

Response to Resistance Report

Key West Police Department

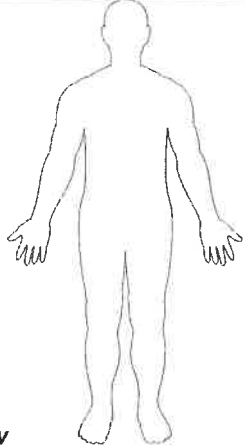
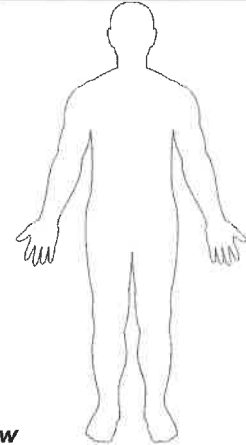
Case No: 21-2499

1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)

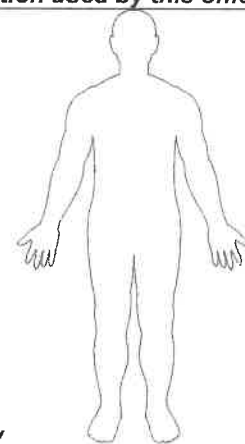
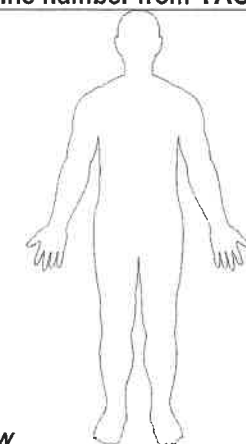
- A response through the use of non-lethal weapons,
- Applies weaponless physical force of strikes, kicks, or "take-downs"
- When any person sustains an apparent substantial or fatal injury as a result of the application of force
- When any person complains of injury as a result of the application of force
- Discharge of firearm in the line of duty off-duty or on-duty (other than for training, maintenance or ballistics testing)

INCIDENT	2. Date: 05/12/21	3. Time: 1755	4. Location: Mallory Square	5. Incident type: Resist w/ viol
	6. Resistance Level		7. Explanation	
	8. Response Option		9. Explanation	
	<input type="checkbox"/> Passive: _____	<input checked="" type="checkbox"/> Physical Control	Take down	
	<input type="checkbox"/> Active: _____	<input type="checkbox"/> Non-lethal Weapon	_____	
	<input checked="" type="checkbox"/> Aggressive: <u>Headbutting/kicking Officer</u>	<input type="checkbox"/> Deadly Force	_____	
	<input type="checkbox"/> Deadly Force: _____			

10. Last Name: Boyer	11. First: Jeffrey	12. Race: W	13. Sex: M
14. DOB: 08/13/1964	15. Height: 6'04"	16. Weight: 225	
17. Did you observe the subject: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If NO, explain why in Section 42. If "YES", complete sections 18-22			
18. Appeared to be: <input checked="" type="checkbox"/> Intoxicated <input type="checkbox"/> Under the influence of controlled substance <input type="checkbox"/> Emotionally / mentally disturbed			
19. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)			
20. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 21. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input type="checkbox"/> Detention			

SUBJECT	 <p>22. Anterior View</p>	 <p>Posterior View</p>
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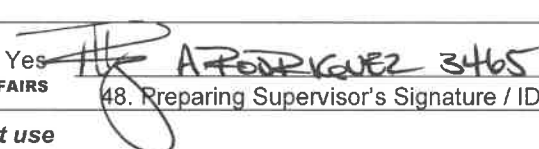
23. Officer: Tom Stutz	24. Race: W	25. Sex: M	26. Age: 42	27. Height: 5'09"	28. Weight: 180
29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain clothes 30. Yrs Exp: 11					
31. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)					
32. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital					
34. Response option used by this officer: (If TASER®, also reference line number from TASER® section) Redirection					

OFFICER	 <p>35. Anterior View</p>	 <p>Posterior View</p>
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Response to Resistance Report (continued)

Key West Police Department

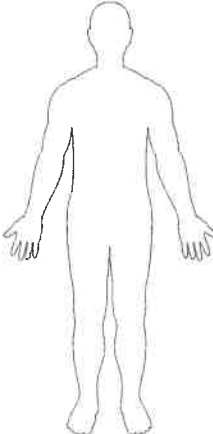
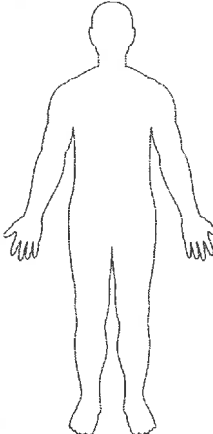
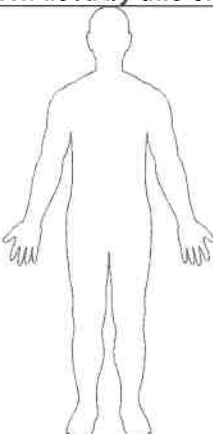
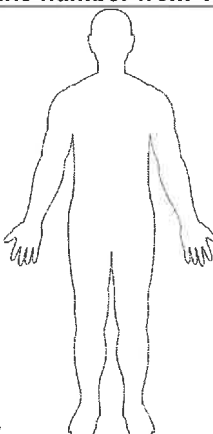
Case No: 21-2499

TASER USE ONLY	36. TASER® device serial # N/A		37. TASER® device serial #	
	TASER®Cam serial #		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles:		Number of cycles:	
	Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun		Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun	
	Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Target distance at probe launch:		Target distance at probe launch:	
	Distance between probes:		Distance between probes:	
	Probes removed by (name):		Probes removed by (name):	
Device downloaded by:		Device downloaded by:		
<input type="checkbox"/> 38. Check and list any additional TASER® devices, cartridges or details in the incident description section.				
REPORT	39. Offense/Incident Report and/or Warrant Affidavit must include: <input checked="" type="checkbox"/> All necessary criminal elements. <input checked="" type="checkbox"/> All details of the arrest <input checked="" type="checkbox"/> Details articulating the subject's words, mannerisms and actions that justify the use of force. <input checked="" type="checkbox"/> Details outlining the response to resistance utilized by each officer. <input checked="" type="checkbox"/> Detailed description of injury complaints and/or observed injuries <input checked="" type="checkbox"/> Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject.			
SUPERVISOR'S INQUIRY	40. Notified Date: 05/12/2021		41. Time: 1758	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	43. Did you watch all relevant videos associated with the use of force? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	44. Did you meet with the Officer(s): <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	45. During your review did you find any potential policy violations or training issues associated with the incident? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
	46. Were you able to locate any independent witnesses: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
	Name		Address	
47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS				
 48. Preparing Supervisor's Signature / ID			49. Date 05/12/2021	
INT. AFF.	50. Did the review of this incident conclude that use of force was in compliance with Departmental policy? <input type="checkbox"/> No <input type="checkbox"/> Yes (If "No", complete section 51)		51. Signature of Internal Affairs Inspector	
	52. Date			
53. If section 48 is "No" record the Professional Standards Control Number:			54. Date Entered:	

Response to Resistance Report (continued)

Key West Police Department

Case No: 21-2499

OFFICER	23. Officer: Jorge Lopez 24. Race: H 25. Sex: M 26. Age: 27 27. Height: 5'05" 28. Weight: 160	
	29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain 30. Yrs Exp: 1.5	
	31. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)	
	32. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital	
	34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)	
	 <p>35. Anterior View</p>	 <p>Posterior View</p>
OFFICER	23. Officer: 24. Race: 25. Sex: 26. Age: 27. Height 28. Weight	
	29. Duty Status: <input type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain 30. Yrs Exp:	
	31. Injuries: <input type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)	
	32. Photographed: <input type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital	
	34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)	
	 <p>35. Anterior View</p>	 <p>Posterior View</p>

INCIDENT/INVESTIGATION REPORT

Agency Name Key West Police Department		Case# 21-002499
ORI FL0440100		Date / Time Reported 05/12/2021 17:38 Wed
Location of Incident 1 MALLORY SQUARE, Key West FL 33040-	Premise Type Highway / Street / Road/	Beat/GP B1, GPB1
		Last Known Secure 05/12/2021 17:38 Wed
		At Found 05/12/2021 17:38 Wed
#1 Crime Incident(s) Resist Arrest / Escape XOM	(Com) Weapon / Tools NOT APPLICABLE/NONE	Activity
	Entry	Exit Security
#2 Crime Incident Trespassing XOT	(Com) Weapon / Tools	Activity
	Entry	Exit Security
#3 Crime Incident	() Weapon / Tools	Activity
	Entry	Exit Security

	# of Victims 2	Type: SOCIETY/PUBLIC/STATE	Injury:	Domestic: N
VICTIM	V1	Victim/Business Name (Last, First, Middle) Society	Victim of Crime # 1	DOB Age Age
		Home Address	Relationship To Offender	Resident Status N/A
		Employer Name/Address	Business Phone	Mobile Phone
		VYR Make Model Style Color Lic/Lis VIN		

	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)	Type: BUSINESS	Injury:	
OTHERS	V2	Name (Last, First, Middle) SUNSET CELEBRATION	Victim of Crime # 2	DOB Age // : : Age
		Home Address 1 MALLORY SQUAARE KEY WEST, FL 33040	Relationship To Offender ST	Resident Status N/A
		Employer Name/Address	Business Phone	Mobile Phone
		Type: INDIVIDUAL	Injury:	
INVOLVED	RP	Name (Last, First, Middle) NIELSEN, JEREMY P	Victim of Crime #	DOB Age 02/25/1976 Age 45
		Home Address 38 PALMETTO DR KEY WEST, FL 33040	Relationship To Offender	Resident Status Resident
		Employer Name/Address Sunset Celebration, 1 MALLORY SQ (SECURITY)	Business Phone	Mobile Phone 305-923-1482
				305-923-1482

L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)									
VI #	Code	Status	Value	OJ	QTY	Property Description	Make/Model	Serial Number	
	35	EVID	\$0.00		1	BWC, 3722	AXON		
	35	EVID	\$0.00		1	IN-CAR AXON	AXON		

Officer/ID# MAYORGA LOPEZ, JORGE (3722)	Supervisor (0)
Invest ID# (0)	Case Disposition: Cleared By Arrest 05/13/2021
Status	Complainant Signature Cleared By Arrest 05/13/2021

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-002499

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S						

Assisting Officers
STUTZ, T. (3138)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
21-002499
Date / Time Reported
Wed 05/12/2021 17:38

Victim	Offense	Date / Time Reported
Society	RESIST ARREST / ESCAPE	Wed 05/12/2021 17:38

On May 12, 2021 at approximately 1738 hours, I, Ofc. Lopez was dispatched to Mallory Square area. The caller told Key West Dispatch there is a male causing a disturbance near the Sunset Celebration common area.

Upon arrival, I talked to the caller who was later identified as Jeremy Nielsen, (dob:02/25/1976). Jeremy told me the male laying down by the tree has been warned several times to leave the area during the Sunset Celebration. The male was laying down by a tree located within the Sunset Celebration common area. The male was later identified as Jeffrey Boyer, (dob:08/13/1964). Jeremy told me Jeffrey was yelling at people trying to start a fight before he was laying down near the tree.

I approached Jeffrey and I told him that he was trespassing. I smelled a strong odor of an alcoholic beverage emanating from Jeffrey's body. I told Jeffrey that Jeremy is pressing charges for trespassing. Jeffrey told Jeremy he is a dead man. I later asked Jeremy about the threats and Jeremy told me he does not wish to press charges reference the threats Jeffrey made.

I told Jeffrey to stand up several times and he did not stand up. Ofc. Stutz arrived on scene and he assisted me putting Jeffrey into handcuffs. Ofc. Stutz and I walked Jeffrey to my patrol vehicle and Jeffrey told us we were dead.

I searched Jeffrey before placing him inside my patrol vehicle. Ofc. Stutz was getting the seatbelt ready and Jeffrey leaned his body to his right and told Ofc. Stutz, "Fuck you". I grabbed Jeffrey by his arms, and I placed him back against my vehicle. Jeffrey leaned his weight to his right side trying to get close to Ofc. Stutz and I pushed Jeffrey's body against the vehicle. Jeffrey continued trying to turn his body against me and I held his arms against my patrol vehicle. Ofc. Stutz had the seatbelt ready for Jeffrey and Jeffrey leaned his body towards Ofc. Stutz to headbutt him. Ofc. Stutz redirected Jeffrey to the ground, and I continued holding Jeffrey's arm when he was redirected to the ground. Jeffrey used his right foot to kick Ofc. Stutz's right knee and as Jeffrey was going to kick Ofc. Stutz again I grabbed Jeffrey's ankle to stop the kick. Jeffrey continued trying to kick and I placed my right knee on his right foot briefly to make him stop.

I contacted Sgt. A. Rodriguez and requested him to respond on scene for RRI.

Ofc. Stutz and I assisted Jeffrey standing up and we placed him in the rear passenger seat of my patrol vehicle. Ofc. Stutz was placing the seatbelt on Jeffrey and then Jeffrey tried to headbutt Ofc. Stutz on his face. I placed my right hand on Jeffrey's chest, and I pushed his upper body against the seat. Jeffrey continued telling Ofc. Stutz he is a dead man.

I walked back to the Sunset Celebration common area to pick up Jeffrey's backpack.

Sgt. A. Rodriguez arrived on scene and he talked to Jeffrey about the incident.

I transported Jeffrey to the Monroe County Detention Center.

My body worn camera and y In-car Axon was activated during this incident.

I assisted the Correction Deputy walking Jeffrey to the booking area. Jeffrey tried to headbutt me by leaning his head to his right and I stopped him. This was capture with my body worn camera, 3722. Jeffrey was very hostile

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
21-002499
Date / Time Reported
Wed 05/12/2021 17:38

Victim Society	Offense RESIST ARREST / ESCAPE	Date / Time Reported Wed 05/12/2021 17:38
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towards the Correction Deputies and Jeffrey was placed in a restraining chair.

Based on the facts and evidence, Jeffrey Boyer is not authorized to enter the Sunset Celebration common area. Jeffrey was laying down by a tree located within the Sunset Celebration common area. Jeffrey has been told by Jeremy that he is not welcome within this area during the Sunset Celebration. Jeffrey returned to the Sunset Celebration common area after trespass warnings has been issued. Jeremy is currently employed as a security guard by the Sunset Celebration. Contrary to F.S.S. 810.09(2)(A).

Based on the facts and evidence Jeffrey Boyer did knowingly and willfully resist arrest. Jeffrey did try to headbutt Ofc. Stutz and I several times. Jeffrey used his right foot to kick Ofc. Stutz's right knee. Jeffrey attempted to kick Ofc. Stutz one more time and I grabbed Jeffrey's right ankle to stop the kick. Jeffrey was very combative and had a hostile demeanor throughout this incident. Ofc. Stutz and I were recognizable as Key West Police Officers. Ofc. Stutz and I were wearing our class B uniform with the Key West Police insignia on our sleeves. Contrary to F.S.S. 843.01.

Incident Report Suspect List

Key West Police Department

OCA: 21-002499

1	Name (Last, First, Middle) <i>BOYER, JEFFREY</i>					Also Known As					Home Address <i>0 GENERA DELIVERY KEY WEST, FL 33040</i>				
	Business Address <i>NONE, NONE</i>														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.					
<i>08/13/1964</i>	<i>56</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>604</i>	<i>200</i>	<i>BRO</i>	<i>BLU</i>	<i>FAR</i>	<i>22940054 PA</i>					
Scars, Marks, Tattoos, or other distinguishing features															
<i>Reported Suspect Detail</i>		Suspect Age			Race	Sex	Eth	Height		Weight		SSN			
Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel			
												Mode of Travel			
VehYr/Make/Model			Drs	Style		Color		Lic/St			VIN				
Notes							Physical Char								

Incident Report Related Property List

Key West Police Department

OCA: 21-002499

1	Property Description BWC, 3722			Make AXON		Model		Caliber	
	Color	Serial No.	Value \$0.00	Qty 1.000	Unit EA	Jurisdiction Locally			
	Status Evidence	Date 05/12/2021	NIC #	State #	Local #		OAN		
	Name (Last, First, Middle) Nielsen, Jeremy P			DOB 02/25/1976	Age 45	Race W	Sex M		

Notes

2	Property Description IN-CAR AXON			Make AXON		Model		Caliber	
	Color	Serial No.	Value \$0.00	Qty 1.000	Unit EA	Jurisdiction Locally			
	Status Evidence	Date 05/12/2021	NIC #	State #	Local #		OAN		
	Name (Last, First, Middle) Nielsen, Jeremy P			DOB 02/25/1976	Age 45	Race W	Sex M		

Notes

OCA: 21002499

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Investigator: STUTZ, THOMAS (3138)

Date / Time: 05/12/2021 19:20:39, Wednesday

Supervisor: RODRIGUEZ, ALEXANDER (3465) Supervisor Review Date / Time: 05/12/2021 23:26:16, Wednesday

Contact:

Reference: General Supplemental Report

On May 12, 2021, I (Ofc. Stutz) responded to 1 Mallory Square as routine back-up for Ofc. Lopez. While en route, Key West Police Dispatch advised the subject, later identified as Jeffery Boyer, was trespassing at Sunset Celebration and actively trying to get people to fight him.

On arrival, I observed Ofc. Lopez walk over to Boyer with one of the Sunset Celebration Organizers. Boyer was advised that he had been warned repeatedly and that is why the police had been called. Boyer had a previous documented trespass warning from the location. Ofc. Lopez asked Boyer to stand up. Boyer refused. Ofc. Lopez and I assisted Boyer to his feet and he was placed in handcuffs. Boyer began to verbally threaten the reporting party once he was placed into custody.

We escorted Boyer to Ofc. Lopez's patrol vehicle. Ofc. Lopez conducted a search incident to arrest and Boyer began to make threats toward both myself and Ofc. Lopez. I then opened Ofc. Lopez's rear passenger side door and began adjusting the seatbelt for Boyer. Boyer continued to verbally threaten me as I adjusted the seatbelt. Boyer then attempted to charge toward me and I pushed him back and Ofc. Lopez attempted to hold him next to the vehicle. Boyer charged again trying to headbutt me. I pushed Boyer backward and redirected him to the ground. Once on the ground Boyer tried to kick me in the leg. Boyer was given loud verbal commands to stop.

I then corrected the seatbelt and Ofc. Lopez and I placed Boyer into the back seat. Boyer continued to make verbal threats as I placed him inside. Boyer tried to headbutt me a second time as I fastened his seatbelt and secured him into the vehicle. Boyer was secured into the rear passenger seat and Ofc. Lopez requested Sgt. A. Rodriguez respond in reference to a Response to Resistance Incident. I remained on scene until Sgt. A. Rodriguez responded and was briefed about the incident.

Boyer did not sustain any injuries during this incident and the incident was captured on my Body Worn Camera and later entered into Key West Police Department Property and Evidence Section.

//End of Report//

Investigator Signature: _____

Incident Report Related Property List

Key West Police Department

OCA: 21-002499

1	Property Description BWC3138	Make	Model	Caliber
Color	Serial No.	Value \$0.00	Qty 1.000	Unit EA
Status Evidence	Date 05/12/2021	NIC #	State #	Jurisdiction Locally
Name (Last, First, Middle) * No name *		DOB	Local #	OAN
		Age	Race	Sex

Notes

Draft Only