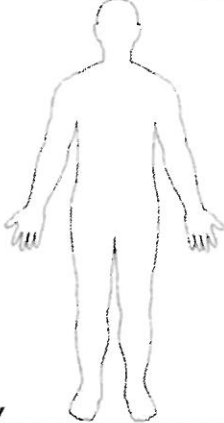
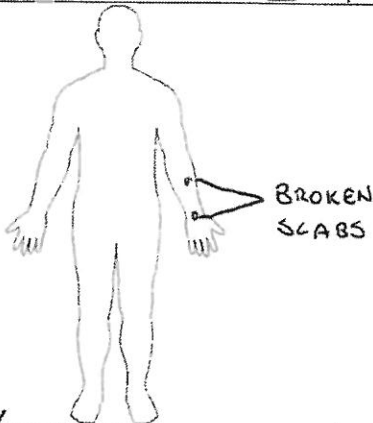
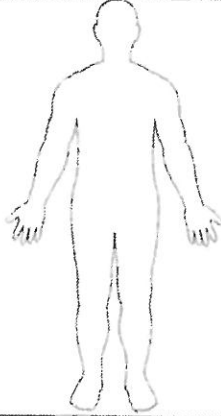
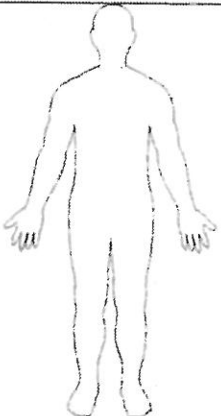


Response to Resistance Report

Key West Police Department

Case No: 16-972

| | | | |
|---|---|--|--|
| 1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply) | | | |
| <input type="checkbox"/> A response through the use of non-lethal weapons, <input checked="" type="checkbox"/> Applies weaponless physical force of strikes, kicks, or "take-downs" <input type="checkbox"/> When any person sustains an apparent substantial or fatal injury as a result of the application of force <input type="checkbox"/> When any person complains of injury as a result of the application of force <input type="checkbox"/> Discharge of firearm in the line of duty off-duty or on-duty (other than for training, maintenance or ballistics testing) | | | |
| INCIDENT | 2. Date: March 8, 2016 3. Time: 1351 4. Location: 2900 N Ros blvd 5. Incident type: Trespass | | |
| | 6. Resistance Level <input checked="" type="checkbox"/> Passive: _____ <input checked="" type="checkbox"/> Active: _____ <input type="checkbox"/> Aggressive: _____ <input type="checkbox"/> Deadly Force: _____ | 7. Explanation Refused to comply Physically resist | 8. Response Option <input checked="" type="checkbox"/> Physical Control <input type="checkbox"/> Non-lethal Weapon <input type="checkbox"/> Deadly Force |
| | 9. Explanation Take down | | |
| | | | |
| SUBJECT | 10. Last Name: Whittington 11. First: Robert 12. Race: W 13. Sex: M | | |
| | 14. DOB: 10/18/53 15. Height: 6'3" 16. Weight: 200 | | |
| | 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 type="checkbox"/> Intoxicated <input type="checkbox"/> Under the influence of controlled substance <input checked="" type="checkbox"/> Emotionally / mentally disturbed | | |
| | 19. Injuries: <input type="checkbox"/> No <input checked="" type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22) | | |
| | 20. Photographed: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes 21. Treated: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input checked="" type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input type="checkbox"/> Detention | | |
| |  | |  |
| | 22. Anterior View | | Posterior View |
| | | | |
| | OFFICER | 23. Officer: Thomas Clark 24. Race: W 25. Sex: M 26. Age: 28 27. Height: 5'11" 28. Weight: 205 | |
| 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: | | | |
| 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) | | | |
|  | |  | |
| 35. Anterior View | | Posterior View | |

Response to Resistance Report (continued)

Key West Police Department

Case No: 16= 972

| | | | | |
|--|---|---|---|-------------------|
| TASER USE ONLY | 36. TASER® device serial # N/A | | 37. TASER® device serial # N/A | |
| | 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. | | | |
| SUPERVISOR'S INQUIRY | <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. | | | |
| | 40. Notified Date: 3/8/16 | | 41. Time: 1350 | |
| | 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) | | | |
| | | | | |
| | | | | |
| INT. AFF. | 44. Were you able to locate any independent witnesses: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below) | | | |
| | Name | Address | Phone Number | |
| | John Pozzu | 5636 Suncrest Rd Key West, FL 33040 | 305-942-9835 | |
| | | | | |
| | | | | |
| 45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | | 1438 | | |
| FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS | | 46. Preparing Supervisor's Signature / ID | | 47. Date |
| 48. 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) | | 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 03/08/2016 14:36

Incident Report

Case # 01-16-000972

| | | | | | |
|--------------------------------------|---|------------------|---|------------------|------------------|
| I N C I D E N T | Case # | Report | Occurred From | Occurred To | Report Type |
| | 01-16-000972 | 03/08/2016 14:36 | 03/08/2016 13:45 | 03/08/2016 13:48 | Supplemental |
| | Dept. Classification | | Case Status | Case Status Date | Cleared |
| | TRESPASS OFFENSE | | CLEARED BY ARREST | 03/08/2016 | 03/08/2016 14:45 |
| | Common Name | | | | |
| | KEY PLAZA - 2900 N ROOSEVELT BV KEYWEST, FL 33040 (MONROE County) | | | | |
| Day of Week : TUESDAY | | | Beat Assignment : 6 | | |
| Arrived : 03/08/2016 13:48 | | | Alcohol Related : Unknown | | |
| Map Reference : 3321XX2AN | | | Drug Related : Unknown | | |
| Location Type : PARKING LOT/GARAGE | | | Total Damaged Property Value : \$0.00 | | |
| Zone/Division : GRID 5 | | | Total Stolen Property Value : \$0.00 | | |
| Beat Assignment : 6 | | | Total Recovered Property Value : \$0.00 | | |

| | | |
|---|--|--------------|
| N A R R A T I V E | Topic | SUPPLEMENTAL |
| | 1 On Tuesday, March 08, 2016, at approximately 1348 hours, I (Ofc Hall) responded to Key Plaza as back-up. | |
| | Ofc Clark was there on a trespasser call and asked for back-up when a male started resisting arrest. | |
| | I arrived to find Ofc Clark still struggling with the male subject on the ground in front of his patrol car. I turned my Key West Police Department issued Body Camera on, and ran to assist Ofc Clark. | |
| | I kneeled down and immediately grabbed the subject's right arm from under him. I pried his arm out from under him, all while he was resisting by bracing and pulling away from me. I got his right arm out from under him and placed it behind his back, immediately putting it into a handcuff. | |
| | Ofc Clark was able to get the subjects left arm behind him and I placed his left wrist into the handcuffs. | |
| | Ofc Clark rolled him over and had him sitting up. I then assisted Ofc Clark stand the subject up. | |
| | I could see the subject was bleeding from a couple small cuts on his arm and advised the Sergeant via Key West Comm 1. | |
| | Ofc Clark then placed the subject in the rear of his patrol car. | |
| | The entire call was captured on my body camera and my Coban system. | |
| End of Narrative: 1 | | |

| | | |
|------------------------------------|----------------------------|------------------|
| Reporting Officer | Department | Report Status: |
| DAVID CHARLES HALL (2736) | KEY WEST POLICE DEPARTMENT | Approved |
| Supervising Officer | | Date/Time |
| Verifying Officer | Department | Date / Time |
| SGT HOLLIS WOODROW JR. WOOD (2091) | KEY WEST POLICE DEPARTMENT | 03/08/2016 14:58 |

Key West Police Department

Report 03/08/2016 14:04

Incident Report

Case # 01-16-000972

| | | | | | |
|---|-------------------------|------------------|---|------------------|------------------|
| I N C I D E N T | Case # | Report | Occurred From | Occurred To | Report Type |
| | 01-16-000972 | 03/08/2016 14:04 | 03/08/2016 13:45 | 03/08/2016 13:45 | Original |
| | Dept. Classification | | Case Status | Case Status Date | Cleared |
| | OBSTRUCT/RESIST OFFENSE | | CLEARED BY ARREST | 03/08/2016 | 03/08/2016 15:30 |
| | Common Name | | | | |
| KEY PLAZA - 2900 N ROOSEVELT BV KEYWEST, FL 33040 (MONROE County) | | | | | |
| Day of Week : TUESDAY | | | | | |
| Dispatched : 03/08/2016 13:45 | | | Beat Assignment : 5 | | |
| Responded : 03/08/2016 13:45 | | | Alcohol Related : Yes | | |
| Arrived : 03/08/2016 13:45 | | | Drug Related : Unknown | | |
| Map Reference : 3321XX2AN | | | Total Damaged Property Value : \$0.00 | | |
| Location Type : PARKING LOT/GARAGE | | | 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 |
| | | | PARKING LOT/GARAGE | 03/08/2016 |
| | Federal Classification : RESIST OFFICER OBSTRUCT WO VIOLENCE-843.02 ROBERT WHITTINGTON (SUSP,Primary Role,User Defined); STATE OF FLORIDA (VICT,Primary Role,User Defined) Attack Reason : MENACE Computer Theft : No # of Premises : 1 | | Criminal Activity 1 : OTHER Evidence Collected : Yes Federal Disposition : CLEARED BY ARREST # of People Arrested : 1 | |
| | End of Offense: 1 | | | |

| | | | | |
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| O F F E N S E 2 | State Classification | | Attempted/Committed COMMITTED | |
| | Statute/Ordinance | | Location Type | Disposition Date |
| | | | PARKING LOT/GARAGE | 03/08/2016 |
| | Federal Classification : TRESPASSING FAIL TO LEAVE PROPERTY UPON ORDER BY OWNER-810.09(2)(B) ROBERT WHITTINGTON (SUSP,Primary Role,User Defined); KEY PLAZA (VICT,Primary Role,User Defined) Attack Reason : N/A Computer Theft : No # of Premises : 1 | | Criminal Activity 1 : OTHER Evidence Collected : Yes Federal Disposition : CLEARED BY ARREST # of People Arrested : 1 | |
| | End of Offense: 2 | | | |

| | | | | | |
|---|------------------|---|-----|--------------|----------------|
| P E R S O N 1 | Person Type | Business/Person Name | | | Business Phone |
| | SUSPECT/ARRESTEE | ROBERT ELSWORTH WHITTINGTON | | | |
| | Home Phone | Person Address | | | |
| | | 0 GENERAL DELIVERY KEY WEST FL 33040 ,MONROE County | | | |
| | Other Phone | Employer Address | | | |
| | | | | | |
| | Race | Sex | SSN | DL Exp. Date | DL Number |
| | WHITE | Male | | | W352765533780 |
| | Birth Date | Birth Place | | | |
| | 10/18/1953 | MD, UNITED STATES | | | |
| Age : 62 | | Teeth : BROKEN | | | |
| Occupation : UNEMPLOYED | | Eye Color : BLUE | | | |
| DL State : FL | | Build : MEDIUM/AVERAGE | | | |
| DL Country : UNITED STATES | | Complexion : MEDIUM | | | |
| Ethnic Origin : NON-HISPANIC | | Glasses : No | | | |
| Min. Height : 6'03" | | Hand Use : RIGHT HANDED | | | |
| Min. Weight : 200 lbs | | Caution : VIOLENT | | | |
| Adult/Juvenile : ADULT | | Status : ARRESTEE | | | |
| Relationship : STRANGER OF STATE OF FLORIDA, | | Religion : UNKNOWN | | | |
| STRANGER OF KEY PLAZA, STRANGER OF JOHN POZZU | | Marital Status : UNKNOWN | | | |

| | | |
|--------------------------------|----------------------------|----------------|
| Reporting Officer | Department | Report Status: |
| OFC THOMAS EDWARD CLARK (3484) | KEY WEST POLICE DEPARTMENT | Signed |
| Supervising Officer | | Date/Time |
| Verifying Officer | Department | Date / Time |
| <i>[Signature]</i> | | 3/8/16 |

Key West Police Department

Report 03/08/2016 14:04

Incident Report

Case # 01-16-000972

| | | | | | |
|--|--|--|---|----------------|-----------|
| Shirt : BLUE Pants : BLUE Shoes : SANDALS Hair Color : BLACK Hair Length : LONG Hair Style : DIRTY/GREASY Facial Hair : STUBBLE | | Speech : SLURRED Residency Type : CITY Residency Status : FULL YEAR Citizenship : UNITED STATES Body Marks: | | | |
| End of Person: 1 | | | | | |
| PERSON 2 | Person Type | Business/Person Name | | Business Phone | |
| | VICTIM | STATE OF FLORIDA | | | |
| | Home Phone | Person Address | | | |
| | Other Phone | Employer Address | | | |
| | Race | Sex | SSN | DL Exp. Date | DL Number |
| | Birth Date | Birth Place | | | |
| | Relationship : STRANGER OF ROBERT WHITTINGTON, STRANGER OF KEY PLAZA, STRANGER OF JOHN POZZU Victim Type : GOVERNMENT Will File Charges : Yes | | Can Identify Offender : Yes Extent of Injury : NONE Body Marks: | | |
| End of Person: 2 | | | | | |
| PERSON 3 | Person Type | Business/Person Name | | Business Phone | |
| | VICTIM | KEY PLAZA | | (305) 394-2030 | |
| | Home Phone | Person Address | | | |
| | | Use Address from Incident Location Information | | | |
| | Other Phone | Employer Address | | | |
| | Race | Sex | SSN | DL Exp. Date | DL Number |
| | Birth Date | Birth Place | | | |
| Relationship : STRANGER OF ROBERT WHITTINGTON, STRANGER OF STATE OF FLORIDA, STRANGER OF JOHN POZZU Victim Type : BUSINESS Will File Charges : Yes | | Can Identify Offender : Not Applicable Extent of Injury : NONE Body Marks: | | | |
| End of Person: 3 | | | | | |
| PERSON 4 | Person Type | Business/Person Name | | Business Phone | |
| | WITNESS | JOHN POZZU | | | |
| | Home Phone | Person Address | | | |
| | (305) 942-9835 | 5236 SUNCREST RD KEY WEST FL 33040 ,MONROE County | | | |
| | Other Phone | Employer Address | | | |
| | (305) 296-5260 | ,MONROE County | | | |
| | Race | Sex | SSN | DL Exp. Date | DL Number |
| WHITE | Male | | | P20046066323 | |
| Birth Date | Birth Place | | | | |
| 09/03/1966 | UNITED STATES | | | | |
| Age : 49 DL State : FL DL Country : UNITED STATES Ethnic Origin : HISPANIC Min. Height : 5'10" Min. Weight : 175 lbs Adult/Juvenile : ADULT | | Hair Style : UNCOMBED Eye Color : BROWN Build : MEDIUM/AVERAGE Complexion : MEDIUM Glasses : No Hand Use : RIGHT HANDED Religion : UNKNOWN | | | |
| Reporting Officer | | Department | Report Status: | | |
| OFC THOMAS EDWARD CLARK (3484) | | KEY WEST POLICE DEPARTMENT | Signed | | |
| Supervising Officer | | | Date/Time | | |
| Verifying Officer | | | Date / Time | | |

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Key West Police Department

Report 03/08/2016 14:04

Incident Report

Case # 01-16-000972

| | |
|---|--|
| Employer : LEOS CAMPGROUND Relationship : STRANGER OF ROBERT WHITTINGTON, STRANGER OF STATE OF FLORIDA, STRANGER OF KEY PLAZA Shirt : BLUE Pants : SHORTS Shoes : TENNIS Hair Color : BROWN Hair Length : SHORT | Marital Status : UNKNOWN Speech : NORMAL Residency Type : CITY Residency Status : FULL YEAR Citizenship : UNITED STATES Body Marks: |
| End of Person: 4 | |

| | | |
|--|--|----------|
| N A R R A T I V E 1 | Topic | ORIGINAL |
| | <p>On Tuesday, 03/08/16, at approximately 1345hrs, I (Ofc. T. Clark), while in full KWPD patrol uniform, observed a trespasser in Key Plaza, 2900 N .Roosevelt Blvd.</p> | |
| | <p>On closer approach of the subject, known to me from previous arrests as, Robert Whittington 10/18/53, he looked at me and stopped as he was walking through the parking lot. Before I exited my marked patrol vehicle, Robert threw his bag down to the ground at his feet and said a statement resembling take me to jail come on (cant remember exact) and some obscenities. I activated my Body Worn Camera.</p> | |
| | <p>Robert was clearly trespassing on the property again. I have previously arrested Robert for trespassing on the property and trespass warned him from the property. The property is clearly posted in numerous locations with signs authorizing KWPD with permissions to remove trespassers and issue trespass warnings.</p> | |
| | <p>I have met with the property manager for Key Plaza, Paul Reese several times in the past reference trespassers and loiters. Paul has expressed numerous complaints and requests to remove trespassers and has given me express permissions to remove subjects from the property. Paul has even provided a notarized letter to KWPD with permissions.</p> | |

As I began to exit my patrol vehicle Robert walked around my car to the drivers side and was clearly agitated. I gave Robert lawful commands to place both hands on my patrol vehicle so that I may affect an arrest. Robert refused to obey my repeated commands. I gave Robert numerous commands and he refused, repeatedly telling me "No I will not." Robert stared at me in continued defiance.

Robert exhibited slurred speech, glassy/watery/bloodshot eyes and the overwhelming odor of an alcoholic beverage on his breath.

I continued to give Robert numerous commands to place his hands behind his back so I could arrest him, Robert refused. I told Robert he was under arrest and his demeanor did not change. I reached for Roberts right forearm to gain control and place him under arrest. Robert pulled away from my grasp. On my next attempt, Robert grabbed at my arms to pull away and tried to twist from my grasp. A brief struggle ensued as I attempted to gain control over Robert to affect his arrest. I managed to grab Roberts shirt in the front and pulled him to the ground to keep him from escaping. While attempting to pin him to the ground Robert ended up on his side and knocked my camera from my chest as he grabbed at my vest, separating my protective vests right side.

| | | |
|---|--|--------------------------|
| Reporting Officer OFC THOMAS EDWARD CLARK (3484) | Department KEY WEST POLICE DEPARTMENT | Report Status: Signed |
| Supervising Officer | | Date/Time |
| Verifying Officer | Department | Date / Time |

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Key West Police Department

Report 03/08/2016 14:04

Incident Report

Case # 01-16-000972

My Body Worn Camera flew from chest with such force it closed.

I informed KWPD COMM1 that I was fighting with Robert who continued to briefly struggle with me as I had him pinned to the ground. A bystander attempted to come to my aide, John Pozzu 09/03/66. I asked Pozzu to stand by as I could hear my back up approaching (sirens). I managed to turn my camera back on as it laid on the pavement as I had Robert pinned.

Pozzu later completed a Sworn Witness Statement provided to KWPD records. The statement did not reflect my initial encounter, only where Pozzu witnessed me holding Robert to the ground.

Ofc. Hall arrived on scene and helped me place Robert under arrest who still was defiant and was pulling his wrists from my grasp. Once handcuffed and secured in my vehicle, EMS Rescue 1 responded to treat Robert for minor cuts on his right forearm and hands. Robert had many previous scab wounds on his person (DURING ALL OF MY PREVIOUS DEALINGS, ROBERT HAS HAD OPEN SORES AND SCABS FROM HEALING SORES ON HIS PERSON). Robert did not complain of any injury.

Ofc Hall and I had some of Roberts blood transfer to our hands and forearms during the struggle (my gloves ripped). We used issued PAWS wipes to decontaminate.

Recue 1 used a cleansing solution on Roberts injuries and placed band aids.

Sgt. R. Allen, Sgt. H. Wood and Ofc. M. Chaustit responded.

Ofc. Chaustit took photos of Roberts visible injuries downloading them into COBAN.

I spoke with the property manager Paul via cellular phone who wished to pursue charges and thanked me for my effort again as this is a constant issue.

Robert has been arrested for trespassing at Key Plaza on 12/28/15 by me. Robert was trespass warned from the property by me on 06/30/15, CAD#C151810138.

I transported Robert to jail.

Roberts Charges:

1 count: Resisting without violence for failing to obey lawful commands numerous times and attempting escape (pushing/pulling).

1 count: Trespassing after warning, after previous trespass arrests on the property.

This case is cleared by arrest.

End of Narrative: 1

| | | |
|---|--|--------------------------|
| Reporting Officer OFC THOMAS EDWARD CLARK (3484) | Department KEY WEST POLICE DEPARTMENT | Report Status: Signed |
| Supervising Officer | | Date/Time |
| Verifying Officer | Department | Date / Time |