

Response to Resistance Report

Key West Police Department

Case No: 18-0938

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)

2. Date: 02/18/2018 3. Time: 0249 4. Location: Charles and Duval 5. Incident type: S22

6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
<input checked="" type="checkbox"/> Passive:	Non-Compliant	<input checked="" type="checkbox"/> Physical Control	Take-Down
<input checked="" type="checkbox"/> Active:	Pulling Away	<input checked="" type="checkbox"/> Non-lethal Weapon	Pepper Spray
<input checked="" type="checkbox"/> Aggressive:	Kicking Officers	<input type="checkbox"/> Deadly Force	
<input type="checkbox"/> Deadly Force:			

10. Last Name: Winnington 11. First: Walter 12. Race: White 13. Sex: M

14. DOB: 03/01/1984 15. Height: 5'10" 16. Weight: 200

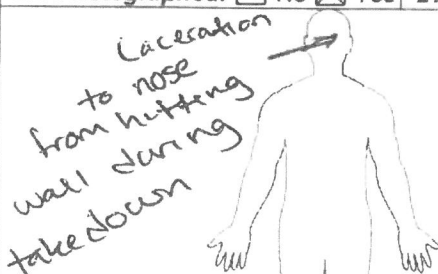
17. Did you observe the subject: ☐ No ☒ Yes If NO, explain why in Section 42. If "YES", complete sections 18-22

18. Appeared to be: ☒ Intoxicated ☐ Under the influence of controlled substance ☐ Emotionally / mentally disturbed

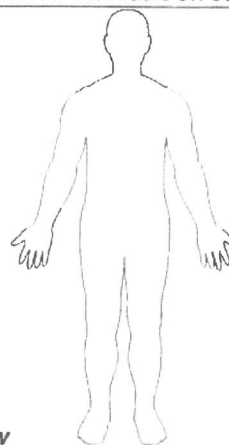
19. Injuries: ☐ No ☒ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)

20. Photographed: ☐ No ☒ Yes 21. Treated: ☐ No ☒ Yes By: ☒ EMT/Paramedic on scene ☒ Hospital ☐ Detention

SUBJECT



22. Anterior View



Posterior View

23. Officer: Neil Mogerley 24. Race: W 25. Sex: M 26. Age: 49 27. Height: 6'1 28. Weight: 250

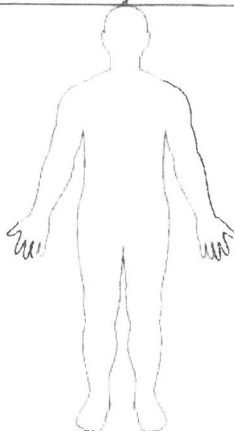
29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☐ Uniformed ☐ Plain clothes 30. Yrs Exp: 8.5

31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

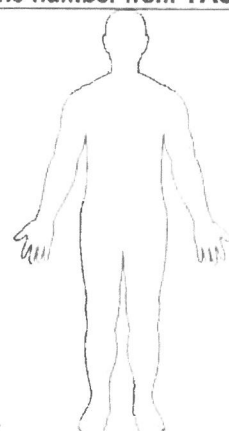
32. Photographed: ☒ No ☐ Yes 33. Treated: ☒ No ☐ Yes By: ☐ EMT/Paramedic on scene ☐ Hospital

34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)

OFFICER



35. Anterior View


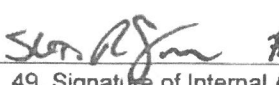


Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: _____

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: 2		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: 02/18/2018		41. Time: 0248	
	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 type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)			
Name		Address		Phone Number
James Oills		6630 Maloney Ave #71, Key West, FL		614-548-4922
Fred Bushey		2007 Seidenberg Ave, Key West, FL		305-942-1924
45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS				
INT. AFF.	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)		46. Preparing Supervisor's Signature / ID  3386	
			47. Date 02/18/2018	
			49. Signature of Internal Affairs Inspector  #2935	
		50. Date 2/27/18		
51. If section 48 is "No" record the Professional Standards Control Number:			52. Date Entered:	

KEY WEST POLICE DEPARTMENT

STATEMENT FORM

Page 1 of 2

INCIDENT #	<u>18-0938</u>
DATE	<u>2-18-10</u>

NAME Fred F. Bushey
FIRST MIDDLE LAST
 DATE OF BIRTH 3-10-72 RACE W SEX M
 DRIVER'S LICENSE # _____ STATE _____
 ADDRESS 2007 Seidenberg Ave. FL 33040
STREET CITY STATE ZIP
 BUSINESS ADDRESS _____
STREET CITY STATE ZIP
 TELEPHONE () _____ () _____
HOME BUSINESS CELLULAR
 E-mail Address _____

PLEASE PRINT LEGIBLY

I hereby state the following: At approximately 2:45 am KNPD was called to the front of the Red Gaster for a customer trying to pass counterfeit money. While questioning the people about the money a fight started on the sidewalk near our location. Officer Mogerly separated the people fighting but the aggressor, a white male - 30's - stocky build, continued to yell profanities and would not follow Officer Mogerly's command to leave. I followed behind the officer to watch. The white male became combative with the officer and start yelling profanities at him. When Mogerly took out his hand cuffs the man started getting more aggressive and appeared to try to pull away. A crowd started to gather giving officer Mogerly a hard time. Mogerly kept his calm while trying to handcuff

✓ I am willing to cooperate in the prosecution of this case.
 Initials _____

 I am NOT willing to cooperate in the prosecution of this case.
 Initials _____

I have read each page of this statement consisting of _____ page(s) and swear or affirm that it is true to the best of my knowledge or belief.

Signed Fred F. Bushey
[Signature]
 Notary Public Or Officer - Authorized to Administer An Oath

Date 2/10/10
2/18/10
 Date

KEY WEST POLICE DEPARTMENT

Page 2 of 2

STATEMENT FORM

INCIDENT #	18-0938
DATE	2-18-18

NAME Fred F. Bushey
FIRST MIDDLE LAST
 DATE OF BIRTH _____ RACE _____ SEX _____
 DRIVER'S LICENSE # _____ STATE _____
 ADDRESS _____
STREET CITY STATE ZIP
 BUSINESS ADDRESS _____
STREET CITY STATE ZIP
 TELEPHONE () _____ () _____ () _____
HOME BUSINESS CELLULAR
 E-mail Address _____

PLEASE PRINT LEGIBLY

I hereby state the following: the aggressor who was resisting more. The man appeared to slip on the wet sidewalk in his cross. As another officer arrived the man got more aggressive and started swearing more trying to provoke the officers. I noticed blood on the man's face but did not see how it happened. Even after being sprayed the man was fighting with both officers and not following commands. He was spitting, kicking, and flailing during the whole incident. The officers appeared to handle themselves well despite how much this man was fighting back.

 Initials I am willing to cooperate in the prosecution of this case.

 Initials I am NOT willing to cooperate in the prosecution of this case.

I have read each page of this statement consisting of _____ page(s) and swear or affirm that it is true to the best of my knowledge or belief.

Signed Fred F. Bushey
[Signature]
 Notary Public Or Officer Authorized to Administer An Oath

Date 2/18/18
2/18/18
 Date

KEY WEST POLICE DEPARTMENT

STATEMENT FORM

Page _____ of _____

INCIDENT #	18-0938
DATE	

NAME James Dills
FIRST MIDDLE LAST
 DATE OF BIRTH 5/30/69 RACE _____ SEX M
 DRIVER'S LICENSE # DH20456-64-1400 STATE FL
 ADDRESS 6630 Maloney Ave Unit 71
STREET CITY STATE ZIP
 BUSINESS ADDRESS Sears Auto Center
STREET CITY STATE ZIP
 TELEPHONE (614) 548-4422 () BUSINESS () 18-0938 CELLULAR
HOME
 E-mail Address JDills530@gmail.com

PLEASE PRINT LEGIBLY

I hereby state the following: As a part time employee of Arco's
I pointed out a potential problem. At that time
the injured individual tried to run. He continued
to resist detainment resulting in injuries
. Even after being subdued he showed signs
of resistance. KWPD attempted to administer
aid but subject was unresponsive. Eventually
paramedics showed up and still signs of resistance

[Signature]
 Initials

I am willing to cooperate in the prosecution of this case.

Initials

I am NOT willing to cooperate in the prosecution of this case.

I have read each page of this statement consisting of 1 page(s) and swear or affirm that it is true to the best of my knowledge or belief.

Signed

Date

INCIDENT DATA

MOV
I
C
T
I
M

OTHERS INVOLVED

PROPERTY

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 18-000938

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

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

Assisting Officers

DEAN, J. (3386), GILLESPIE, A.M. (3757), DEHANAS, B.T. (3756), DUPONTY, F.T. (1951)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

18-000938

Victim

MOGERLEY, NEIL

Offense

BATTERY

Date / Time Reported

Sun 02/18/2018 02:43

On February 18, 2018 at about 2:43 a.m., I was on a call at The Red Garter Salon at 208 Duval Street in the City of Key West, and I was flagged down by security in front of Tree Bar for a fight. I went over and security along with the crowd pointed out a male in a grey shirt who was later identified as Walter Winnington (dob:03/01/1984). Security and the crowd said he punched someone.

Winnington was walking away from the area. I walked over to him and stopped him. I asked him for his identification, and he pulled it out and started to become agitated, along with pulling his identification away, and tried to leave. Winnington did not follow commands I gave him. I went to handcuff/detain him while I investigated what was happening and grabbed his right arm to start handcuffing him. He started to pull his arm away, I told him to stop resisting. Winnington was pulling his arm away harder and started using his body weight as he was pulling. I placed him against the store front window to gain control of him. I kept telling him to stop resisting. Winnington started to pull his body away, and I went to do an armbar take down. He pulled himself onto the ground and rolled onto his back. He was kicking his feet at me, and pushed himself against the store front door of 210 Duval Street. At one point he kicked me in the knee. I pulled out my pepper spray and sprayed him. I pulled his right arm out and put a handcuff on the right wrist. Officer Dehanas showed up and pulled his left arm behind his back. Winnington was handcuffed (double locked and checked for tightness).

Officer Dehanas and I sat him against the wall, and I went to check with the security with what happened. When I came back Winnington was becoming more aggressive, and stood himself up. He started moving his body, and kicking. Winnington was spitting at us. I held him against the wall, and had Officer Dehanas get a spit hood for him. Winnington started pulling and swinging his body around in a very aggressively. I turned him around and placed him against the wall to gain control of him. When this happened he hit his nose against the wall, and it started bleeding. Winnington began spitting blood at us, and we sat him down. We put a spit hood on him. Key West Fire and Rescue responded. Winnington was transported to the Lower Keys Medical Center.

I later spoke with the Manager of Rick's Mina Valdes (dob:9/17/1985), who told me Winnington was kicked out of Rick's for fighting and when he was kicked out he started punching and hitting everyone around him. Valdes said the incident was recorded on the security system. I was unable to get witness or victims for the people Winnington hit, because they left the area while I was dealing with Winnington.

On February 18, 2018 at about 2:43 a.m., Walter Winnington committed the offense of disorderly conduct by fighting and brawling in the bar. This is a violation of Florida State Statute 877.03, Disorderly Conduct.

On February 18, 2018 at about 2:43 a.m., Walter Winnington committed the offense of resisting an Officer with violence by kicking at an Police Officer and pulling away while being detained and handcuffed. This is a violation of Florida State Statute 843.01, Resisting Officer with Violence.

On February 18, 2018 at about 2:43 a.m., Walter Winnington committed the offense of battery on a Law Enforcement Officer by kicking an Officer and spitting saliva and blood at Officers. This is a violation of Florida State Statute 784.07, Battery of Law Enforcement Officers.

Incident Report Suspect List

Key West Police Department

OCA: 18-000938

1	Name (Last, First, Middle) WINNINGTON, WALTER EUGENE						Also Known As				Home Address 734 KEPPEL DR NEWPORT NEWS, VA 23608-1921																																													
	Business Address																																																							
	DOB 03/01/1984	Age 33	Race W	Sex M	Eth	Hgt 510	Wgt 185	Hair BR	Eye BR	Skin	Driver's License / State. T61772699 VA																																													
	Scars, Marks, Tattoos, or other distinguishing features																																																							
<table border="1"> <tr> <td colspan="2">Reported Suspect Detail</td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="3">SSN</td> </tr> <tr> <td>Weapon, Type</td> <td>Feature</td> <td colspan="2">Make</td> <td colspan="3">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="2">Dir of Travel</td> <td colspan="2">Mode of Travel</td> </tr> <tr> <td colspan="2">Veh Yr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="2"></td> <td colspan="3">VIN</td> </tr> </table>															Reported Suspect Detail		Suspect Age		Race	Sex	Eth	Height		Weight		SSN			Weapon, Type	Feature	Make		Model			Color		Caliber	Dir of Travel		Mode of Travel		Veh Yr/Make/Model		Drs	Style		Color		Lic/St				VIN		
Reported Suspect Detail		Suspect Age		Race	Sex	Eth	Height		Weight		SSN																																													
Weapon, Type	Feature	Make		Model			Color		Caliber	Dir of Travel		Mode of Travel																																												
Veh Yr/Make/Model		Drs	Style		Color		Lic/St				VIN																																													
Notes							Physical Char																																																	

Monroe County Adult Arrest Form

☒ ARREST
☐ WARRANT
☐ COMPLAINT AFFIDAVIT

KEY WEST PD

ARREST #

OBTS # _____

Filing Agency KEY WEST PD		Case # 18-000938		Doc. Control #		State ID #		FBI		SS #	
Defendant's Last Name WINNINGTON				First WALTER		Middle SUF		Alias		Citizenship	
Race W	Eth M	Sex M	Hgt	Eyes	Hair	Wgt	Comp	Age 33	DOB 03/01/1984	Birthplace	
Facial Hair		Build		Marital St		Hand Use		Glasses	Speech	Parole/Probation	
Permanent Address								Phone (Home):		Local Address:	
Email Address								Phone (Cell):		Place of Employment	
Arrest Location 210 DUVAL ST								Area/ <input type="checkbox"/>		Arresting Officer MOGERLEY, NEIL (3819)	
Violation Location 208 DUVAL STREET, KEY WEST, FL 33040								Area/ <input type="checkbox"/>		Date/Time of Violation 02/18/2018 02:43	
										Date/Time Arrested 02/18/2018 05:21	
DL #		State		Breathalyzer By		Reading		Miranda Advisement		By Whom?	
Domestic Violence		Weapon Seized NOT APPLICABLE/NONE		Officer Injured?		Language Spoken?		Caution		Indication of: Alcohol Influence: <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Drug Influence: <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
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's 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 CHARGE	Statute	Warrant #	Court Date and Time	Citation #
1/F	BATTERY ON LEO / FIREFIGHTER / EMT RECLASSIFIED	784.07-2B			
2/M	DISORDERLY CONDUCT	877.03			
3/F	RESIST OFFICER WITH VIOLENCE	843.01			

Before me this date personally appeared who being first duly sworn deposes and says that on the 18th day of February, 2018 at 208 DUVAL STREET, 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
On February 18, 2018 at about 2:43 a.m., I was on a call at The Red Garter Salon at 208 Duval Street in the City of Key West, and I was flagged down by security in front of Tree Bar for a fight. I went over and security along with the crowd pointed out a male in a grey shirt who was later identified as Walter Winnington (dob:03/01/1984). Security and the crowd said he punched someone.

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

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.

SIXTEENTH JUDICIAL COURT
MONROE County
State of FLORIDA

Monroe County Adult Arrest Form

KEY WEST PD

ARREST # _____

OBTS # _____

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

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.

SIXTEENTH JUDICIAL COURT
MONROE County
State of FLORIDA