## Response to Resistance Report Key West Police Department

	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)
	<b>2. Date:</b> 08/12/18
INCIDENT	6. Resistance Level  Passive:  Would not comply  Active:  Actively fighting  Aggressive:  Deadly Force:  8. Response Option  Physical Control  Non-lethal Weapon  Taser (Drive Stun)  Deadly Force
	40.1
	THE PROPERTY OF THE PROPERTY O
	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 Yes 21. Treated: No Yes By: EMT/Paramedic on scene Hospital Detention
SUBJECT	DANS STUND  22. Anterior View  Posterior View
H	
+	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
OFFICER	N/A  What is a second of the s

Case No: \_\_18-4415

### Response to Resistance Report (continued) Key West Police Department

Case No: 18-4415

	36. TASER® device serial #	X12002KM2	37. TASER® device serial #	
	TASER®Cam serial # V2100	0VVV6	TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
ONLY	Cartridge 2 serial #		Cartridge 2 serial #	
O	Number of cycles: 1		Number of cycles:	
TASER USE	Type of contact:  Probe	CODS Drive Stun	Type of contact: ☐ Probe ☐ CODS	☐ Drive Stun
R	Did probes penetrate skin:	Yes 🛛 No	Did probes penetrate skin: ☐ Yes ☐	] No
SE	Target distance at probe laund	ch: N/A	Target distance at probe launch:	
7	Distance between probes: N/A	\	Distance between probes:	
	Probes removed by (name): N	/A	Probes removed by (name):	
	Device downloaded by: Office	r Rodriguez	Device downloaded by:	
	☐ 38. Check and list any add	ditional TASER® devices	s, cartridges or details in the incide	ent description section.
REPORT	39. Offense/Incident Report an  ☐ All necessary criminal elemen ☐ All details of the arrest ☐ Details articulating the subjet ☐ Details outlining the response	ents. ect's words, mannerisms and	actions that justify the use of force.	
_	Detailed description of injury	•		
			treatment provided to the officer and/or s	uhiect
	40. Notified Date: 08/12/2018		1. Time: 1620 hrs	abject.
	42. Did you respond to the sce			
		, 100 (II 14	o , oxpidin wily)	
		19.31.31.		
				N
RY	43. Did you meet with the Office	cer: No X Yes (If "No	o" explain why)	
INQUIRY	40. Did you meet wan the ome	,er	, explain willy)	
R'S				
RVISOR'S				***************************************
₹  -				
SUPE	44. Were you able to locate an	y independent witnesses:	☐ No ☐ Yes (If "Yes," list below)	
ร	Name	00401	Address	Phone Number
	John Furrer	9940 Lacewood Lane, St L	ouis, MO 62123	314-210-9970
	45. Is further review recommer forward completed original repo		6. Preparing Supervisor's Signature / ID	08/12/2018 47. Date
	48. Did the review of this incid		10	/ /
INT. AFF.	of force was in compliance wit	h Departmental	Castillo	8/28/18
5	policy? No Yes (If "No	o", complete section 51)/49	9. Signature of Internal Affairs Inspector	50. Date

### Response to Resistance Report (continued) Key West Police Department

	23. Officer: Jose Fernandez 24. Race: W 25. Sex: M 26. Age: 43 27. Height 5'09"28. Weight 192
	29. Duty Status: On-duty Off-duty Extra duty employment Uniformed Plain 30. Yrs Exp: 16
	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	M/A  Posterior View  Posterior View
	23. Officer: 24. Race: 25. Sex: 26. Age: 27. Height 28. Weight
	29. Duty Status: On-duty Off-duty Extra duty employment Uniformed Plain 30. Yrs Exp:
	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	A A Wasterior View

Case No: \_\_\_\_\_\_18-4415

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D E		Cr	rime Inci		Key	v est 1	L 33040-	(Com)		Tools H				55		08/12/2018	3 14:48 Sun Activity
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	#3		ime Inci		17	1 1 :		(Com)	Weapon /	Tools							Activity
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C T	Hon		ddress	OUIS MILI	DR	Cha	atillo VA	20151 12	216						Но	ome Phone	03-939-0590
I M	Emp		er Name/		DI	, Chai	uniy, VA 2	0131-13	010				Busines	s Phone		Mobile Pho	
IVI																	
	VYI	R	Make	Model		S	tyle	Color	Lie	c/Lis			VIN				
				ctim (Denote V			Owner (if oth	er than vic	etim) R=	Reporting	Person	(if other	than victin	1)			
0	Type: LAW ENFORCEMENT (LEO) Injury:																
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S			ddress N Roos	sevelt Blvd	Key	West, I	FL 33040								Ho	me Phone	05-809-1000
I			r Name/										Busines	s Phone		Mobile Pho	ne
N	Тур	e: ]	BUSIN	ESS			KWPL	)		Injury	,.	·					
V	Code	Na	ame (Las	st, First, Middle						Victim of	D		Race Sex			Resident Status	Military
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D			reene l	St Key Wesi	t, FL	33040	)						Dusinas	Dhana	<u></u>		05-294-4403
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#### **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

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-	Н: 314-210-9270
	Empl/Addr		В:
			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

Statu Code	S L=	Lost	S = Stolen  R = Re	covered D = Dan	naged $Z = Seized$ $B = Burned$ $C = Counterfeit / B$	Forged F = Found
	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
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R						
U						
G						
3						
		ting Off	ficers [DEZ, J.J. (2607)	V47OUEZ I	3 (3467)	
	I LI	MIVAIV	DEZ, 3.3. (2007)	, VAZQOEZ, I	J. (3407)	
	Suspe	ect Hate	e / Bias Motivated:			
NI A	DDAT	CIME				

NARRATIVE	
NARRATIVE	

REPO	ORTING OFFICER NARRATIVE	OCA
Key West Police Department		18-004415
Victim	Offense	Date / Time Reported
PIERSON, ROBERT JOHNATHAN	BATTERY FELONY	Sun 08/12/2018 14:48

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 seperate 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 belligerant 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 belligerant 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

REPO	ORTING OFFICER NARRATIVE	OCA
Key West Police Department		18-004415
Victim	Offense	Date / Time Reported
PIERSON, ROBERT JOHNATHAN	BATTERY FELONY	Sun 08/12/2018 14:48

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,  KIRKLEW, K  Business Address	KEVIN I	DEWAY	'NE			Also Ki	nown A	As					ddress TH ST S ETERSBURG	, FL 33701
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	r	Eye	Skin	D	river's	License / State.	
	01/21/1981	37	В	M		511	130						K624	504810210 F	FL
	Scars, Marks, Ta	ttoos, or c				ures									
	Reported Susp	ect Deta	<i>ail</i> Su	spect A	ge	R	ace S	ex	Eth	Height	İ	V	Veight		SSN
	Weapon, Type	Featur	e	Make	;	М	odel			Color	r	Calibe		Dir of Travel Mode of Travel	
	VehYr/Make/Mod	el		Drs	Style		Co	or		Lic/St				VIN	
	Notes									Pł	nysical Cl	nar			

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KEY WEST P	D													WARRA	
ARREST#						0	BTS	#						COMPLA	INT AFFI
Filing Agenc			Case #		Doc. Co	ntrol#	Sta	ate ID#			FBI		18	SS #	
KEY WEST	NAME AND ADDRESS OF THE OWNER, WHEN		18-0044	15									2	25-31-318	35
Defendant's	Last Na	me	First		Middle				SUF		Alias				itizenship
KIRKLEW		11	KEVIN		DEWA				T = = =						
Race Eth B	1000000	Hgt 511	Eyes	Hair	Wgt 130	Comp		Age 37	DOE 01/21	3 1/1981	Birthplace		Scars,	Marks, T	
Facial Hair	Build	Ma	arital St	Hand Use		Glasse	S	Speech			Parole/Prob	oation	Lan	guage Sp	oken
Permanent A 226 6TH ST		ETERC		22704				Phone (	Home	):	Local Addre	ess:			
Email Addres		ETERSI	JURG, FL	33701				Phone (	Cell):		Place of Em	ploymer	it	Occupa	ation
Arrest Location				V				Dhana (	M/s -ls\		A Ot	r:			
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631 GREENE	ST, KE	Y WES										08/12	2/2018 14	:48	
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K6245048102		FL											Alcohol	Influence	
Domestic Vio	lence	Weapo	n Seized		Office	er Injured	!?	Languag	je Spo	ken?	Caution		Drug Inf		
Drug Type:	Type:			H-Hallucinoge		hernalia/ U	J-Unkr	nown	Activ	rity:	Activity: B-	Buy E	Use	K-Disp	ense/
	N-N/A			M-Marijuana			-Othe	r			200 (A)		-Manufactu		
	A-Amp	netamin	e E-Heroin	O-Opium	S-Synthe	etic					P-Possess A-			Z-Othe	r
							-				S-Sell D-	Deliver	Cultivate		
Defendant's V	ehicle N	/lake:	ype:		Year:	Coloi	r:		Т	Vehicle	Registration S	state:			
Defendant's V	ehicle N	/lake:	Гуре:		Year:										
Defendant's V	ehicle N	/lake:	Гуре:		Year:	Color Tag #					Registration S				
		/lake:	Гуре:		Year:	Tag #	#	ntifiers or		Vehicle					
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SIXTEENTH JUDICIAL COURT MONROE County State of FLORIDA

#### **Monroe County Adult Arrest Form**

KEY	<b>WEST</b>	PD
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Pierson. Numerous people and young children were getting up from their tables to seperate 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 belligerant 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 belligerant 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 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

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

STATE OF **FLORIDA** COUNTY OF **MONROE** 

#### **Monroe County Adult Arrest Form**

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SIXTEENTH JUDICIAL COURT MONROE County State of FLORIDA

**KEY WEST PD** 

# **KEY WEST POLICE DEPARTMENT**

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DATE:	80
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DATE OF BIRTH 10/09 (1973 RACE SUBLIF. SEX Male	
DRIVER'S LICENSE # 460318457	
ADDRESS 15213 Laws Mill Drogge, Charly Mirayuna, 20151	
ADDRESS 2001 Edward Halley Dave, Restry, 1/A 20151	
TELEPHONE (X) 703-817-7789 (x) 703-984 672 (X) 703-97-670	
E-mail Address RABP工デルSO (人) (OK. ハビア	

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