

Response to Resistance Report

Key West Police Department

Case No: 18-4415

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: 08/12/18 3. Time: 2:04 PM 4. Location: 631 Greene Street 5. Incident type: 22 Physical

6. Resistance Level

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

7. Explanation

Would not comply
Actively fighting

8. Response Option

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

9. Explanation

Taser (Drive Stun)

SUBJECT

10. Last Name: Kirklew

11. First: Kevin

12. Race: B

13. Sex: M

14. DOB: 01/21/1981

15. Height: 5'11"

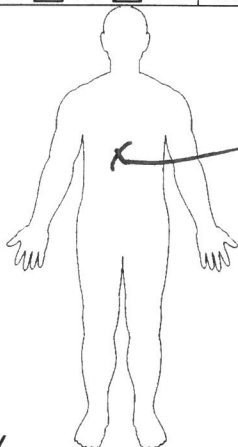
16. Weight: 130

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

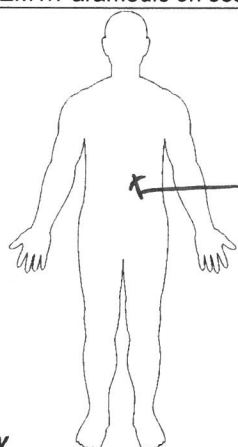
18. Appeared to be: ☒ Intoxicated ☐ Under the influence of controlled substance ☒ Emotionally / mentally disturbed

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: Alex Rodriguez

24. Race: W

25. Sex: M

26. Age: 26

27. Height: 5'09"

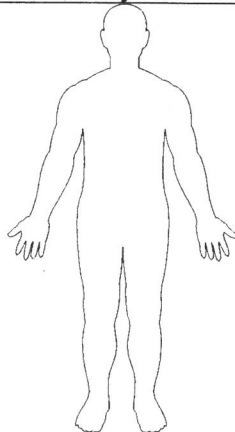
28. Weight: 160

29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 6

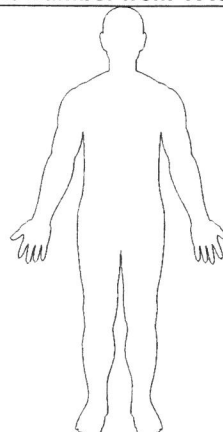
31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

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) 36



35. Anterior View



Posterior View

Response to Resistance Report (continued)

Key West Police Department

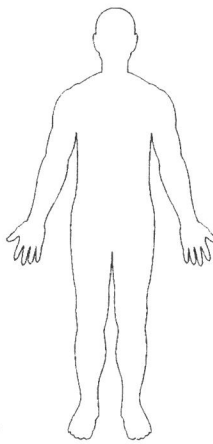
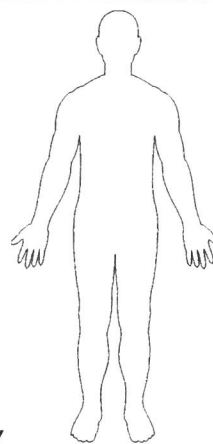
Case No: 18-4415

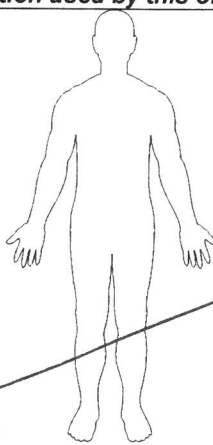
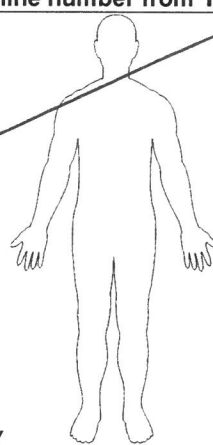
TASER USE ONLY	36. TASER® device serial # X12002KM2		37. TASER® device serial #	
	TASER®Cam serial # V21000VW6		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles: 1		Number of cycles:	
	Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input checked="" 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 checked="" type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Target distance at probe launch: N/A		Target distance at probe launch:	
	Distance between probes: N/A		Distance between probes:	
	Probes removed by (name): N/A		Probes removed by (name):	
Device downloaded by: Officer Rodriguez		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: 08/12/2018		41. Time: 1620 hrs	
	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 Furrer	9940 Lacewood Lane, St Louis, MO 62123		314-210-9970
45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		8/12/2018		
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 checked="" 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:		

Response to Resistance Report (continued)

Key West Police Department

Case No: 18-4415

OFFICER	23. Officer: Jose Fernandez 24. Race: W 25. Sex: M 26. Age: 43 27. Height: 5'09" 28. Weight: 192					
	29. Duty Status: <input checked="" 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: 16					
	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)					
OFFICER						
	35. Anterior View			Posterior View		

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)					
OFFICER						
	35. Anterior View			Posterior View		

INCIDENT DATA

PROPERTY

Incident Report Additional Offense List

Key West Police Department

OCA: 18-004415

Offense List (Continued)

Page 2

Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	DISORDERLY CONDUCT		DCA	Com
# 5	RESIST ARREST / ESCAPE		XOM	Com

Incident Report Additional Name List

Key West Police Department

OCA: 18-004415

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	FURRER, JOHN J		02/13/1986	32	W	M
	Address 9940 Lacewood Ln , St Louis, MO 63123-		H:314-210-9270			
	Empl/Addr		B: - -			
			Mobile #: - -			
2) IO 1	JACKSON, KRISTEN ELIZABETH		04/28/1980	38	W	F
	Address 3304 Riviera Dr , Key West, FL 33040-		H:954-691-5455			
	Empl/Addr Conch Republic, 631 Greene St		B:305-292-0667			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 18-004415

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

FERNANDEZ, J.J. (2607), VAZQUEZ, B. (3467)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>PIERSON, ROBERT JOHNATHAN</i>	Offense <i>BATTERY FELONY</i>	OCA <i>18-004415</i>
		Date / Time Reported <i>Sun 08/12/2018 14:48</i>

On Sunday, August 12, 2018 at approximately 1404 hours, I (Ofc. A. Rodriguez) was on a meal break with Ofc. J. Fernandez at Conch Republic Seafood Restaurant, 631 Greene Street, when I heard a flurry of screams and chairs moving to my left.

As I looked, I saw a black male later identified as Kevin Dewayne Kirklew, throwing a chair at a male later identified as Robert Johnathan Pierson. Numerous people and young children were getting up from their tables to separate themselves and their families from the incident.

As I approached, I gave loud verbal commands, "Police, stop!" while drawing my TASER from its holster and activating it. Kirklew ignored my commands to stop and continued to throw punches towards Pierson. I removed the cartridge from my TASER and drive stunned Kirklew in his rear right torso area. Kirklew turned around, pushed me with his right hand, and I continued to drive stun him on the front of his left torso area. Kirklew pushed my right wrist down with both of his hands.

I transitioned to my left and gained control of Kirklew's right arm while Ofc. J. Fernandez gained control of Kirklew's left arm. Ofc. J. Fernandez and I took Kirklew down in a controlled manner. Kirklew was positioned on his stomach and Ofc. J. Fernandez gained control of Kirklew's right and put it behind his back while I handcuffed his left wrist and then his right wrist. Ofc. J. Fernandez and I picked Kirklew up and sat him down on a chair, however he continued to be belligerent by yelling profanities around a large group of people to include young children.

Ofc. J. Fernandez and I escorted Kirklew out into the parking lot where he continued to be belligerent and yell profanities. Ofc. B. Vazquez and Ofc. G. Whipple arrived on scene and we placed Kirklew into the rear of Ofc. B. Vazquez's patrol vehicle. Kirklew was hobbled and a spit mask placed over his head. Ofc. B. Vazquez and Ofc. G. Whipple transported Kirklew to the MCDC.

Ofc. J. Fernandez obtained statements and photographs of Pierson. Pierson provided a sworn written statement and said that he, his wife, and two children (both under the age of 15) were walking along the boardwalk on the exterior of the restaurant when he saw Kirklew throwing food in their direction. Pierson said his wife and daughter said they were hit with food. Pierson said he asked Kirklew if he threw food at his family and Kirklew responded by saying, "I didn't throw anything at your fucking wife," threw a glass of water on Pierson, yelled, "Fuck you," stood up and threw a basket of condiments at him, punched the right side of his face, spit at him, then threw a chair at him.

Ofc. J. Fernandez also obtained a statement from John Furrer, a police officer from St. Louis, Missouri on his BWC. Furrer stated he saw Kirklew strike Pierson and throw a chair at him.

Ofc. J. Fernandez told me the chair that was thrown belonged to Conch Republic Seafood Company, was worth \$120, and that the manager wished to pursue charges for the damages against Kirklew. Ofc. J. Fernandez also said Kirklew's tab of \$55.00 was not paid, however, no opportunity was provided to Kirklew to pay the tab.

My AXON BWC captured the incident but was knocked off during the scuffle with Kirklew.

Kirklew did strike Pierson against his will, causing bodily harm, which is a violation of FSS 784.03.

Kirklew did batter me as I was in full uniform, announced my presence, and while I was engaged in the lawful

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>PIERSON, ROBERT JOHNATHAN</i>	Offense <i>BATTERY FELONY</i>	OCA <i>18-004415</i>
		Date / Time Reported <i>Sun 08/12/2018 14:48</i>

performance of my duties, which is a violation of FSS 784.07(2)(b).

Kirklew did knowingly and willfully resist me in the process of my legal duties, and offered violence to my person by pushing me and my hand away, which is a violation of FSS 843.01.

Kirklew was engaging in disorderly conduct pursuant to FSS 877.03 while on the grounds of a licensed establishment and such conduct created a threat and well founded fear for the safety of the numerous patrons and their children within the establishment, which is a violation of FSS 509.143.

Cleared by arrest.

Incident Report Suspect List

Key West Police Department

OCA: 18-004415

1	Name (Last, First, Middle)						Also Known As				Home Address																																																		
	KIRKLEW, KEVIN DEWAYNE										226 6TH ST S ST PETERSBURG, FL 33701																																																		
	Business Address																																																												
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.																																																		
	01/21/1981	37	B	M		511	130				K624504810210 FL																																																		
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>SSN</td> </tr> <tr> <td>Weapon, Type</td> <td>Feature</td> <td colspan="2">Make</td> <td colspan="3">Model</td> <td>Color</td> <td>Caliber</td> <td colspan="3">Dir of Travel</td> </tr> <tr> <td colspan="2"></td> <td colspan="2"></td> <td colspan="3"></td> <td></td> <td></td> <td colspan="3">Mode of Travel</td> </tr> <tr> <td colspan="2">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="4">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			VehYr/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																																																				
VehYr/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 # 18-004415		Doc. Control #		State ID #		FBI		SS # 225-31-3185	
Defendant's Last Name KIRKLEW		First KEVIN		Middle DEWAYNE		SUF		Alias		Citizenship	
Race B	Eth	Sex M	Hgt 511	Eyes	Hair	Wgt 130	Comp	Age 37	DOB 01/21/1981	Birthplace	Scars, Marks, TT
Facial Hair		Build	Marital St		Hand Use		Glasses	Speech		Parole/Probation	Language Spoken
Permanent Address 226 6TH ST S, ST PETERSBURG, FL 33701								Phone (Home):		Local Address:	
Email Address								Phone (Cell):		Place of Employment	Occupation
Arrest Location 631 GREENE ST								Area/ <input type="checkbox"/>		Arresting Officer RODRIGUEZ, ALEXANDER (3465)	
Violation Location 631 GREENE ST, KEY WEST, FL 33040								Area/ <input type="checkbox"/>		Date/Time of Violation 08/12/2018 14:48	
DL # K624504810210		State FL	Breathalyzer By		Reading	Miranda Advisement		By Whom?		Indication of: Y N UK	
Domestic Violence		Weapon Seized		Officer Injured?		Language Spoken?		Caution		Alcohol 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	BATTERY	784.03			
3/M	CRIMINAL MISCHIEF 200 DOLLARS AND UNDER	806.13-1B1			
4/M	DISORDERLY CONDUCT ON THE PREMISES OF AN ESTABLISHMENT;	509.143			
5/F	RESIST OFFICER WITH VIOLENCE	843.01			

Before me this date personally appeared who being first duly sworn deposes and says that on the
at 631 GREENE 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

On Sunday, August 12, 2018 at approximately 1404 hours, I (Ofc. A. Rodriguez) was on a meal break with Ofc. J. Fernandez at Conch Republic Seafood Restaurant, 631 Greene Street, when I heard a flurry of screams and chairs moving to my left.

As I looked, I saw a black male later identified as Kevin Dewayne Kirklew, throwing a chair at a male later identified as Robert Johnathan

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 # _____

Pierson. Numerous people and young children were getting up from their tables to separate themselves and their families from the incident.

As I approached, I gave loud verbal commands, "Police, stop!" while drawing my TASER from its holster and activating it. Kirklew ignored my commands to stop and continued to throw punches towards Pierson. I removed the cartridge from my TASER and drive stunned Kirklew in his rear right torso area. Kirklew turned around, pushed me with his right hand, and I continued to drive stun him on the front of his left torso area. Kirklew pushed my right wrist down with both of his hands.

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My AXON BWC captured the incident but was knocked off during the scuffle with Kirklew.

Kirklew did strike Pierson against his will, causing bodily harm, which is a violation of FSS 784.03.

Kirklew did batter me as I was in full uniform, announced my presence, and while I was engaged in the lawful performance of my duties, which is a violation of FSS 784.07(2)(b).

Kirklew did knowingly and willfully resist me in the process of my legal duties, and offered violence to my person by pushing me and my hand away, which is a violation of FSS 843.01.

Kirklew was engaging in disorderly conduct pursuant to FSS 877.03 while on the grounds of a licensed establishment and such conduct created a threat and well founded fear for the safety of the numerous patrons and their children within the establishment, which is a violation of

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 # _____

FSS 509.143.

Cleared by arrest.

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

KEY WEST POLICE DEPARTMENT

STATEMENT FORM

INCIDENT #	18-4415
DATE	8-12-18

NAME Robert Johnson FIRST LAST
 DATE OF BIRTH 10/09/1973 RACE White SEX Male
 DRIVER'S LICENSE # AG0818457 STATE VA
 ADDRESS 15213 Louis Mill Drive STREET CITY STATE ZIP Charlottesville Virginia 20151
 BUSINESS ADDRESS 2001 Edmund Halley Drive STREET CITY STATE ZIP Reston VA 20151
 TELEPHONE (X) 703-817-7789 HOME BUSINESS CELLULAR (X) 703-939-0590
 E-mail Address ROBJERSON@COK.NET

PLEASE PRINT LEGIBLY

I hereby state the following: My family (myself, wife, & 2 children) were walking past Conch Republic when a black male started yelling and threatening to follow in our direction. After we walked past my wife and daughter ~~and~~ they were hit with food. I turned around and asked the black male if he threw food at my wife and daughter. He said, "I didn't throw anything at your fucking wife". Then threw his glass of water at me, yelled back, stood up, threw a basket of condiments at me, then threw a punch that grazed my face, spit, threw expletives, then tried to throw a table when the police officers arrived. After the black male was taken away other customers told us he was "causing problems" and threatening food.

[Signature] 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 1 page(s) and swear or affirm that it is true to the best of my knowledge or belief.

[Signature] #2007 08/12/18
 OFC. J. FERNANDEZ 8-12-18
 Notary Public Or Officer Authorized to Administer An Oath Date