



Key West
POLICE DEPARTMENT

After reviewing the report and the video, it was determined that, due to Knight being in the process of walking away, a better charge would have been, FSS 877.03, Disorderly Conduct, when he yelled the profanity since there were several witnesses in the area, including as least one child. To some spectators it may have given the appearance that Knight was only being arrested for cursing at the police as he was walking away instead of the optional additional charge of Disorderly Contact obtained through witness statements. In the future please use this charge with supporting documentation/witness statements under these circumstances.

Additionally once Officer Chaustit determine the incident is over when he places Knight in the patrol car, Chaustit turns off his BWC. But when Knight attempts to injure himself and/or damage the City vehicle, Officer Chaustit properly decides that a RIPP Restraint needs to be applied. However Chaustit fails to turn his BWC back on when he goes to remove Knight from the car to apply the RIPP Restraint device. It would appear that Officer Chaustit does not realize his camera is not running until after he is placing Knight back in the patrol car after the RIPP Restraint was applied.

It is very important that members remember that the policy mandates recording during use of force. Applying a RIPP Restraints would fall under that category.

02.21.04.03 Decorum

B. Conduct Toward the Public

4) The attitudes of Department members shall be objective toward persons and situations encountered. The decisions and actions of members must always be based on what is lawful and/or expected by their training and applicable departmental directives, and never in an emotional reaction to provocation or prejudicial response to biases.

06.28.01.02 Approved Uses

There are many situations where the use of the BWC is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, officers should activate the BWC any time they feel its use would be appropriate and/or valuable to document an incident. Unless it is unsafe, officers shall activate their BWC in any of the following incidents:

A. 5. Use of force situations



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B. Verbal Directive / Order

Members shall promptly, and without argument or impertinent response, comply with all lawful verbal orders and instructions given to them by a supervisor or other member who has the authority to issue such order or instruction, as well as those relayed through another member.

C. Written Directive / Order

Members shall comply with all written directives in the form of General Orders, Special Orders, and Standard Operating Procedures, as well as any order or instruction in written form given to them by a supervisor or other member who has the authority to issue such order or instruction.

D. Conflicting Orders

(1) No verbal order shall be issued to any member that conflicts with any current General Order, Special Order, or Standard Operating Procedure without sufficient justification. (See 01.04.01.03)

(2) If a member receives an order from a supervisor or other member who has the authority to issue such order that conflicts with another order, the member receiving the order should respectfully inform the member issuing the order of the conflict and request clarification. If the person issuing the second order stands behind his directive, he then becomes responsible for his order and any actions that would arise as a result.

E. Unlawful Orders

(1) No member shall knowingly issue an order to another member that is contrary to state or federal law or municipal ordinance.

(2) Members shall not follow unlawful orders or those orders they reasonably believe to be unlawful.

(Note: Responsibility for a member's refusal to obey rests with that member and he will be required to justify his actions. Certain orders may legally be more restrictive than law, but shall not be in conflict with such law. A member receiving a perceived unlawful order shall report the facts of the incident, in writing, to the Commander of Professional Standards through the chain of command.)

02.21. 04.02 CHAIN OF COMMAND

Members shall adhere to the organizational chain of command both upward and downward as

required in the applicable Departmental written directive.

02.21. 04.03 DECORUM

A. Conduct Toward Associates

(1) Members shall always treat supervisors, subordinates and associates with respect and in a courteous and professional manner.

(2) When on-duty and in the presence of the public or other members in a professional setting, officers will be referred to by rank. *(Note: Nothing in this section is intended to imply that members may not address each other on-duty in a personal manner when the understood decorum is casual.)*

(3) Members shall not direct any disrespectful, insolent, or abusive language or actions toward a supervisor. Nor shall they make derogatory or disrespectful comments about a supervisor to other members or members of the public.

B. Conduct Toward the Public

(1) Members shall be responsive to the needs of the public and their requests by rendering prompt, accurate and courteous service, and consistently conducting themselves in a manner that promotes public respect and confidence.

(2) Members shall always maintain a professional decorum and treat with respect victims, witnesses, suspects, prisoners and all others with whom they come into contact.

(3) Regardless of the provocation to do otherwise, members shall maintain command of their temper, exercising control, patience and discretion, and refrain from the use of harsh, profane, insolent or abusive language.

(4) The attitudes of Department members shall be objective toward persons and situations encountered. The decisions and actions of members must always be based on what is lawful and/or expected by their training and applicable departmental directives, and never in an emotional reaction to provocation or prejudicial response to biases.

(5) Members who answer a telephone in any Department building shall do so in a business-like and professional manner. Members will be attentive to the needs of

DIRECTIVE

06.28.01 BODY WORN CAMERA PROCEDURES

The BWC system allows for accurate documentation of police-public encounter, arrests, and critical incidents. It also serves to enhance the accuracy of officer reports and testimony in court. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.

06.28.01.01 Operation

- A. The BWC equipment issued is the responsibility of each individual officer and will be used with reasonable care to ensure proper functioning.
- B. Officers shall activate the BWC prior to each shift in order to verify proper functioning. Equipment malfunctions shall be documented in writing, via an email sent to the officer's supervisor, as soon as possible.
- C. Officers shall position the camera on their uniform to facilitate optimum recording field of view.
- D. Officers shall dock their issued BWC for automatic upload periodically and no later than the end of each shift to ensure storage capacity is not exceeded.

06.28.01.02 Approved Uses

There are many situations where the use of the BWC is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, officers should activate the BWC any time they feel its use would be appropriate and/or valuable to document an incident. Unless it is unsafe, officers shall activate their BWC in any of the following incidents:

- A. **Mandatory Recording:**
 - 1. Traffic stops
 - 2. Suspicious persons/vehicles
 - 3. Person/Vehicle searches
 - 4. Confrontational citizen contacts
 - 5. Use of force situations
 - 6. Foot pursuits
 - 7. Advising an individual of their Miranda rights
 - 8. All encounters where the subject is believed to be involved in criminal activity.
- B. Any circumstances where the officer, through training and experience, believes that a recording of an incident would be appropriate.
- C. Any citizen contact that becomes adversarial after the initial contact which did not otherwise require recording.
- D. It shall be deemed a violation of this policy for an officer to fail to activate the BWC or intentionally terminate a recording in order to commit a violation of law or department policy. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or terminated.
- E. Officers shall document the use of their BWC in all incident reports, arrest affidavits, citations, Field Interview Cards, etc. Officers shall review their BWC recordings before preparing written reports to ensure accuracy.
- F. If someone requests to be recorded, the officer will activate the BWC and make a verbal note that the subject requested to be recorded.