

Response to Resistance Report

Key West Police Department

Case No: 15-5140

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: 11/14/2015 3. Time: 0252hrs 4. Location: 208 Duval 5. Incident type: Battery

6. Resistance Level

- ☐ Passive:
☐ Active:
☐ Aggressive:
☐ Deadly Force:

7. Explanation

8. Response Option

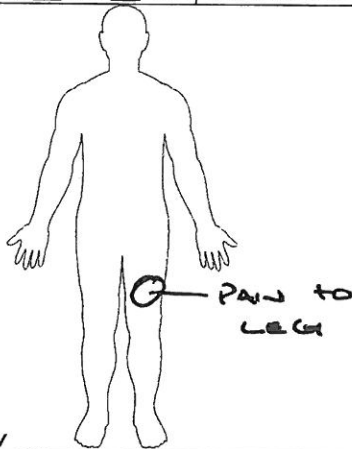
- ☐ Physical Control
☐ Non-lethal Weapon
☐ Deadly Force

9. Explanation

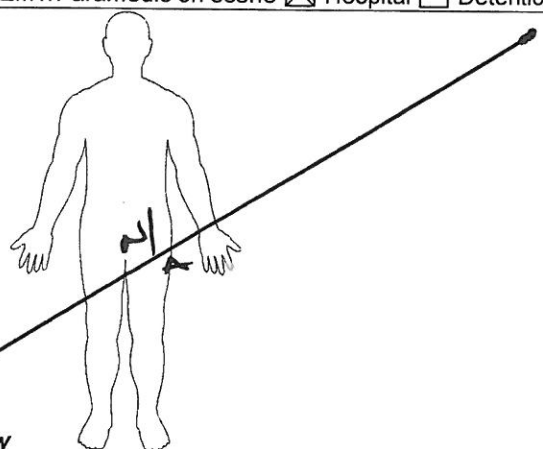
SUBJECT

10. Last Name: Mayes 11. First: James 12. Race: Bk 13. Sex: M
14. DOB: 9/7/1958 15. Height: 5'11" 16. Weight: 180
17. Did you observe the subject: ☐ No ☒ Yes If NO, explain why in Section 42. If "YES", complete sections 18-22
18. Appeared to be: ☒ Intoxicated ☒ Under the influence of controlled substance ☒ Emotionally / mentally disturbed
19. Injuries: ☐ No ☐ Evident ☒ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)
20. Photographed: ☐ No ☒ Yes 21. Treated: ☐ No ☒ Yes By: ☒ EMT/Paramedic on scene ☒ Hospital ☐ Detention

22. Anterior View



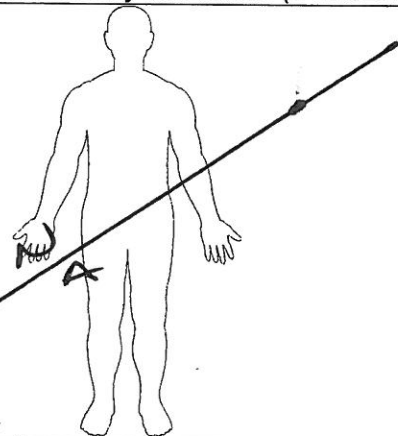
Posterior View



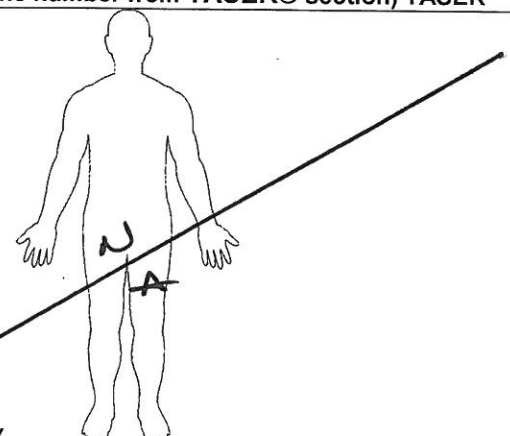
OFFICER

23. Officer: Jesse Hammers 24. Race : W 25. Sex: M 26. Age: 25 27. Height: 511" 28. Weight: 175lbs
29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 1
31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)
32. Photographed: ☐ No ☒ Yes 33. Treated: ☒ No ☐ Yes By: ☐ EMT/Paramedic on scene ☐ Hospital
34. Response option used by this officer: (If TASER®, also reference line number from TASER® section) TASER

35. Anterior View



Posterior View



Response to Resistance Report (continued)

Key West Police Department

Case No: 15-5140

TASER USE ONLY	36. TASER® device serial #		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: 11/14/2015		41. Time: 0300	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	43. Did you meet with the Officer: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	44. Were you able to locate any independent witnesses: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
Name		Address		Phone Number
INT. AFF.	45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		11/14/2015	
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		46. Preparing Supervisor's Signature / ID	
	48. Did the review of this incident conclude that use of force was in compliance with Departmental policy? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", complete section 51)		47. Date	
	49. Signature of Internal Affairs Inspector		50. Date	
	51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:	

Key West Police Department

Report 11/14/2015 03:30

Incident Report

Case # 01-15-005140

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-15-005140	11/14/2015 03:30	11/14/2015 02:51	11/14/2015 02:56	Original
	Dept. Classification		Case Status	Case Status Date	Cleared
	BATTERY/AGG BATTERY OFFENSE		CLEARED BY ARREST	11/14/2015	11/14/2015 06:00
	Common Name DURTY HARRY S - 208 DUVAL ST KEYWEST, FL 33040 (MONROE County)				
Day of Week : SATURDAY Dispatched : 11/14/2015 02:52 Responded : 11/14/2015 02:52 Arrived : 11/14/2015 02:52 Map Reference : 1032XX1XO Location Type : BAR/NIGHT CLUB					
Beat Assignment : 1 Alcohol Related : Yes Drug Related : No Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 Total Recovered Property Value : \$0.00					

O F F E N S E 1	State Classification		Attempted/Committed
			COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
		BAR/NIGHT CLUB	11/14/2015
	Federal Classification : BATTERY TOUCH OR STRIKE-784.03(1)(A)(1) James Mayes (SUSP,Primary Role,User Defined); Mark Laver (VICT,Primary Role,User Defined) Attack Reason : UNKNOWN Weapon 1 : HANDS/FISTS/FEET How Entry : OTHER Forced Entry : No Computer Theft : Not Applicable		
End of Offense: 1			

O F F E N S E 2	State Classification		Attempted/Committed
			COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
		DRUG STORE/HOSPITAL	11/14/2015
	Federal Classification : RESIST OFFICER OBSTRUCT WO VIOLENCE-843.02 James Mayes (SUSP,Primary Role,User Defined); Mark Laver (VICT,Primary Role,User Defined) Attack Reason : UNKNOWN Weapon 1 : HANDS/FISTS/FEET How Entry : OTHER Forced Entry : No Computer Theft : Not Applicable		
End of Offense: 2			

P E R S O N 1	Person Type	Business/Person Name		Business Phone
	SUSPECT/ARRESTEE	James Mayes		
	Home Phone	Person Address		
		2912 E 27th AV KEY WEST FL 33040		
	Other Phone	Employer Address		
	Race	Sex	SSN	DL Exp. Date
	BLACK	Male		09/07/2018
DL Number	M200-440-58-327-0			
Birth Date	Birth Place			
09/07/1958	Unknown, FL, UNITED STATES			
Age : 57		Hair Style : BALD ON TOP		
Occupation : Construction		Facial Hair : STUBBLE		
DL State : FL		Teeth : OTHER		
DL Country : UNITED STATES		Eye Color : BLUE		
Ethnic Origin : NON-HISPANIC		Build : MEDIUM/AVERAGE		
Min. Height : 5'10"		Complexion : DARK		

Reporting Officer	Department	Report Status:
OFC Jesse Lee Hammers (3631)	PATROL DIVISION	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
SGT JEFFERY SCOTT WILLIAMSON (1557)	KEY WEST POLICE DEPARTMENT	11/14/2015 08:45

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Key West Police Department

Report 11/14/2015 03:30

Incident Report

Case # 01-15-005140

Max. Height : 5'11" Min. Weight : 155 lbs Max. Weight : 160 lbs Adult/Juvenile : ADULT Employer : Unknown Relationship : STRANGER OF Christopher Dwight, STRANGER OF Richard Cearfoss Coat : None Hat : None Shirt : Plaid shirt Pants : Dark shorts Shoes : Sneakers Hair Color : BROWN Hair Length : BALDING	Glasses : Unknown Hand Use : UNKNOWN Caution : UNKNOWN Status : ARRESTEE Religion : UNKNOWN Marital Status : UNKNOWN Speech : ACCENT Residency Type : FLORIDA Residency Status : FULL YEAR Citizenship : UNITED STATES Weapon Held : HANDS/FISTS/FEET Body Marks:
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End of Person: 1

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	VICTIM	Mark Laver			
	Home Phone (305) 902-9229	Person Address 312 MARGARET ST KEY WEST FL 33040 ,MONROE County			
	Other Phone	Employer Address Use Address from Incident Location Information			
	Race WHITE	Sex Male	SSN	DL Exp. Date 07/01/2021	DL Number L600540-68-241-0
	Birth Date 07/01/1968	Birth Place Unknown, NY, UNITED STATES			
	Age : 47 Occupation : Bouncer DL State : FL DL Country : UNITED STATES Ethnic Origin : NON-HISPANIC Min. Height : 5'10" Max. Height : 6'00" Min. Weight : 200 lbs Max. Weight : 220 lbs Adult/Juvenile : ADULT Employer : Dirty Harrys Relationship : STRANGER OF James Mayes, ACQUAINTANCE OF Christopher Dwight, ACQUAINTANCE OF Richard Cearfoss Victim Type : INDIVIDUAL ADULT Will File Charges : Yes Can Identify Offender : Yes Sobriety of Victim : SOBER Extent of Injury : MINOR Injury Type 1 : ABRASIONS/BRUISES Medical Treatment : REFUSED Hospital Taken To : None Coat : None				

End of Person: 2

P E R S O N 3	Person Type	Business/Person Name			Business Phone
	WITNESS	Christopher E Dwight			
	Home Phone (863) 934-9487	Person Address 4609 Musket DR Lakeland, FL 33810			
	Other Phone	Employer Address			
	Race WHITE	Sex Male	SSN	DL Exp. Date 05/05/2020	DL Number D230-105-85-165-0
Birth Date 05/05/1985	Birth Place Unknown, FL, UNITED STATES				

Reporting Officer OFC Jesse Lee Hammers (3631)	Department PATROL DIVISION	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/14/2015 08:45

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Key West Police Department

Report 11/14/2015 03:30

Incident Report

Case # 01-15-005140

Age : 30 Occupation : UNKNOWN DL State : FL DL Country : UNITED STATES Ethnic Origin : NON-HISPANIC Min. Height : 5'10" Max. Height : 5'11" Min. Weight : 170 lbs Max. Weight : 175 lbs Adult/Juvenile : ADULT Employer : Unknown Relationship : ACQUAINTANCE OF James Mayes, ACQUAINTANCE OF Richard Cearfoss Coat : None Hat : None Shirt : Dress shirt Pants : Jean pants Shoes : Boots	Hair Color : BROWN Hair Length : LONG Hair Style : PULLED BACK Facial Hair : MUSTACHE AND BEARD Teeth : OTHER Eye Color : BLUE Build : MEDIUM/AVERAGE Complexion : LIGHT Glasses : Unknown Hand Use : UNKNOWN Religion : UNKNOWN Marital Status : UNKNOWN Speech : NORMAL Residency Type : FLORIDA Residency Status : FULL YEAR Citizenship : UNITED STATES Body Marks :
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End of Person: 3

P E R S O N 4	Person Type	Business/Person Name			Business Phone
	WITNESS	Richard J Cearfoss			
	Home Phone (330) 418-8004	Person Address 916 JAMES ST KEY WEST FL 33040 ,MONROE County			
	Other Phone	Employer Address Use Address from Incident Location Information			
	Race WHITE	Sex Male	SSN	DL Exp. Date 12/24/2020	DL Number C612-750-81-464-0
	Birth Date 12/24/1981	Birth Place Unknown, OH, UNITED STATES			
P R O P E R T Y 1	Age : 33 Occupation : Performer DL State : FL DL Country : UNITED STATES Ethnic Origin : NON-HISPANIC Min. Height : 6'00" Max. Height : 6'01" Min. Weight : 155 lbs Max. Weight : 160 lbs Adult/Juvenile : ADULT Employer : Ricks Relationship : STRANGER OF James Mayes, ACQUAINTANCE OF Christopher Dwight Coat : None Hat : None Shirt : Black tee shirt Pants : Black shorts Shoes : Black shoes				
	Hair Color : BLACK Hair Length : SHORT Hair Style : CREWCUT Facial Hair : NONE Teeth : OTHER Eye Color : BLUE Build : SLIM/THIN/SMALL Complexion : LIGHT Glasses : Unknown Hand Use : UNKNOWN Religion : UNKNOWN Marital Status : UNKNOWN Speech : NORMAL Residency Type : CITY Residency Status : FULL YEAR Citizenship : UNITED STATES Body Marks :				
	End of Person: 4				

P R O P E R T Y 1	Category	Property Type	Make	Model
	EVIDENCE/SEIZED	TV/VIDEO/VCR/CD PLAYER	Video	Digital
	Serial #	Color	Description	Condition
		WHITE	Footage of incident	New
P R O P E R T Y 1	UCR Type : MISCELLANEOUS		Rec. Officer : RHINHART, CHRISTOPHER L.	
	Relationship to Offense(s) : YES IS Offense 1		Recovery Location : Use Address from Incident Location Information	
	Year : 2015		Recovered By : Ofc. C. Rhinhart	
	Quantity/Weight : 1		Recovery Date and Time : 11/14/2015 05:00	
P R O P E R T Y 1	Value : \$1.00		Recovery Value : \$1.00	
	Insured : Not Applicable			

Reporting Officer OFC Jesse Lee Hammers (3631)	Department PATROL DIVISION	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/14/2015 08:45

Key West Police Department

Report 11/14/2015 03:30

Incident Report

Case # 01-15-005140

End of Property: 1				
P R O P E R T Y 2	Category EVIDENCE/SEIZED	Property Type PHOTOGRAPHS	Make Photos	Model Digital
	Serial #	Color WHITE	Description Photos of the parties	Condition New
	UCR Type : MISCELLANEOUS Relationship to Offense(s) : YES IS Offense 1, YES IS Offense 2 Year : 2015 Quantity/Weight : 1 Value : \$1.00 Insured : Not Applicable		Rec. Officer : HAMMERS, JESSE L. Recovery Location : Use Address from Incident Location Information Recovered By : Ofc. J. Hammers Recovery Date and Time : 11/14/2015 05:00 Recovery Value : \$1.00	
	End of Property: 2			

N A R R A T I V E 1	Topic ORIGINAL
	<p>On Saturday, 11/14/2015, at approximately 0252 hours, I (Ofc. J. HAMMERS) was flagged down by the Ricks Complex security staff about an unknown problem at 208 Duval Street (Dirty Harrys).</p> <p>Upon arrival, I initiated my BWC. I observed several members from the Ricks security staff detaining an individual later identified as JAMES MAYES (Florida Drivers License). I identified myself as an officer with the Key West Police Department. I took control of MAYES's right arm and along with the assistance from the Ricks security staff, helped MAYES's to his feet. A security staff member told me MAYES poked one of the security staff members in the eye.</p> <p>I began escorting MAYES out of the complex. On the way out, MAYES said he had a "cramp" in his leg. I told MAYES he had to remove himself from the property. MAYES began to increasingly emphasize that he could not walk. In a controlled manner, I grabbed MAYES's right arm and attempted to help him walk off the property. MAYES had no problem standing on his own accord. In a controlled manner, I attempted to escort MAYES off the property using the "hammer lock" position. While attempting to position MAYES's arm behind his back, he dropped to the ground. I did not employ any take down maneuvers to have caused MAYES to end up on the ground. I allowed MAYES to remain sitting on the ground until another officer arrived. While waiting for backup, it was later discovered that my BWC battery had died. Ofc. C. RHINHART arrived on scene moments later. Ofc. C. RHINHART and I assisted MAYES back to his feet. Ofc. C. RHINHART's BWC captured the rest of the incident. MAYES continued to complain of injury to his leg. MAYES was grabbing the area near his hamstring. MAYES was again able to stand on his own accord. Ofc. C. RHINHART and I repeatedly attempted to escort MAYES off the property. MAYES became agitated, tensed his muscles, and pulled them towards his chest. MAYES was pulling his arms away from my control. I regained control of MAYES's arm in a controlled manner. Again, MAYES dropped to the ground without being forced to do so. MAYES began saying that I injured his leg. I requested KWPD to meet at our location in reference to MAYES's injuries. Ofc. C. RHINHART and I were able to get MAYES to his feet, and walk him off the property. At one point MAYES did not rely on my support to walk himself off the property.</p> <p>Ofc. C. RHINHART and I relocated MAYES to the corner of Charles Street and Duval Street, and sat him on the curb. I initiated my in-car Coban system. MAYES began increasingly complaining of injury to his leg. MAYES repeatedly claimed KWPD caused injury to his leg. I requested Sgt. P. RODRIGUEZ to meet at my location to document the allegation that the injury was caused by KWPD. KWFD arrived on scene. MAYES was largely uncooperative with KWPD and KWFD. MAYES grew increasingly agitated and hostile towards the members of KWFD. Sgt. P. RODRIGUEZ later arrived on scene.</p>

Reporting Officer OFC Jesse Lee Hammers (3631)	Department PATROL DIVISION	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/14/2015 08:45

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Key West Police Department

Report 11/14/2015 03:30

Incident Report

Case # 01-15-005140

I met with the Ricks security staff member, MARK LAVER. LAVER said MAYES was causing a disturbance inside Dirty Harrys. LAVER said he was attempting to resolve the issue. LAVER said MAYES became hostile and aggressive. LAVER said MAYES put his hands on his chest several times. LAVER said he warned MAYES not to touch him. LAVER said MAYES grabbed his upper chest. LAVER said he attempted to restrain MAYES to have him escorted off the property. LAVER said during the struggle, one of MAYES's fingers jabbed into his eye. LAVER said additional staff members arrived, and assisted with detaining MAYES until KWPD arrived. LAVER refused medical treatment. I observed redness to both of LAVER's eyes. LAVER initially refused to pursue charges against MAYES for battery. A short time later, LAVER said he changed his mind and wanted to pursue charges.

While conducting my investigation, a subject whom identified himself as MAYES's friend, repeatedly drew my attention. The unidentified male, said he captured the Ricks security staff verbally assaulting MAYES and attacking him. I asked the unidentified male to show me the cell phone video. The unidentified male refused to show me the cell phone video. The unidentified male refused to provide me with his information, therefore, refused to cooperate as a witness to the incident.

I spoke to CHRISTOPHER DWIGHT (Witness). DWIGHT said MAYES was involved in an altercation with customers. DWIGHT said the bouncer, LAVER, intervened. DWIGHT said the situation calmed down but then MAYES became violent. DWIGHT said MAYES initiated the physical altercation. DWIGHT provided me with a written statement. I submitted DWIGHT's statement into the KWPD Records section.

I spoke to RICHARD CEARFOSS (Witness). CEARFOSS said MAYES had an altercation with a customer. CEARFOSS said LAVER addressed the altercation and separated the parties. CEARFOSS said he said MAYES attack LAVER. CEARFOSS provided me with a written statement. I submitted CEARFOSS's statement into the KWPD Records section.

Ricks security staff showed me video footage of the incident from the Ricks security cameras. I observed the following on the video footage:
MAYES and LAVER engaged in conversation. MAYES became visibly aggressive and struck LAVER in his chest with both of his hands. LAVER attempted to detain MAYES.

RICK's security staff provided Ofc. C. RHINHART with a copy of the video footage. Ofc. C. RHINHART submitted the video into the KWPD property section as evidence.

MAYES was extremely uncooperative with the members of the KWFD. MAYES physically refused to cooperate with KWFD and sprawled his body in the street. MAYES demanded to be transported to the hospital. KWFD members requested that I ride with them to Lower Keys Medical Center. KWFD transported MAYES to LKMC without incident.

MAYES was subsequently medically cleared by LKMC staff. Ofc. C. WILLIAMS remained with MAYES while I was transported to my patrol vehicle by Sgt. P. RODRIGUEZ. Ofc. C. WILLIAMS said MAYES attempted to leave LKMC. Ofc. C. WILLIAMS said MAYES physically resisted her control (without violence) when she attempted to place him into handcuffs. See Ofc. C. WILLIAMS supplemental report for further information.

Reporting Officer OFC Jesse Lee Hammers (3631)	Department PATROL DIVISION	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/14/2015 08:45

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Key West Police Department

Report 11/14/2015 03:30

Incident Report

Case # 01-15-005140

	<p>I took a photo of MAYES and uploaded it onto the KWPD Coban server. I will follow up with LAVER at a later date to photograph his injuries.</p> <p>Ofc. C. WILLIAMS and I, along with LKMC security staff, placed MAYES into my patrol vehicle. While placing MAYES into my vehicle, he would not support himself, and relied on the LKMC security staff and myself to keep from falling to the ground. MAYES physically and verbally refused to cooperate. MAYES physically refused to sit up while in the patrol vehicle. I was unable to secure MAYES using the seat belt. Sgt. P. RODRIGUEZ gave me permission to transport MAYES to MCDC without securing him with the seat belt. I transported MAYES to MCDC. My transport of MAYES was recorded on my in-car Coban system.</p> <p>Based on the facts and evidence, I believe probable cause exists that on 11/14/2015, JAMES MAYES did knowingly and intentionally strike MARK LAVER and resist a lawful order without violence, in contrary to F.S.S. 784.03 (1)(a)(1) and F.S.S. 843.02.</p> <p>CLEARED BY ARREST</p>
	End of Narrative: 1

Reporting Officer OFC Jesse Lee Hammers (3631)	Department PATROL DIVISION	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/14/2015 08:45

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Key West Police Department

Report 11/14/2015 22:56

Incident Report

Case # 01-15-005140

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-15-005140	11/14/2015 22:56	11/14/2015 02:51	11/14/2015 02:56	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	BATTERY/AGG BATTERY OFFENSE		CLEARED BY ARREST	11/14/2015	11/14/2015 05:30
	Common Name				
	DURTY HARRY S - 208 DUVAL ST KEY WEST, FL 33040 (MONROE County)				
	Day of Week : SATURDAY		Beat Assignment : 1		
	Dispatched : 11/14/2015 04:15		Alcohol Related : Yes		
	Responded : 11/14/2015 04:15		Drug Related : No		
	Arrived : 11/14/2015 04:24		Total Damaged Property Value : \$0.00		
	Map Reference : 1032XX1XO		Total Stolen Property Value : \$0.00		
	Location Type : BAR/NIGHT CLUB		Total Recovered Property Value : \$0.00		

N A R R A T I V E	Topic	SUPPLEMENTAL
	<p>1 On November 14th, 2015 at approximately 0424 hours, I met with Ofc. Hammers at the ER. Officer Hammers shared the following information: His arrestee (James) was transported to the ER per James request due to a complaint of injury. He needed me to supervise James while Sgt. P. Rodriguez assisted him in picking up his patrol vehicle which he left at the initial scene. He cautioned me that James may throw himself on the ground and claim injury by cop because that's what James did earlier at the initial scene.</p>	
	<p>Due to being inside a medical facility in close proximity to patients, I did not initiate Body Cam during the initial contact. While supervising James, James was verbally abusive, using profane and insulting language against the hospital staff and me. James verbal aggressiveness gave me pre-indicators that James was susceptible to becoming combative. I noticed James was not handcuffed therefore, I re-confirmed with Ofc. Hammers that James was under arrest. Officer Hammers re-confirmed that James was under arrest. Officer Hammers added that James was not handcuffed so that medical personnel could evaluate him more easily. James said he was going to leave. I told James that he could not leave because he was detained per the investigating officer, Ofc. Hammers. James asked me why he was being arrested. I advised James that the investigating officer (Ofc. Hammers) would arrive within a few minutes to answer his questions. James said that he could leave if he wanted to because he was not handcuffed. I notified James that he was not free to leave therefore, he could not leave. James demanded to be handcuffed. Due to his un-ordinary demand and having no backup officer assistance with me, I did not handcuff James. James continued to demand I handcuff him. It was only after James scooted to the edge of the hospital bed as if he was going to stand up and leave, did I proceed to handcuff James.</p>	
	<p>After I placed one handcuff on, James refused to place his other hand behind his back to be completely handcuffed. After repeated verbal commands to place his un-handcuffed hand behind his back, James did so, but grabbed on to his other wrist in a manner that prevented me from placing the second handcuff on. Again, I gave James multiple verbal commands to let go of his wrist. I notified James that he was resisting arrest and was going to be charged with doing so. James then released the grip on his wrist so that I could place the second handcuff on. Throughout the process of attempting to handcuff James, he continuously shouted remarks suggesting police brutality.</p> <p>After James was handcuffed, James flopped himself on the floor as the on-duty security officer and I</p>	

Reporting Officer	Department	Report Status:
CYNTHIA V WILLIAMS (2703)	KEY WEST POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
SGT DONALD JULIAN BARRIOS (1850)	KEY WEST POLICE DEPARTMENT	11/15/2015 05:14

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Key West Police Department

Report 11/14/2015 22:56

Incident Report

Case # 01-15-005140

were attempting to keep him from scooting all the way off the bed. We tried holding his body upright, but James presented dead weight and would not attempt to stand or support any of his body weight. We laid James on the floor. I flipped the switch to initiate Body Cam. I tried talking James into complying and allowing me to assist him in getting off the floor and being seated into a wheel chair. James kept shouting remarks suggesting police brutality and said he couldn't. James defeated my efforts in assisting him off the floor by straightening his legs and torso. The on-duty security guard and the on-duty head nurse attempted to assist me in properly lifting James, but James continued to resist and defeat our efforts by forcefully tensing his body. We managed to lift James into the wheel chair, but again, James resisted by straighten and tensing his body so that he would slide off the chair.

I looked down at my Body Cam and noticed it was in the off position (I must have not flipped the switch hard enough to initiate). I initiated Body Cam and confirmed it on the on position. James finally sat in the wheel chair, all the while talking about his plans to sue the City, the police department, the hospital staff, and I. James made threats to batter the security guard. James said he sued a Tampa Police agency and won through settlement and said he would do the same with the Key West Police. He added that he wasn't going to settle for any amount, and he would fight for all the money and he will personally sue officers personally for money and assets. While James' mind was distracted making threats, I noticed James bending and moving both of his legs without displayed pain or restraint.

James requested to speak to a supervisor. I advised Sgt. P. Rodriguez of his request. Sergeant Rodriguez acknowledged and added that he met with him earlier but James didn't want to talk to him. Officer Hammers arrived and discussed the investigation progress with James. Officer Hammers notified James that he was going to be transported to the jail.

James complained that the handcuffs were too tight. James refused to stand or brace his weight on one-leg (since he claimed the other leg was injured) to allow officers to search him and for transport to the jail. Officer Hammers and the on-duty security guard had to lift James off the wheel chair so that I could search James back pockets. I checked the handcuffs and confirmed they were not fastened tight. They had one-finger space allotted. I loosened them even more to where there was two-finger width of space allotted. James continued shouting the handcuffs were too tight. As James was making statements suggesting police brutality, I observed James purposefully grind and push his wrists forcefully against the handcuffs. It appeared that James was attempting to self-inflict handcuff marks on his wrists. I requested Ofc. Hammers re-confirm the handcuffs were loose. Officer Hammers re-confirmed the handcuffs were two-finger width space allotted.

James continued to bear all of his weight on Ofc. Hammers and the security guard. James refused to help or comply. After some time, James stood enough to be seated in the patrol vehicle. James refused to get all the way inside the vehicle claiming the handcuffs were too tight. I had double-locked the handcuffs therefore, they were in the same spacious position as I initially applied them. I could visually see the space in the handcuffs and Ofc. Hammers physically re-checked the handcuffs confirming they had the same space allotted as before. James straightened his body so that he could not be seat-belted.

Once at the jail, James told deputies he would cooperate with them. James stood and bore weight on one leg. I observed James move and bend the "injured" leg but he did not bear weight on it. When the handcuffs were removed, I did not observe any injuries to his wrists nor did he complain of any to the deputies during booking.

Reporting Officer CYNTHIA V WILLIAMS (2703)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT DONALD JULIAN BARRIOS (1850)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/15/2015 05:14

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Key West Police Department

Report 11/14/2015 22:56

Incident Report

Case # 01-15-005140

	Nothing further to report.
	End of Narrative: 1

Reporting Officer CYNTHIA V WILLIAMS (2703)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT DONALD JULIAN BARRIOS (1850)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/15/2015 05:14

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Key West Police Department

Report 11/14/2015 19:16

Incident Report

Case # 01-15-005140

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-15-005140	11/14/2015 19:16	11/14/2015 02:51	11/14/2015 02:56	Supplemental
	Dept. Classification	Case Status	Case Status Date	Cleared	
	BATTERY/AGG BATTERY OFFENSE	CLEARED BY ARREST	11/14/2015	11/14/2015 06:00	
	Common Name				
	DURTY HARRY S - 208 DUVAL ST KEYWEST, FL 33040 (MONROE County)				
Day of Week : SATURDAY					
Dispatched : 11/14/2015 02:52					
Responded : 11/14/2015 02:52					
Arrived : 11/14/2015 02:52					
Map Reference : 1032XX1XO					
Location Type : BAR/NIGHT CLUB					
Beat Assignment : 1					
Alcohol Related : Yes					
Drug Related : No					
Total Damaged Property Value : \$0.00					
Total Stolen Property Value : \$0.00					
Total Recovered Property Value : \$0.00					

N A R R A T I V E 1	Topic	SUPPLEMENTAL
	On 11/14/2015 at approximately 0252 hours, I Ofc. Rhinhart assisted Ofc. J. Hammers at Rick's Bar/Durty Harry's Bar at 208 Duval St. regarding a trespass and battery incident.	
	Upon my arrival, I observed (Arrestee) James Mayes holding his left leg and screaming loud. Mayes was very intoxicated and out of control.	
	The bouncers at Rick's Bar/Durty Harry's Bar stated Mayes battered Rick's Bar employee (Victim) Mark Laver.	
	After further investigation and reviewed security video, it was determined a battery did occur and Laver stated he will press charges.	
	Key West Rescue responded to the scene to treat Mayes alleged leg injury. Mayes was transported by Key West Rescue to the Lower Keys Medical Center for treatment.	
	After the Lower Keys Medical Center treated and released Mayes, Mayes was arrested and transported to the Monroe County detention Center for processing by Ofc. J. Hammers.	
	I obtained a security video CD on 11/14/2015 at 0500 hours from Rick's Bar/Durty Harry's Bar for evidentiary purposes. I placed the video CD into the Key West Police Department's property/evidence.	
This incident was captured on my VIEVU body worn camera and uploaded into the Key West Police Department's COBAN DPM system for recorded documentation.		
End of Narrative: 1		

Reporting Officer	Department	Report Status:
OFC CHRISTOPHER LEE RHINHART (3672)	PATROL DIVISION	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
SGT DONALD JULIAN BARRIOS (1850)	KEY WEST POLICE DEPARTMENT	11/15/2015 00:13

KWPD

Monroe County Adult Arrest Form

☐ ARREST
☐ WARRANT
☐ COMPLAINT AFFIDAVIT

ARREST #

OBTS #

Filing Agency KWPD		Case # 0115005140		Doc. Control #		State ID #		FBI #		CC #	
Defendant's Last Name Mayes		First James		Middle		Suf		Alias		Citizenship UNITED STATES	
Race B	Eth NH	Sex M	Hgt 5'10"	Eyes BLUE	Hair BROWN	Wgt 155	Comp DARK	Age 57	DOB 09/07/1958	Birthplace UNKNOWN, AL	Scars, Marks, TT
Facial Hair STUB	Build MED	Marital St UNKW	Hand Use UNKW	Glasses Unknown	Speech ACCENT	Parole/Probation NONE		Language Spoken ENGLISH			
Permanent Address 2912 E 27th AV KEY WEST, FL 33040-						Home Phone:		Local Address:			
Email Address						Cell Phone:		Place of Employment Unknown		Occupation Construction	
Arrest Location 208 DUVAL ST KEY WEST, FL 33040-						Area/ Zone 001		Work Phone:		Arresting Officer Jesse Lee Hammers 3631	
Violation Location 208 DUVAL ST KEY WEST, FL 33040-						Area/ Zone 001		Date/Time of Violation 11/14/2015 02:52		Date/Time Arrested 11/14/2015 03:40	
DL # M200-440-58-327-0		State FL		Breathalyzer By		Reading		Miranda Advisement Invoked 5th		By Whom HAMMERS, JESSE L.	
Domestic Violence No		Weapon Seized		Officer Injured No		Caution UNKNOWN		Indication Of:		Y N UK	
Drug Type:		Type:		B-Barbiturate		H-Hallucinogen		P-Paraphernalia/		U-Unknown	
		N-N/A		C-Cocaine		M-Marijuana		Equipment		Z-Other	
		A-Amphetamine		E-Heroin		O-Opium		S-Synthetic			
Activity:		Activity:		B-Buy		E-Use		K-Dispense/			
		N-N/A		T-Traffic		M-Manufacture/		Distribute			
		P-Possess		A-Smuggle		Produce/		Z-Other			
		S-Sell		D-Deliver		Cultivate					

Defendant Vehicle Make:	Type:	Year:	Color:	Vehicle Registration State:
VIN#:	Tag #:			Vehicle Tag Expiration:
Vehicle Status:	Other Identifiers or Remarks:			

CODEFENDANT

ADDRESS

PHONE #

RACE

SEX

DOB

Count	Offenses Charged	Statute	Warrant #	Court Date and Time	Citation #
1/M	BATTERY TOUCH OR STRIKE-784.03(1)(A)(1)	BATTERY TOUCH OR STRIKE			
1/M	RESIST OFFICER OBSTRUCT WO VIOLENCE-843.02	RESIST OFFICER OBS			

Before me this date personally appeared **Jesse Lee Hammers 3631** who being first duly sworn deposes and says that on the **14th day of November, 2015** at **208 DUVAL ST KEY WEST, FL 33040-** the above named defendant committed the above offenses charged and the facts showing probable cause to believe the same are as follows

[NARR]: On Saturday, 11/14/2015, at approximately 0252 hours, I (Ofc. J. HAMMERS) was flagged down by the Ricks Complex security staff about an unknown problem at 208 Duval Street (Dirty Harrys).

Upon arrival, I initiated my BWC. I observed several members from the Ricks security staff detaining an individual later identified as JAMES MAYES (Florida Drivers License). I identified myself as an officer with the Key West Police Department. I took control of MAYES's right arm and

I swear the above statement is correct and true to the best of my knowledge and belief.

Jesse Lee Hammers 3631

JEFFERY SCOTT WILLIAMSON 1557

POLICE PATROL

OFFICER/ELECTRONIC SIGNATURE

APPROVING SUPERVISOR

DIVISION / UNIT

STATE OF FLORIDACOUNTY OF MONROE

The foregoing instrument was acknowledged before me this _____ day of _____, (year) _____, who is personally

known to me or who has produced (ID Type) Police as identification and who DID take an oath.

LAW ENFORCEMENT OFFICER / CORRECTIONS OFFICER PER STATE STATUTE # _____

SIXTEENTH JUDICIAL COURT

MONROE County

State of FLORIDA

Page 1 of 3

Form NS ARREST 3.0, REV: 04/18/2014

Monroe County Adult Arrest Form Continuation

KWPD

OBTS # _____

ARREST #

LAST NAME	FIRSTNAME	MIDDLE NAME	SUF.	HGT	WGT	RC	SEX	DOB	Case #	Arresting Officer
Mayes	James			5'10"	155	B	M	09/07/1958	0115005140	Jesse Lee Hammers 3631

along with the assistance from the Ricks security staff, helped MAYES's to his feet. A security staff member told me MAYES poked one of the security staff members in the eye.

I began escorting MAYES out of the complex. On the way out, MAYES said he had a "cramp" in his leg. I told MAYES he had to remove himself from the property. MAYES began to increasingly emphasize that he could not walk. In a controlled manner, I grabbed MAYES's right arm and attempted to help him walk off the property. MAYES had no problem standing on his own accord. In a controlled manner, I attempted to escort MAYES off the property using the "hammer lock" position. While attempting to position MAYES's arm behind his back, he dropped to the ground. I did not employ any take down maneuvers to have caused MAYES to end up on the ground. I allowed MAYES to remain sitting on the ground until another officer arrived. While waiting for backup, it was later discovered that my BWC battery had died. Ofc. C. RHINHART arrived on scene moments later. Ofc. C. RHINHART and I assisted MAYES back to his feet. Ofc. C. RHINHART's BWC captured the rest of the incident. MAYES continued to complain of injury to his leg. MAYES was grabbing the area near his hamstring. MAYES was again able to stand on his own accord. Ofc. C. RHINHART and I repeatedly attempted to escort MAYES off the property. MAYES became agitated, tensed his muscles, and pulled them towards his chest. MAYES was pulling his arms away from my control. I regained control of MAYES's arm in a controlled manner. Again, MAYES dropped to the ground without being forced to do so. MAYES began saying that I injured his leg. I requested KWFD to meet at our location in reference to MAYES's injuries. Ofc. C. RHINHART and I were able to get MAYES to his feet, and walk him off the property. At one point MAYES did not rely on my support to walk himself off the property.

Ofc. C. RHINHART and I relocated MAYES to the corner of Charles Street and Duval Street, and sat him on the curb. I initiated my in-car Coban system. MAYES began increasingly complaining of injury to his leg. MAYES repeatedly claimed KWPD caused injury to his leg. I requested Sgt. P. RODRIGUEZ to meet at my location to document the allegation that the injury was caused by KWPD. KWFD arrived on scene. MAYES was largely uncooperative with KWPD and KWFD. MAYES grew increasingly agitated and hostile towards the members of KWFD. Sgt. P. RODRIGUEZ later arrived on scene.

I met with the Ricks security staff member, MARK LAVER. LAVER said MAYES was causing a disturbance inside Dirty Harrys. LAVER said he was attempting to resolve the issue. LAVER said MAYES became hostile and aggressive. LAVER said MAYES put his hands on his chest several times. LAVER said he warned MAYES not to touch him. LAVER said MAYES grabbed his upper chest. LAVER said he attempted to restrain MAYES to have him escorted off the property. LAVER said during the struggle, one of MAYES's fingers jabbed into his eye. LAVER said additional staff members arrived, and assisted with detaining MAYES until KWPD arrived. LAVER refused medical treatment. I observed redness to both of LAVER's eyes. LAVER initially refused to pursue charges against MAYES for battery. A short time later, LAVER said he changed his mind and wanted to pursue charges.

While conducting my investigation, a subject whom identified himself as MAYES's friend, repeatedly drew my attention. The unidentified male, said he captured the Ricks security staff verbally assaulting MAYES and attacking him. I asked the unidentified male to show me the cell phone video. The unidentified male refused to show me the cell phone video. The unidentified male refused to provide me with his information, therefore, refused to cooperate as a witness to the incident.

I spoke to CHRISTOPHER DWIGHT (Witness). DWIGHT said MAYES was involved in an altercation with customers. DWIGHT said the bouncer, LAVER, intervened. DWIGHT said the situation calmed down but then MAYES became violent. DWIGHT said MAYES initiated the physical altercation. DWIGHT provided me with a written statement. I submitted DWIGHT's statement into the KWPD Records section.

I spoke to RICHARD CEARFOSS (Witness). CEARFOSS said MAYES had an altercation with a customer. CEARFOSS said LAVER addressed the altercation and separated the parties. CEARFOSS said he said MAYES attack LAVER. CEARFOSS provided me with a written statement. I submitted CEARFOSS's statement into the KWPD Records section.

Ricks security staff showed me video footage of the incident from the Ricks security cameras. I observed the following on the video footage: MAYES and LAVER engaged in conversation. MAYES became visibly aggressive and struck LAVER in his chest with both of his hands. LAVER attempted to detain MAYES.

I swear the above statement is correct and true to the best of my knowledge and belief.

Jesse Lee Hammers 3631

JEFFERY SCOTT WILLIAMSON 1557

POLICE PATROL

OFFICER/ELECTRONIC SIGNATURE

APPROVING SUPERVISOR

DIVISION / UNIT

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me this _____ day of _____, (year)_____, who is personally

known to me or who has produced (ID Type) Police as identification and who DID take an oath.

LAW ENFORCEMENT OFFICER / CORRECTIONS OFFICER PER STATE STATUTE # _____

SIXTEENTH JUDICIAL COURT

MONROE County

State of FLORIDA

KWPD

Monroe County Adult Arrest Form Continuation

OBTS # _____

ARREST # _____

LAST NAME	FIRSTNAME	MIDDLE NAME	SUF.	HGT	WGT	RC	SEX	DOB	Case #	Arresting Officer
Mayes	James			5'10"	155	B	M	09/07/1958	0115005140	Jesse Lee Hammers 3631

RICK's security staff provided Ofc. C. RHINHART with a copy of the video footage. Ofc. C. RHINHART submitted the video into the KWPD property section as evidence.

MAYES was extremely uncooperative with the members of the KWFD. MAYES physically refused to cooperate with KWFD and sprawled his body in the street. MAYES demanded to be transported to the hospital. KWFD members requested that I ride with them to Lower Keys Medical Center. KWFD transported MAYES to LKMC without incident.

MAYES was subsequently medically cleared by LKMC staff. Ofc. C. WILLIAMS remained with MAYES while I was transported to my patrol vehicle by Sgt. P. RODRIGUEZ. Ofc. C. WILLIAMS said MAYES attempted to leave LKMC. Ofc. C. WILLIAMS said MAYES physically resisted her control (without violence) when she attempted to place him into handcuffs. See Ofc. C. WILLIAMS supplemental report for further information.

I took a photo of MAYES and uploaded it onto the KWPD Coban server. I will follow up with LAVER at a later date to photograph his injuries.

Ofc. C. WILLIAMS and I, along with LKMC security staff, placed MAYES into my patrol vehicle. While placing MAYES into my vehicle, he would not support himself, and relied on the LKMC security staff and myself to keep from falling to the ground. MAYES physically and verbally refused to cooperate. MAYES physically refused to sit up while in the patrol vehicle. I was unable to secure MAYES using the seat belt. Sgt. P. RODRIGUEZ gave me permission to transport MAYES to MDCD without securing him with the seat belt. I transported MAYES to MDCD. My transport of MAYES was recorded on my in-car Coban system.

Based on the facts and evidence, I believe probable cause exists that on 11/14/2015, JAMES MAYES did knowingly and intentionally strike MARK LAVER and resist a lawful order without violence, in contrary to F.S.S. 784.03 (1)(a)(1) and F.S.S. 843.02.

CLEARED BY ARREST

I swear the above statement is correct and true to the best of my knowledge and belief.

Jesse Lee Hammers 3631

JEFFERY SCOTT WILLIAMSON 1557

POLICE PATROL

OFFICER/ELECTRONIC SIGNATURE

APPROVING SUPERVISOR

DIVISION / UNIT

STATE OF FLORIDACOUNTY OF MONROE

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known to me or who has produced (ID Type) Police as identification and who DID take an oath.

LAW ENFORCEMENT OFFICER / CORRECTIONS OFFICER PER STATE STATUTE # _____

SIXTEENTH JUDICIAL COURT

MONROE County

State of FLORIDA

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